

Committee on Rules and Elections (CRE)

Monday, December 11, 2023

1:00pm – 2:30pm

DRAFT MINUTES

Pursuant to call, the Committee on Rules and Elections met at 1:00pm on December 11, 2023. Chair Christopher Viney presiding.

I. Consent Calendar

A. Today's agenda

Action: Today's agenda was approved as presented and will be published on the Senate website.

B. [November 20, 2023, Meeting Minutes](#)

Action: Members to review minutes and share any edits with Fatima with a copy to Chair Viney by 5:00 pm, Friday, December 15. In the absence of comments/edits by the deadline, the minutes will be considered approved and published on the Senate website.

II. Chair's Report – Christopher VineyA. Updates from [Divisional Council](#) Meeting (November 30)

Chair Viney noted two items that were discussed at the November 30 Divisional Council meeting that may require CRE's future attention:

1. SSHA Dean Gilger is proposing to restructure SSHA. This will most likely involve the establishment of new Bylaws and units, which may require a future response from CRE.
2. DivCo was invited to review and endorse a memo from AFAC Chair and BOARS representative Charlie Eaton regarding Area H Ethnic Studies admission requirements. Background: In 2021, BOARS voted to establish the Ethnic Studies admissions requirement, and all campuses were generally supportive of the criteria that had been developed. In 2022, Academic Council requested that BOARS revise the criteria to ensure that they aligned with a new State legislation that had made Ethnic Studies a high school graduation requirement. At a subsequent BOARS meeting, members were asked to decide whether Ethnic Studies was a recommendation or a requirement which contradicted what Academic Council had previously asked BOARS members to do. BOARS members are now concerned about the process. UC Merced was asked whether it considers Ethnic Studies a requirement or a recommendation. DivCo's decision was that Ethnic Studies is considered a requirement and not just a recommendation.

III. [Proposed Revisions to Reserve CAP \(RCAP\) Bylaws](#) – All

In response to CRE's ruling regarding the interpretation of [Senate Bylaw II. III. 2. A.](#), RCAP proposed revisions to its Bylaws. The proposed revisions in track changes can be found [here](#).

To summarize, RCAP proposes the following revisions:

- 1) Membership requirements be the same as those for CAP.
- 2) RCAP members preferably have previous CAP service. RCAP appreciates the difficult task

that the Committee on Committee faces in populating the committee, so the committee chose to word the language as “preferably”.

Members reviewed RCAP’s revisions and noted that the revisions may encourage CoC to populate RCAP with previous CAP members, but at times it may be impossible to do so.

Action: Members voted and unanimously approved RCAP’s proposed revisions. CRE’s approval will be relayed to RCAP.

IV. [GC’s proposed amendments to Senate Regulation I.1.E \(Passed/Not Passed\) and Senate Regulation III.1.A.d \(Satisfactory Progress – P/NP\) – Chair Viney](#)

On November 13, UGC [transmitted a memo to CRE](#) proposing amendments to [Senate Regulation Part I, Section 1, E](#) (Passed/Not Passed) and [Senate Regulation I.2.B](#) (Dropping a Course) in light of former VPDUE Frey’s proposal for several potential policy modifications to offer opportunities for academic recovery to UC Merced students who may be struggling in their first year.

For consistency, Senate Executive Director Fatima Paul, and subsequently UGC, recommended that GC include language from [Senate Regulation I.1.E](#) - Passed/Not Passed (for undergraduate students) in [Senate Regulation III.1.A.d](#). – Satisfactory Progress - P/NP (for graduate students).

Links to MS Word versions of the proposed amendments:

- UGC [Senate Regulation I.1.E \(Passed/Not Passed\)](#)
- UGC [Senate Regulation I. 2.B \(Dropping a Course\)](#)
- GC [Senate Regulation I.1.E \(Passed/Not Passed\)](#)
- GC [Senate Regulation III.1.A.d \(Satisfactory Progress\)](#)

Members noted that parachute courses were referenced in the documents. At the last CRE meeting, UGC Chair Bortfeld met with CRE members to discuss parachute courses. Members raised numerous questions regarding parachute courses. UGC Chair Bortfeld consulted with various individuals in order to address CRE’s questions and replied to Chair Viney via email on December 8 with a response. Chair Viney then forwarded the email to Fatima on December 11.

Action: Fatima will review UGC Chair Bortfeld’s response and prepare a summary of the UGC and GC requests.

Members discussed whether they should only be addressing the bold-faced changes in the documents, or if they should also be considering the language of the appended memo which includes parachute courses. It was noted that parachute courses are connected to the amendments as the changes would interact with parachute courses, specifically when dropping a course.

The committee held another discussion regarding parachute courses and raised several questions. It was unclear whether parachute courses currently exist or if faculty are even aware of them if they do. Additionally, the committee was unaware of any policies or CRFs connected to parachute courses.

As the committee still had many questions and noted confusion surrounding parachute courses, they agreed it would be best to wait for further clarification before approving the language in the documents. Furthermore, the committee agreed that the GC documents were too closely tied to the UGC documents, so no action would be taken on either set of documents until further clarification regarding parachute

courses was received.

Action: Members agreed to table the discussion and response until further clarification was received regarding parachute courses.

