

COMMITTEE ON RULES AND ELECTIONS

ANNUAL REPORT

2018-2019

To the Merced Division of the Academic Senate:

In academic year 2018-2019, the Committee on Rules and Elections (CRE) conducted business via teleconference, email, and in-person meetings with respect to its duties as outlined in UCM [Senate Bylaw II.III.7](#).

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 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.

The Divisional Council received regular updates on CRE activities from CRE Chair Christopher Viney. The Chair of CRE also serves as the [Division Secretary/Parliamentarian](#).

The issues that CRE considered and acted on this year are briefly summarized below.

Elections

The first Call for Nominations for four positions on the Committee on Committees (CoC) and two At-Large members of the Divisional Council (DivCo) was distributed to Senate members on January 28, 2019. Complete forms were due to the Senate Office on February 7, 2019. Having received an insufficient number of nominations, the Call was extended twice: to February 19 and March 1, 2019. Following these two extensions to the deadlines, the Senate Office received four of eight requested nominations for the CoC positions, and two of four required nominations for the DivCo At-Large positions. Per Division [Bylaw I.III.5.B](#):

“Before February 1 each year, the Secretary will initiate the election of the Divisional Representatives. Election of Divisional Representatives will be by ballot in accordance with Bylaw Part II. Title III. 3. C. If the total number of nominations received is not equal to at least twice the number of positions to be filled, the Committee on Committees will make nominations, if any, up to at least the number of positions to be filled.”

Subsequently, to meet the Bylaw requirement, CRE requested the assistance of the CoC in identifying two additional nominees for the At-Large seats on the Divisional Council. CRE also requested four additional nominees for the CoC vacancies.

On April 3, CoC was able to identify two additional SSHA faculty for the CoC vacancies. Regarding the DivCo At-Large members, CoC was able to fulfil the request for two additional nominees from the School of Engineering. As such, CRE had only six of the eight nominations implied by Division [Bylaw I.III.5.B](#). Given that Division Bylaw does not address this circumstance, on April 3, DivCo endorsed CRE’s course of action:

- Exempt the 2019 Senate Elections from Division [Bylaw I.III.5.B](#), which had been interpreted as requiring the total number of nominations for all open positions to be equal to at least twice the number of positions to be filled.
- Proceed with the Elections with the existing nomination slate.

- Consider revisions to Division Bylaws to address the concerns discussed at the April 3 DivCo meeting, and to avoid a similar circumstance for future election cycles.

The Election ballots were distributed on April 8, 2019. Results were announced on April 17:

Elected Members of the [Committee on Committees](#) for two-year terms:

- Professor Wei-Chun Chin – SOE
- Professor Nicola Lercari – SSHA
- Professor Kara McCloskey – SOE
- Professor Sholeh Quinn – SSHA

Elected [Divisional Council](#) At-Large Members:

- Professor Erin Hestir (two-year term) – SOE
- Professor Mike Dawson (one-year term) - SNS

Memorial to the UC Regents

A Memorial to the Regents may be initiated by either the Assembly or by a Division. If a Memorial is initiated and approved by a Division, then the Memorial is sent to the Chair of the Assembly and the Chairs of all other Divisions. If at least three Divisions representing at least thirty-five percent of the membership of the Academic Senate have notified the Chair of the Assembly that the Memorial has been approved by their Divisions, the proposed Memorial shall be voted upon by all voting members of the Senate.

The [Fossil Fuels Memorial](#) was proposed by the San Francisco Division of the Academic Senate. The Memorial petitioned the Regents to divest UC's endowment portfolio of all investments in 200 publicly traded fossil fuel companies with the largest carbon reserves.

On April 17, members of the Merced Division of the Academic Senate were invited to vote on the Memorial. The vote closed on Wednesday, May 1. The Memorial was approved with 101 votes in favor, 10 opposed, and 6 abstentions. In accordance with [Senate Bylaws](#), the results were reported to systemwide Senate Chair May and all UC Senate members were invited to vote on the Memorial. UCM Senators were invited to vote on June 5, 2019. The voting period closed on June 20, 2019. A total of 89 ballots were returned with 83 in favor and 6 against. There were no invalid ballots. In keeping with Senate Bylaw 90, the outcome of the vote was reported to Andrew Dickson, Secretary/Parliamentarian on the Assembly of the Academic Senate, on June 25, 2019.

