

Committee on Rules and Elections (CRE)**Meeting Minutes
Monday, February 12, 2024
1:00pm – 2:30pm**

Pursuant to call, the Committee on Rules and Elections met at 1:00pm on February 12, 2024. Chair Christopher Viney presiding.

I. Consent Calendar**A. Today's agenda**

The agenda was approved with a friendly amendment: the title of item IV was changed from “UGC Proposed Amendments to SR III.3.B-Academic Dismissal” to “UGC Proposed Amendments to SR II.3.B - Academic Dismissal.”

B. [December 11, 2023, Meeting Minutes](#)

Action: Members were invited to review the minutes and share any edits with Fatima, Sang, and Petra with a copy to Chair Viney by 5:00 pm, Friday, February 16. In the absence of comments/edits by the deadline, the minutes were considered approved and published on the Senate website.

II. Chair's Report – Christopher Viney**A. Updates from [Divisional Council](#) Meetings ([December 14](#) and January 22)**

Chair Viney reported that he serves on the Temporary Academic Staffing (TAS) budget committee and encouraged CRE members to inform him of any concerns regarding the TAS budget that may need to be addressed.

B. [Senate Election Update](#)

Chair Viney reported that additional individuals are required to stand for the Election. A new deadline has been suggested to allow for more ballots to be received.

Action: Chair Viney invited members to encourage colleagues to submit CoC nominations.

III. [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.I.E \(Passed/Not Passed\)](#)
- GC [Senate Regulation III.1.A.d \(Satisfactory Progress\)](#)

UGC Senate Regulation I.1.E (Passed/Not Passed)

Chair Viney provided insight on UGC’s proposed amendments to Senate Regulation I.1.E (Passed/Not Passed), which helps first year non-transfer students to change the grade modality in courses offering a P/NP option. Previously, for all other students, the modification had to be completed within the initial two weeks of instruction. The proposed amendments by UGC specify that adjustments to the P/NP option must now occur within the first three weeks of instruction, instead of the previous deadline tied to the first two weeks of classes.

Further down UGC’s proposed amendments to the Senate Regulation, there was an insertion of the word “Senate” Faculty, to the statement “*A course that is required, or a prerequisite, for a student’s major may be taken on a P/NP basis only upon approval of the Senate Faculty*”. Although this edit specifies that Senate Faculty would be granting the approval, CRE requested clarification on the approval mechanism, including the party responsible for initiating the petition, and the procedural steps involved in the petition process.

CRE members concluded that further clarification would be necessary, and it was agreed that the proposal be sent back to UGC for additional information.

GC Senate Regulation I.I.E (Passed/Not Passed)

GC has also proposed revisions to Senate Regulation I.I.E (Passed/Not Passed) as it also pertains to graduate students. GC proposed a statement to specify that this Senate Regulation applies to graduate students who are enrolled in undergraduate courses. The remaining revisions consisted of minor edits aimed at enhancing clarity. CRE members raised no objections to GC’s proposed revisions.

CRE members reached a consensus that additional clarification from UGC is required before approving both UGC and GC’s proposed amendments to Senate Regulation I.I.E (Passed/Not Passed).

UGC Senate Regulation I. 2.B (Dropping a Course)

CRE members unanimously voted to approve the proposed amendments to the Senate Regulation I. 2.B (Dropping a Course).

GC Senate Regulation III.1.A.d (Satisfactory Progress)

CRE members unanimously voted to approve the proposed amendments to the Senate Regulation III.1.A.d (Satisfactory Progress).

Action: CRE members voted to **approve unanimously** on the following proposed amendments:

- UGC [Senate Regulation I. 2.B \(Dropping a Course\)](#)
- GC [Senate Regulation III.1.A.d \(Satisfactory Progress\)](#)

CRE analyst will draft a memo reflecting the committee’s endorsement of the proposed amendments.

Action: CRE members requested the following proposed amendments to be specified:

- UGC [Senate Regulation I.1.E \(Passed/Not Passed\)](#)
- GC [Senate Regulation I.I.E \(Passed/Not Passed\)](#)

CRE analyst will draft a memo containing the committee's comments requesting clarification on the proposed amendments.