V. [Proposed Policy on Conflict of Interest \(COI\) with Course Material Selection when the Instructor is the Author](#) – Chair Viney

LASC's comments are appended to the policy (hyperlinked above). UGC reviewed LASC's comments and agreed that no further revisions to the policy were necessary. The policy was endorsed by UGC on November 9.

The proposed policy is in reference to faculty members who produce their own course materials and then ask their students to purchase them. If a faculty member intends to require their students to purchase course materials of which the author is the same faculty member, they must submit a proposal to their department chair ahead of time. The department chair will then review the proposal according to the criteria below:

- Are the proposed course materials comparable in scope, depth, rigor, and pedagogical quality with other materials currently available and used for similar courses?
- Are the proposed course materials comparable in cost (ideally less expensive) with other materials currently available and used for similar courses?
- Are the proposed course materials accessible for loan through our library?

If the answer to all three questions is affirmative, then the department should approve the proposal.

LASC reviewed the policy and was supportive, however suggested three ways in which to strengthen the policy.

Members discussed the policy. It was noted that the language used the word “encourage” multiple times and such a policy may require more definitive language. It is currently unclear as to what extent Open Access would be used with the current language. Members also discussed Open Access and how to incorporate it more strongly into the policy. In order to strengthen the language, members suggested to add the bolded phrase into paragraph two of the policy:

“If a faculty member intends to require their students to purchase course materials (e.g. textbooks, course slides, problem sets, computer code, etc.) **that are not available by Open Access** of which the author is the same faculty member, they must submit a proposal to their department chair ahead of time.”

Members also noted that if the criteria within the policy definitively state what it does apply to, then there is no need to state what it does not apply to. Therefore, members agreed that the last paragraph of the policy was unnecessary and could be removed.

Chair Viney noted that it would be beneficial if there could be some type of time guarantee that the Open Access survives. Typically, Open Access depends on the agreement with the publisher, so it is not guaranteed to last forever. The group supported adding language to the first paragraph to maximize the access period.

Action: Members reviewed UGC's proposed policy and supplied suggested edits. CRE's comments will be relayed to UGC.

VI. Systemwide Review Item – Chair Viney**A. Proposed Revisions to the Presidential Policy on the Use of University Vehicles**

- [Memo from Kevin Confetti, Associate Vice President & Chief Risk Officer](#)
- [Revised Policy](#) (tracked changes copy)
- [Revised Policy](#) (clean copy)

The policy applies to the use of any UC vehicle (owned or leased) and any personal vehicle used in the course of UC business. This policy was distributed for systemwide review in November 2018, but was not finalized. 2018-2019 Senate comments from that review are available [here](#) (UCM’s comments are on pp 7-14). Comments from that review have been incorporated into this proposed draft.

Key revisions:

- Change policy name from “Use of University Vehicles” to “Use of Vehicles and Driver Authorization”.
- Expanded policy summary and definitions.
- Inclusion of the CA Department of Motor Vehicles Negligent Operator Treatment System (NOTS) as a standard for eligibility to drive on behalf of the University.
- Implementation will apply to all drivers on University business – not solely employees.
- Establishment of Vehicle Collision Review Committees to review collisions, determine preventability, and promote driver safety awareness.
- Establishment of guidelines for drivers involved in preventable collisions including training, suspension, and potential revocation of driving privileges.

CRE’s comments are due to the Senate Chair by **Tuesday, January 16, 2024**.

Members reviewed the draft memo and discussed item III.G.1. There was some noted confusion with the language which was clarified with further discussion.

It was also noted that item III.C.2.h should possibly be moved elsewhere in the document or perhaps have a less severe consequence. Member Yoshimi offered to supply additional comments to incorporate into CRE’s response.

Action: Member Yoshimi will send additional comments to Chair Viney to incorporate into the memo by 5:00pm, Friday, December 15.

VII. Interdisciplinary Humanities (IH) Bylaw Interpretation

The IH Graduate Group is in the process of revising its [Bylaws](#) to align with the School’s current departmental structure and is seeking clarification regarding the School vote to approve the revisions. IH Graduate Group Chair Amussen joined CRE members to discuss this item.

According to the current Bylaws, “Amendments to the By-Laws require approval by two-thirds of the voting members of the group.”

- Does this also apply to a revision of the Bylaws?
- What is meant by “voting members”: Is that all present at the meeting who vote, or who vote by electronic ballot? Or is it 2/3 of all faculty in the group?

➤ [Draft IH Bylaws](#) (with changes tracked)

➤ [Draft IH Bylaws](#) (clean version)

IH Graduate Group Chair Amussen introduced her request which is also summarized above. She discussed with CRE members possible ways to conduct the School vote to approve the Bylaw revisions. CRE members recommended that the IH Graduate Group follow the rules established in the current UCM Manual of the Academic Senate. They also discussed what would constitute as a quorum in this scenario. For a Senate vote, fifty members are required to constitute a quorum. CRE members suggested using a similar percentage of eligible faculty to determine a quorum. In the case of an electronic vote, two-thirds of the eligible faculty would be required to vote.

Members also discussed when a majority vote is used for Chair Amussen's future reference while structuring the IH Graduate Group program.

After the discussion, members decided to issue a formal recommendation to the IH Graduate Group.

Action: The Senate ED circulated a summary of CRE's comments. CRE's comments were relayed to Chair Amussen on December 11.

VIII. Any Other Business

There being no further business, the meeting was adjourned at 2:30pm.