

**COMMITTEE ON RULES AND ELECTIONS (CRE)****MEETING MINUTES****Monday, February 24, 2025****1:00pm – 2:30pm****ZOOM**

Pursuant to call, the Committee on Rules and Elections met at 1:00pm on February 24, 2025. Chair Jeff Yoshimi presiding.

**I. Consent Calendar**

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

**Action:**

- The Consent Calendar was approved as presented.

**II. Chair's Report – Jeff Yoshimi**

- A. Updates from [Divisional Council](#) Meetings ([January 28](#) and February 11)

In response to the campuswide 5% budget reduction exercise, the Senate is examining where to propose potential cuts of 3%, 4%, and 5%.

Divisional Council members discussed the Police Accountability Board (PAB) and expressed support for the idea that the Chair be a Senate faculty member. Divisional Council members then unanimously endorsed that the Chair of the PAB be a Senate Faculty member, which CoC will appoint.

Divisional Council members discussed the committee's comments on the Presidential Policy on Dual Use Research of Concern and Pathogens with Enhanced Pandemic Potential which led to slight amendments to CRE's memo regarding this review item.

Divisional Council members met with the Director of Environmental Health and Safety (EHS) Thomas Lee. Director Lee gave a presentation that highlighted the various accomplishments from EHS since February 2024. He also informed Divisional Council that EHS is under resourced and understaffed.

Divisional Council members reviewed GC's Policy for Graduate Students Teaching Graduate Students. Divisional Council unanimously endorsed GC's proposed policy revisions with the additional modification of removing GC as an IoR request approver.

- B. [Elections Update](#)

Chair Yoshimi informed members that as CRE Chair and Parliamentarian, he reviewed and certified the Senate Election results on Friday, February 14, 2025. Four members were elected to CoC and two were elected as At-Large Divisional Council members. Executive Director Paul added that their appointment letters will be sent soon.

- C. UCSF Memorials to the Regents Update – Senate Faculty Forum (February 19)

Chair Yoshimi informed members that the concept of a Memorial date back to 1920, but the first one did not happen until the 1960s. Few Memorials have passed but they have been occurring more often in recent years.

The UCSF Academic Senate has proposed the two Memorials to the UC Regents, seeking to expand Senate membership to include faculty with appointments greater than 50% in the Health Sciences Clinical and Adjunct series. This would be a substantial change in the UC system as there are approximately 8,000 faculty across the system and this would add approximately 6,000 more.

**Action:**

- Chair Yoshimi encouraged members to watch the February 19 Senate Faculty Forum recording prior to submitting their vote. The recording was distributed to faculty on February 20, 2025.

**III. [APO's Response to Senate Feedback on the Proposed MAPP Revisions](#) – Chair Yoshimi**

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.

Chair Yoshimi proposed that Member Beman review the proposed revisions as he was the initial lead reviewer. Asynchronously, he invited all members to review the proposed revisions via email.

Member Chandra inquired about Career Equity Reviews (CER) as it was suggested they only be completed once in an individual's career in an effort to decrease workload. Following the meeting, Member Chandra clarified via email that after closer examination, the issue no longer stands. While VPAP Hansford initially suggested that a CER should be done once in a career, based on feedback from the Academic Senate, CERs will now be permitted twice.

**Actions:**

- Chair Yoshimi invited members to review the proposed revisions and share any comments with Sang, Petra, Fatima and Chair Yoshimi by Wednesday, February 26, 2025.
- In the absence of comments by the deadline, the CRE Analyst will notify Executive Director Paul that CRE does not have any substantive concerns with the revisions.

**IV. Campus and Systemwide Review Items – Chair Yoshimi****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](#).

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

Member Chandra summarized her comments to the committee. She noted that it was not entirely clear how an “Official Letter of Recommendation” is defined. Also, that it would be helpful for each UC campus to offer clear, detailed guidance on the specific entities letter writers should contact regarding inquiries about the sexual harassment question, specify a point of contact or office where such requests can be sent will streamline the process for letter writers. Member Chandra stated that APM 036 e. Official Letters of Recommendation is confusing regarding administrators and supervisors as the text first states that it’s typically only administrators or supervisors who write official letters, not academic appointments, but then broadens the definition to include anyone with supervisory authority, including an instructor of record.

APM 036 f. Personal References and Letters of Recommendation provides suggested language for personal letters of recommendation. To remove the impression that this language must be included in

all letters of recommendation, Member Chandra and Chair Yoshimi recommended incorporating an additional statement after the suggested text, such as: “This language may be omitted from certain types of letters which can be assumed to be non-official. Examples of letters that do not constitute Official Letters of Recommendation include” in order to eliminate any misunderstanding that the suggested wording is a required component of all recommendation letters.

**Action:**

- The CRE Analyst circulated the draft memo to members for final approval.

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](#).

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

Vice Chair Petra summarized her comments to the committee. She recommended establishing a clear and consistent definition of the members of the university community to whom the policy applies. She also noted that the scope of the concept of a consensual relation could be made more concrete and formalized as is done in the procedures section of the [UC Berkeley](#) policy. Overall, CRE members agreed with Vice Chair Petra’s comments, specifically that the policy should include details about the specific relationships covered by the policy. Chair Yoshimi added that the word ‘Policy’ was capitalized throughout the text which seemed unnecessary.

**Actions:**

- Vice Chair Petra revised the draft memo based on the discussion and sent it to Sang, Petra, Fatima and Chair Yoshimi.
- The revised draft memo was circulated to CRE members for review and approval via email.

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.*

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

**Actions:**

- Member Petersen agreed to serve as lead reviewer.
- The lead reviewer's comments will be circulated via email by Friday, February 28, 2025, and will serve as the basis for CRE's official response to the Senate Chair.

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.

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

**Action:**

- Chair Yoshimi agreed to review this item and will let members know of his recommendation on whether CRE should opine by Monday, March 3, 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.

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

**Actions:**

- Member Chandra agreed to serve as 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.

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.

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

**Action:**

- Chair Yoshimi agreed to review this item and will let members know of his recommendation on whether CRE should opine by Monday, March 3, 2025.

**V. Other Business**

Members discussed the deadline to review the UC Merced Bylaws and Regulations. It was confirmed that the deadline for review and comments is Wednesday, April 9, 2025.

Vice Chair Petra informed Chair Yoshimi that she would not be able to attend the next CRE meeting on March 17, 2025.

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

Attest: Jeff Yoshimi, CRE Chair