

COMMITTEE ON RULES AND ELECTIONS (CRE)

## AGENDA

Monday, February 24, 2025

1:00pm – 2:30pm

ZOOM

**I. Consent Calendar {1:00-1:05pm}**

- A. Today's Agenda
- B. [January 27 Meeting Minutes](#)

**Requested Action:** Approval of the Consent Calendar.

**II. Chair's Report – Jeff Yoshimi {1:05-1:20pm}**

- A. Updates from [Divisional Council](#) Meetings ([January 28](#) and February 11)
- B. [Elections Update](#)
- C. UCSF Memorials to the Regents Update – Senate Faculty Forum (February 19)

**III. [APO's Response to Senate Feedback on the Proposed MAPP Revisions](#) – Chair Yoshimi – {1:20-1:40pm}**

In Fall 2024, CRE reviewed the proposed revisions to sections 2013, 2014, 2053, and 2054 of the Merced Academic Personnel Policies & Procedures (MAPP). These sections govern appointments and review for Senate faculty in the Professor and Teaching Professor series.

CRE's memo is available [here](#).

Vice Provost for Academic Personnel Hansford responded to the Senate's feedback on the proposed revisions to MAPP Sections 2013, 2014, 2053 and 2054. All Senate leads have been invited to review the proposed MAPP revisions and share any substantive concerns.

Relevant documents include the following:

1. A formal [cover memo](#) which includes a summary of VPAP Hansford's responses and select revisions.
2. [Clean](#) and [tracked-changes](#) versions of MAPP 2013 (new revisions highlighted in yellow).
3. [Clean](#) and [tracked-changes](#) versions of MAPP 2014 (new revisions highlighted in yellow).
4. [Clean](#) and [tracked-changes](#) versions of MAPP 2053.
5. [Clean](#) and [tracked-changes](#) versions of MAPP 2054.

**Requested Action:** CRE members to review the linked documents. If there are any noted concerns, they will be submitted to [fpaul@ucmerced.edu](mailto:fpaul@ucmerced.edu) by Friday, February 28, 2025.

**IV. Campus and Systemwide Review Items – Chair Yoshimi – {1:40-2:10pm}**

- A. [Proposed Revisions to APM 036 – Employment](#) (Systemwide)

The policy revisions respond to the need to address a new bill signed into California state law that

adds section 66284 to the California Education Code, effective January 1, 2025 (reference [AB 1905](#) “Public postsecondary education: employment: settlements, informal resolutions, and retreat rights”), and requires the University to adopt a written policy regarding official letters of recommendation, among other requirements, as a condition of receiving state funding. The proposed technical revisions are intended to bring the University into compliance with section 66284 of the California Education Code by incorporating the following changes:

- **Revise title of policy to “Academic Employment” to clarify that the policy applies to academic employment and to remove the interim status of the policy**
- **Add section APM - 036-0 e. Official Letters of Recommendation**
  - This section prohibits academic appointees from providing Official Letters of Recommendation prior to consulting with the appropriate campus entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University.
  - Official Letters of Recommendation is defined in the policy and excludes other forms of recommendations, such as surveys and phone calls, from the definition of Official Letters of Recommendation.
  - Administrator or Supervisor is defined in this section.
- **Add section APM - 036-0 f. Personal References and Personal Letters of Recommendation**
  - This section expressly permits academic appointees to provide references or letters in a personal capacity, and the academic appointee is not required to consult with the appropriate entities to determine if the current or former employee is a respondent in a sexual harassment complaint filed with the University. Examples of other letters of recommendation excluded from the definition of Official Letters of Recommendation are provided.
  - This section provides sample language to be included in personal references and letters of recommendation for employment.

At the January 27, 2025 CRE meeting, Member Chandra agreed to serve as lead reviewer. Her comments are available [here](#).

**Requested Action:** Members to review the lead reviewer’s comments and decide whether to approve the draft memo or make additional edits. The lead reviewer’s comments will serve as the basis for CRE’s official response to the Senate Chair.

Comments are due to the Senate Chair by **Friday, February 28, 2025**.

B. [Interim Policy on Consensual Relationships](#) (Campus Wide)

The policy is intended to clarify expectations and support faculty and staff in avoiding professional conflicts of interest related to consensual relationships.

At the January 27, 2025 CRE meeting, Vice Chair Petra agreed to serve as lead reviewer. Her comments are available [here](#).

**Requested Action:** Members to review the lead reviewer’s comments and decide whether to approve the draft memo or make additional edits. The lead reviewer’s comments will serve as the basis for CRE’s official response to the Senate Chair.

Comments are due to the Senate Chair by **Monday, March 3, 2025**.

- C. [Proposed Amendments to Senate Bylaw 170 and Rescission of Senate Bylaw 192](#) (Systemwide)  
The [University Committee on Preparatory Education \(UCOPE\)](#) proposal includes proposed amendments to systemwide [Senate Bylaw 170 \(University Committee on Educational Policy - UCEP\)](#) and the proposed rescission of systemwide [Senate Bylaw 192 \(University Committee on Preparatory Education - UCOPE\)](#).

These amendments propose the elimination of UCOPE, with its remaining responsibilities reassigned to UCEP. This restructuring reflects the evolving landscape of preparatory education oversight, as many of UCOPE's core functions have become redundant. With the discontinuation of the University's Analytical Writing Placement Examination (AWPE) in 2022, individual campuses have taken on the management of their own placement assessments, reducing the necessity for a dedicated systemwide committee.

