

Committee on Rules and Elections (CRE)**Meeting Minutes****Monday, September 25, 2023****1:00pm – 2:30pm****I. Welcome and Introductions {1:00-1:10pm}****II. Consent Calendar {1:10-1:15pm}**

- A. Approval of today's agenda
- B. [CRE's conflict of interest policy](#)¹

Action: Today's agenda and the Conflict of Interest Policy were approved as presented. The CRE analyst will update the website accordingly.

III. Informational: CRE Resources {1:15-1:20pm}

Members are encouraged to read the information described below prior to the meeting.

A. Duties of CRE

The Committee on Rules and Elections (CRE) advises the Division on proposed legislation and on all matters of organization, jurisdiction, and interpretation of legislation. Upon formal request, CRE issues legislative rulings interpreting the Code of the Merced Division of the Academic Senate. CRE also reviews changes in Bylaws and Regulations submitted to the Divisional Assembly or to a Faculty of the Merced Division, and supervises all elections of the Division. The committee's Bylaws are available [here](#).

B. [Membership](#)

- Christopher Viney, Chair, SOE
- Noemi Petra, Vice-Chair, SNS
- Michael Beman, SNS (Spring 2024)
- Aditi Chandra, SSHA
- Jeff Yoshimi, SSHA

Ex-Officio (non-voting):

- Patti LiWang, Senate Chair, SNS (Fall 2023)
- Matt Hibbing, Senate Vice-Chair, SSHA

C. [Meeting Schedule](#) (Mondays, 1:00-2:30pm via Zoom)

- September 25
- October 23

¹ All Senate Committees are encouraged to review their respective COI policy at their first meeting in the Fall. All Senate Committees COI policies are available on the Senate website: <https://senate.ucmerced.edu/conflict-interest>

- November 20
- December 11

- D. [CRE's Annual Report](#)
- E. [UCM Bylaws and Regulations](#)
- F. [Systemwide Senate Bylaws and Regulations](#)
- G. UCM [Senate Website](#) and Systemwide [Senate Website](#)
- H. UCM [Senate Policies and Procedures](#)
- I. [Principles to Guide the Practice of Executive Session](#)
- J. [Consultation guidelines](#)

IV. Chair's Report – Christopher Viney {1:20-1:30pm}

A. Updates from [Divisional Council](#) Meetings

Chair Viney reported on the discussion regarding financial management. DivCo met with Interim VC/CFO Schnier to inform him of the reoccurring issues around Oracle that are affecting procurement and grant accounting. The Division of Finance and Administration convened an Oracle Advisory Committee meeting consisting of Interim VC/CFO Schnier, VCR Wilson, Vice Chancellors, and Deans. As there seems to be confusion with the grant accounting issues, some DivCo leads are hoping to meet with DFA, ORED and various School leads.

Chair Viney also reported on the restructuring of SSHA. SSHA Dean Gilger proposed the creation of divisions within SSHA. With this approach, the Gallo departments would be in SSHA rather than being a separate school. If the outcome of this approach is successful, it is possible that other schools may want to adopt this model.

Academic Council and the Congress on the Future of Graduate Education are addressing the funding of graduate student salaries.

B. Upcoming event: Senate and Administration Governance Retreat, September 29, 2023.

Chair Viney provided some background of the annual Shared Governance Retreat to CRE members. Topics that will be discussed during the Shared Governance Retreat include the Faculty and Academic Appointee Experience Survey, faculty and campus needs regarding financial reporting systems, enrollment growth clarity and faculty hiring, and graduate student funding. Chair Viney encouraged CRE members to send in any topics they would like to have mentioned during this retreat.

V. CRE Priorities AY 23-24 – All {1:30-1:50pm}

CRE members held a discussion on what priorities the committee felt the need to prioritize this year. Chair Viney mentioned that CRE will be reviewing some procedures this year for the establishment of schools and working groups.

Action: Members will continue this discussion to propose and agree on a set of priorities for AY 23-24.

VI. Process for Addressing Conflicts of Interest (DivCo Item) – Chair Viney {1:50-2:05pm}

Background about this item was shared with members and hyperlinked on the agenda.

Chair Viney stated that former At-Large member Butler distributed a proposed process for addressing conflicts of interest to DivCo members. At-Large member Butler stated that the proposed process would be used only in cases where DivCo members may have an actual or perceived conflict of interest. CRE members agreed to append this proposed process to the current DivCo Conflict of Interest Policy.

Action: CRE members unanimously agreed with appending this policy to the existing DivCo COI policy. This will be discussed at the upcoming DivCo meeting.

VII. Request from MWP Director Beck – Service on the Senate – Chair Viney {2:05-2:20pm}

MWP Director Beck has expressed interest in serving on a Senate Committee.