CRE Rulings

CRE was asked by Undergraduate Council (UGC) to provide a ruling related to potential conflicts of interest for members of UGC who also sit on the General Education Executive Committee. On May 9, 2019, CRE ruled as follows:

It is incumbent on every faculty to be diligent, careful, and thoughtful in declaring any potential conflict of interest. In keeping with the UGC conflict of interest policy, "In "grey areas" where a UGC member is uncertain regarding recusal, the member may disclose the potential grounds for recusal to the UGC Chair and the UGC Analyst. The Chair may then determine whether the member should recuse himself or herself, or the Chair may seek the advice of other Council members in making this determination. The Chair or members may suggest that a member abstain from voting when a conflict of interest exists. The Chair should consult the whole Council regarding potential grounds for his/her own recusal. In making its determination regarding recusal in "grey areas", the Council will take into account the fact that, by design, each member brings valuable and unique expertise to the Council as a whole."

Items Reviewed by CRE¹

CRE opined on the following campus and systemwide review items.

CRE endorsed the

- i. Proposal from University Extension to Establish a New Non-Degree Certificate in Child Development and Care (CDC)
- ii. Proposed revisions to its conflict of interest policy
- iii. Proposal to change the working title of Lecturers with Security of Employment (LSOEs) to Teaching Professors
- iv. Proposal to change the name of the Social Science and Management Academic Unit to Economics, Business and Management
- v. Proposal to establish the Economics B.S. Major, effective Fall 2020
- vi. Proposed new APM – 011: Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees.

CRE commented on the

- i. Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment (SVSH)
- ii. Proposed revisions to the UCEP and policy for the Awarding of Posthumous Baccalaureate Degrees
- iii. Proposed Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information
- iv. Proposed revisions to UCM's [Bylaw II.IV.4.A](#) addressing the membership of the Committee for Scholarly and Library Communication
- v. Proposed Principles to Guide the Use of Executive Session. A revised set of Principles was subsequently approved by CRE on February 13, 2019
- vi. Proposed policy for the Establishment of New Schools/Colleges
- vii. Proposal for an undergraduate Honors program within the undergraduate Psychological Sciences degree program
- viii. Proposed revisions to systemwide [Senate Bylaw 336](#)-Privilege and Tenure: Divisional Committees – Disciplinary Cases
- ix. Proposed revisions to the SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty and the SVSH Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel
- x. Draft Charge for the Enrollment Strategy Committee proposed by the Provost/EVC
- xi. Two draft Space Planning Proposals:
 - a. The Office of Space Planning's Role in the Faculty Hiring Process
 - b. The Space Allocation and Assignment: Definitions, Process and Standards
- xii. UCM Extension proposal for a Teacher Preparation Program, Multiple Subject Credential and Single Subject Credential
- xiii. BOARS proposal for a UC Transfer Student Admission Guarantee
- xiv. Proposed Revisions to [Senate Regulation 636.E](#) – UC Entry Level Writing Requirement
- xv. Materials prepared by the Academic Planning Working Group in response to the working group's charge
- xvi. Chairs' Duties worksheet prepared by the Transition Oversight Committee – a committee tasked with overseeing school restructuring.
- xvii. Interim Policy for Responding to Immigration Enforcement Involving Patients on UC Health Facilities

¹ CRE Memos are available on the committee's Box site

The following items will be revisited in the future:

- i. Campus wide Conflict of Interest Policy
- ii. Division Bylaws and Regulations

Respectfully submitted,

Christopher Viney, Chair, Merced Divisions Parliamentarian/Secretary (ENGR)

Anna Song, Vice Chair (SSHA)

Christine Isborn (SNS)

Boaz Ilan (Fall semester, SNS)

Staff: Fatima Paul, Associate Director, Senate Office (UGC, AFAS, CRE, and D&E)