For further context, the memo linked in the title above from Academic Council Chair Cheung provides a detailed justification for these changes and an analysis outlining the pros and cons of the proposed amendments.

*CRE is a lead reviewer.*

**If you are available to serve as a lead reviewer for this item, please notify the CRE Analyst, Executive Director, and Chair Yoshimi as soon as possible.**

**Requested Action:** Members to review the lead reviewer's comments and decide whether to approve the draft memo or make additional edits. The lead reviewer's comments will serve as the basis for CRE's official response to the Senate Chair.

Comments are due to the Senate Chair by **Friday, March 7, 2025**.

- D. [Policy on Assurance of Safety Standards](#) (Campus Wide)  
The proposed policy aims to establish a comprehensive process for identifying and addressing safety deficiencies and non-compliance issues. This policy is intended to promote a safe and supportive environment for all members of the UCM community, including faculty, staff, students, and visitors. It will apply to all academic and research activities, encompassing teaching and research laboratories, fieldwork, shared research support facilities, and machine shops used for academic and research-related purposes.

**Requested Action:** CRE to decide whether to opine. If opining, identify a lead reviewer. The lead reviewer's comments will be circulated via email by Thursday, March 13, 2025, and will serve as the basis for CRE's official response to the Senate Chair.

Comments are due to the Senate Chair by **Friday, March 21, 2025**.

- E. [Proposed Revisions to APM 500 – Recruitment](#) (Systemwide)  
The policy revisions respond to the need to address two new bills signed into state law that add and amend sections 92612.1 and 92612.2 of the California Education Code, effective January 1, 2025 (reference Senate Bill (SB) 791, Postsecondary education: academic and administrative employees:

disclosure of sexual harassment, and California Assembly Bill (AB) 810, Postsecondary education: hiring practices: academic, athletic, and administrative positions). The proposed technical revisions are intended to bring the University into compliance with sections 92612.1 and 92612.2 of the California Education Code by incorporating the following changes:

Misconduct Disclosure Form:

- All applicants who are identified as finalists for academic appointments are required to complete a misconduct disclosure questionnaire and disclose any final administrative or judicial decisions issued within the last seven (7) years from the date of submission of an employment application determining that the applicant committed misconduct, including sexual harassment.
- A hiring unit may also elect to require misconduct disclosure questionnaires from all applicants who meet the minimum requirements of recruitment. The hiring unit may not obtain a misconduct disclosure questionnaire unless the hiring unit determines that an applicant meets the minimum requirements for the position.
- In the event that an applicant discloses prior misconduct, the hiring unit shall obtain a signed release form from the applicant before contacting the previous employer.

Release Form:

- Applicants who are identified as finalists for a tenure-track/tenured position or a position in the Professor of Teaching Series are required to sign a release form authorizing the release of information by the applicant's previous employers to the University concerning any allegations of misconduct in order to permit the University to evaluate the released information with respect to the criteria for potential employment. The hiring unit is required to obtain the release form for proposed appointees in these series and to engage in a reasonable attempt to obtain information from the previous employer when the applicant reaches the final stages of the application process.
- A hiring unit may request a release form from all applicants of a recruitment and may use the release form to engage in a reasonable attempt to obtain information from the previous employer when the applicant reaches the final stages of the application process.
- In the event that a previous employer discloses misconduct, the hiring unit shall follow up with the applicant to give that individual an opportunity to respond.

Local Implementation Procedures:

- Vice Provosts/Vice Chancellors who oversee academic personnel are responsible for developing implementing procedures for the confidential management and tracking of misconduct disclosure questionnaires and release forms, as well as confidential decision-making and communication processes involving applicants, previous employers, and University administrators. In order to protect a candidate's privacy, the misconduct disclosure form and any information pertaining to prior misconduct must be treated as confidential, retained per local procedures, and disposed in accordance with University of California records retention policy.

**Requested Action:** CRE to decide whether to opine. If opining, identify a lead reviewer. The lead reviewer's comments will be circulated via email by Friday, March 21, 2025, and will serve as the basis for CRE's official response to the Senate Chair.

Comments are due to the Senate Chair by **Friday, April 4, 2025.**

F. [Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements](#) (Systemwide)

This policy was issued on November 8, 2010, and establishes the required indemnification and insurance provisions to be included in contracts between the University and contractors or external parties. It was last reviewed on January 5, 2020, and in 2024 the Office of the President, Office of Risk Services (OPRS) formed a working committee to complete a comprehensive review of the policy.

In developing the proposed revisions, the OPRS working committee consulted with key stakeholders including UC Legal, location risk management, and the Procurement Policy and Legal Documents committee. The proposed revisions are in large part either technical or intended to clarify ambiguous language in the policy. The key issues identified in the consultation process include clarifying the scope of the policy, the responsible parties at each location, the exception process, and to expand the FAQ section to provide additional information.

Summary of proposed revisions:

- Clarify that the scope of the policy covers both indemnification and insurance requirements in contracts between the University and contractors or external users;
- Modify the responsible parties at each location to allow for local designations;
- Clarify the exception process; and
- Expand the FAQ section to provide additional details and clarification.

**Requested Action:** CRE to decide whether to opine. If opining, identify a lead reviewer. The lead reviewer's comments will be circulated via email by Friday, March 28, 2025, and will serve as the basis for CRE's official response to the Senate Chair.

Comments are due to the Senate Chair by **Friday, April 11, 2025**.

V. **Other Business {2:10-2:30pm}**