IV. [UGC Proposed Amendments to SR II.3.B - Academic Dismissal](#) – Chair Viney

In response to CRE's comments, at their November 9, 2023 meeting, UGC agreed to the temporary practice of not academically dismissing students after their first year through Spring 2024 while also working on amendments to Senate Regulation II.3.B (Academic Dismissal) to reflect former VPDUE Frey's proposal.

In collaboration with Registrar Webb, UGC proposed an amendment to Senate Regulation II.3.B (Academic Dismissal) that was unanimously approved at their February 6, 2024 meeting.

To assist students facing challenges in their first semester, an addition was made to Senate Regulation II.3.B (Academic Dismissal) stating that that a student who has completed only one semester at UC Merced will be retained automatically without the need for an appeal.

CRE members unanimously approved UGC's proposed amendment to Senate Regulation II.3.B (Academic Dismissal).

Action: CRE analyst will draft a memo reflecting the committee's endorsement of the proposed amendments to Senate Regulation II.3.B (Academic Dismissal). The memo will be sent to DivCo for endorsement and included in the Spring Meeting of the Division, if endorsed.

V. Systemwide Review Items – Chair Viney

A. [Proposed UC Regents Policy on Use of University Administrative Websites](#)

Background: This policy first appeared in another form as [Item J3](#) on the January 24, 2024 agenda of the joint meeting of the Regents Academic and Students Affairs Committee and the Compliance Audit Committee as an action item for adoption by the full Board. The Academic Council [expressed concerns](#) about the process leading to this proposed action and requested an opportunity for an expedited Senate review of the policy in time for discussion at the Regents' March 19-20 meeting. Please also see the Academic Council's June 2022 [Recommendations for Department Political Statements](#).

Academic Council will hold a special meeting on March 12 to discuss this policy and has requested the UC Divisions' comments by March 8, 2024.

Chair Viney has agreed to serve as lead reviewer.

Chair Viney conveyed that there appears to be a conflict between the principles of freedom of speech and the need for community safety. Information that is shared online can impact individuals who hold differing views within both the university and the broader community. A CRE member noted that the policy lacks clarity in defining what constitutes an "opinion." Additionally, there is ambiguity regarding how cases are managed, and the enforcement mechanism involved.

A CRE member concurred that while some may perceive certain information released by the university as controversial, the university should have the freedom to enthusiastically discuss the work contributed by its community.

Action: Chair Viney’s comments will be circulated via email by Thursday, February 15 and will serve as the basis for CRE’s official response.

Comments are due to the Senate Chair by **5:00 pm on Thursday, February 22, 2024.**

B. [Proposed Revisions to Presidential Policy BFB-BUS-50: Controlled Substances Use in Research and Teaching](#)

Key revisions:

- Clarify in detail the scope of duties of the Campus Controlled Substances Programs and the Controlled Substances Program Officers;
- Define the Campus Designation form of Drug Enforcement Agency (DEA) Registration and address requirements applicable to DEA Registrations other than Campus Designation, such as individual schedule I DEA Registrations;
- Provide more specific procedures regarding Powers of Attorney;
- Provide additional guidance as to import, export, interstate and intrastate use, transfer, and transport of Controlled Substances, as well as Controlled Substances Analogues and DEA-exempt chemical preparations; and
- Establish responsible units and individuals for patient care and clinical Controlled Substances Program.

Action: Member Yoshimi agreed to serve as lead reviewer. Member Yoshimi’s comments will be circulated via email by Monday, February 19 and will serve as the basis for CRE’s official response.

Comments are due to the Senate Chair by **5:00 pm on Monday, February 26, 2024.**

VI. **Campus Wide Review Items – Chair Viney**

A. [Policy on Transmission of Documents to the University Archive](#)

The proposed policy codifies instructions currently present in the UC Records Retention Schedule regarding the transferring of relevant campus records to the University Archives. The policy applies to UCM employees who handle administrative records, and all inactive records documenting the University’s decision-making processes, the functions of the University, and the essential cultural history of the campus, such as administrative records, general publications, and records concerning student organizations.