CRE members discussed the request from MWP Director Beck to serve on a Senate Committee. CRE members referred to the Senate Bylaw II.I.C to guide their deliberation:

“No member of the Division holding an administrative title of Chancellor, Vice Chancellor, Provost, Vice Provost, Dean, Associate Dean, Director of Organized Research Units, or titles with equivalent levels of administrative responsibility, may serve as a member of a Divisional committee or council (with the exception of membership in the Divisional Assembly), or as a Senate representative of the Merced Division to any taskforce, committee, or agency (except in a non-voting, ex officio capacity as provided in these Bylaws). Chairs of academic departments or programs, or persons with titles with equivalent levels of administrative responsibility, may serve on Divisional committees or councils, or as a representative of the Merced Division, with the exception of membership on the Committee on Academic Personnel, Reserve Committee on Academic Personnel, and the Committee on Privilege and Tenure. (Am 1 June 15)”

While the Bylaw prevents Directors of ORUs from serving on a Divisional committee, the Bylaw does not explicitly preclude the Director of the MWP from serving on a Divisional Committee. The current role of the MWP Director is very close in its function and scope to the role of a Department Chair. Department Chairs are eligible to serve on Divisional Committees.

Action: Members of CRE unanimously voted in favor of allowing the MWP Director to serve on Senate Committees, subject to the same restrictions that apply to Department Chairs.

VIII. Systemwide Review Items – Chair Viney {2:20-2:25pm}

Chair Viney will briefly introduce the items listed below. Please note that CRE is a lead reviewer for items B, C, and D.

A. [Presidential Policy on Affiliations with Certain Health Care Organizations](#)

The proposed revisions to the UC Presidential Policy on Affiliations with Certain Healthcare

Organizations finalize the Interim Policy of the same name that underwent a systemwide review in Spring 2022.

The Senate Divisions' comments on that policy are available [here](#) (UCM comments are on pp. 23-36). The [memo](#) from Dr. King (UC Health) provides a summary of policy revisions and concerns they address.

CRE declined to opine.

Action: CRE analyst will notify the Senate Chair that CRE declined to opine.

B. [Amendments to Senate Bylaw 55 - Departmental Voting Rights](#)

The amendments were proposed by the University Committee on Academic Personnel (UCAP) and endorsed by Academic Council last academic year. The memo from Academic Council Chair James Steintrager (hyperlinked above) offers some background for the proposed amendments.

CRE is a lead reviewer.

Action: Chair Viney will serve as lead reviewer. His comments will be circulated via email by Friday, October 13, and will serve as the basis for CRE's official response to the Senate Chair.

Comments were sent to the Senate Chair on Thursday, October 19, 2023.

C. [Presidential Policy on Vaccination Programs](#)

The proposed revisions to the UC Presidential Policy on Vaccination Programs update the Policy on Vaccination Programs-With Interim Revisions that underwent a systemwide review in winter 2022 and was issued on August 16, 2023.

The Senate's January 2023 comments on that version of the policy can be found [here](#) (UCM's Senate comments are available on pp. 23-26).

The interim revisions move the University's COVID-19 vaccination program to a systemwide opt-out program for all covered individuals. The University's seasonal influenza vaccination program remains an opt-out program. The University of California Office of the President invites comments on changes from the interim revisions to finalize this Presidential Policy.

The draft policy is virtually identical to the policy with interim revisions that was issued on August 16, 2023. Key revisions are summarized below:

- The policy will require covered individuals to either be up-to-date on COVID-19 vaccination or to opt out of COVID-19 vaccination. In the event applicable law or public health orders impose stricter vaccination requirements, such as for healthcare workers, the policy will continue to require compliance with those stricter requirements.
- As the policy will no longer require covered individuals to either be up-to-date on COVID-19 vaccination or receive a University-approved exception, model forms and

- other content regarding the exception process were removed.
- COVID-19 vaccination program implementation guidelines were removed. Relevant language regarding vaccination data moved to main policy. Policy noncompliance language was added to the main policy, including citations to relevant University policies.
- Removed content regarding rescinded California Department of Public Health (CDPH) health care worker vaccine requirement.
- Updated language consistent with current public health usage.
- Removed outdated deadlines and content.

CRE is a lead reviewer.

Action: Chair Viney will serve as lead reviewer. His comments will be circulated via email by Friday, October 13, and will serve as the basis for CRE’s official response to the Senate Chair. Comments were sent to the Senate Chair on Thursday, October 19, 2023.

D. [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.

Action: Chair Viney will serve as lead reviewer. His comments will be circulated via email by Monday, October 16 and included in the October 23 CRE agenda.

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

IX. Other Business {2:25-2:30pm}