III. DEFINITIONS

The University Archives consist of selected inactive campus records which may “in rare cases, contain personally identifiable information or need to be restricted (typically, records of this nature are not accepted, however, there are exceptions if such records are also historically valuable).”

CRE members referenced the section of the policy noted above. A member noted that it would be helpful to offer examples of the exceptions and to clarify who has the authority to make such decisions. Chair Viney suggested that it would be beneficial to incorporate a statement defining what qualifies as "historically valuable."

Action: Member Chandra agreed to serve as lead reviewer. Member Chandra’s comments will be circulated via email by Friday, February 23 and will serve as the basis for CRE’s official response.

Comments are due to the Senate Chair by **5:00 pm, Friday, March 1, 2024.**

B. [Interim Implementing Procedures for Abusive Conduct in the Workplace](#)

The Campus Implementing Procedures are intended to implement and supplement the [University of California Policy on Abusive Conduct in the Workplace](#) (“Abusive Conduct Policy” or “UC Policy”), which became effective January 1, 2023. The systemwide Abusive Conduct Policy and the CIP replace UC Merced’s previous *Policy on Prohibition of Abusive Conduct and Acts of Violence by University Employees and Non-Affiliates*, which was rescinded on January 1, 2023. All campuses are required to develop procedures and supplementary information to support the implementation of the Abusive Conduct Policy (see Abusive Conduct Policy, Section IV.A)

Key Aspects of the CIP:

- Incorporates all definitions from the systemwide UC Policy (CIP, Section III)
- Contains specific provisions for the immediate reporting of emergencies or acts or threats of violence, similar to the campus’s previous *Policy on Prohibition of Abusive Conduct and Acts of Violence by University Employees and Non-Affiliates*. (CIP, Section IV.A & B)
- Explains how to report abusive conduct of a non-violent or non-threatening nature – e.g., either to the reporter’s supervisor, manager or administrator, or directly to Human Resources (HR) or the Academic Personnel Office (APO). Direct links to responsible offices are provided. (CIP, Section IV.D, Section IV.C.1)
- Outlines the responsibilities of the supervisor, manager or administrator, or HR or APO, once a report of abusive conduct is received. (CIP, Section IV.C.2 & 3; Section IV.E – Initial Assessments)
- Outlines the responsibilities of HR or APO to refer to OPHD, all SVSH-related complaints or complaints based on one or more protected categories as outlined in the University’s *Discrimination, Harassment and Affirmative Action in the Workplace* policy (CIP, Section IV.G)
- Outlines the responsibilities of HR or APO to refer reports of suspected improper governmental activity or alleged retaliation under the University’s Whistleblower or Whistleblower Protection policies to the campus’s Locally Designated Official. (CIP, Section IV.F)
- Outlines the responsibilities of HR or APO regarding communication with the complainant after the initial assessment of a report of abusive conduct. (CIP, Section IV.C.3)
- If there is a formal investigation, the CIP refers to UC Policy provisions that contain detailed requirements. The CIP also outlines some of the key provisions from UC Policy (CIP, Section IV.H)
- Explains that the complainant and respondent will be informed once a formal investigation is completed and whether or not a violation of the UC Policy has occurred. Actions taken to resolve the complaint, if any, that are directly related to the complainant, such as a no-contact directive, will be shared with the complainant. Per UC policies protecting individuals’ privacy, the complainant may be notified generally that the matter has been referred for appropriate administrative action but will not be informed of the details of the recommended action without the respondent’s consent. (CIP, Section IV.H; Abusive Conduct Policy, Section V.F.2.b.9)
- Explains the ability of employees to file grievances or complaints under established University policies and procedures, including Academic Personnel Manual (APM) 016 and the campus MAPP 016. In the case of Senate faculty, APM 016/MAPP 016 procedures shall govern. (CIP, Section IV.I)

Chair Viney has agreed to serve as lead reviewer.

Action: Chair Viney’s comments will be circulated via email by Friday, February 23 and will serve as the basis for CRE’s official response.

Comments are due to the Senate Chair by **5:00 pm, Friday, March 1, 2024.**

VII. Any Other Business

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