

**UNIVERSITY OF CALIFORNIA
BERKELEY * DAVIS * IRVINE * LOS ANGELES * MERCED * RIVERSIDE
SAN DIEGO * SAN FRANCISCO * SANTA BARBARA * SANTA CRUZ**

**NOTICE OF TELECONFERENCE MEETING
OF THE ASSEMBLY OF THE ACADEMIC SENATE**

**Wednesday, June 8, 2011
10:00 am – 12:00 pm**

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I. Roll Call of Members

2010-11 Assembly Roll Call June 8, 2011

President of the University:

Mark Yudof (absent)

Tahseen Mozaffar

Charles Zender

Academic Council Members:

Daniel Simmons, Chair

Robert Anderson, Vice Chair

Fiona Doyle, Chair, UCB

Robert Powell, Chair, UCD

Alan Barbour, Chair, UCI

Ann Karagozian, Chair, UCLA

Evan Heit, Chair UCM

Mary Gauvain, Chair, UCR

Frank Powell, Chair, UCSD

Elena Fuentes-Afflick, Chair, UCSF

Henning Bohn, Chair, UCSB

Susan Gillman, Chair, UCSC

William Jacob, Chair, BOARS

James Carmody, Chair, CCGA

Francis Lu, Chair, UCAAD

Ahmet Palazoglu, Chair, UCAP

David Kay, Chair, UCEP

Joel Dimsdale, Chair, UCFW

Phokion Kolaitis, Chair, UCORP

James Chalfant, Chair, UCPB

Los Angeles (8)

Paula Diaconescu

Malcolm Gordon

Jody Kreiman

Timothy Lane

Duncan Lindsey

Susanne Lohmann

Purnima Mankekar

Joseph Nagy

Merced (1)

Ignacio Lopez-Calvo

Riverside (2)

Thomas Morton

Albert Wang

San Diego (5 – 2 TBA)

Timothy Bigby

Lorraine Pillus

Peter Wagner

Berkeley (5)

Steven Beissinger

Ralph Catalano

Mary Ann Mason

Bernard Sadoulet

Theodore Slaman

San Francisco (4)

Farid Chehab

David Gardner

Deborah Greenspan

Wendy Max

Davis (6)

Richard Grotjahn

Joel Haas

Joseph Kiskis

Brian Mulloney

Terence Murphy

Krishnan Nambiar

Santa Barbara (3)

Ralph Armbruster

Gayle Binion

John Foran

Santa Cruz (2)

Joseph Konopelski

Marilyn Walker

Irvine (4)

Luis Aviles

Ulysses Jenkins

Secretary/Parliamentarian

Jean Olson

MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

April 13, 2011
MINUTES OF MEETING

I. ROLL CALL OF MEMBERS

Pursuant to call, the Assembly of the Academic Senate met in person on Wednesday, April 13, 2011. Academic Senate Chair Daniel Simmons presided and called the meeting to order at 10:00 am.

II. MINUTES

ACTION: The Assembly approved the minutes of the December 10, 2010 meeting as noticed.

III. ANNOUNCEMENTS BY THE CHAIR

Chair Simmons noted that the only action item before the Assembly is the election of the 2011-12 Vice Chair of Assembly and Council. However, the president and his senior managers will discuss the budgetary issues facing the University. President Yudof will make brief remarks and respond to questions. Patrick Lenz, Vice President for Budget and Capital Resources, will give a presentation on current and projected budget and alternative scenarios which he presented to the Regents in March. Provost Pitts will share current proposals to reduce funds for systemwide programs in order to reduce the amount of the budget cut to campuses. Assembly will also hear an update from CCGA Chair James Carmody on CCGA's guidelines for approving new self-supporting graduate programs.

Chair Simmons provided updates on the following items discussed at the December Assembly meeting: (1) The Council convened an Implementation Task Force of a subset of Council members who are creating an actionable plan based on the recommendations of the Special Committee on a Plan for UC (the "Powell Committee"). The task force chair, James Chalfant, who also chairs UCPB, will brief the Assembly on the progress of this task force. He stated that we must protect every campus' aspiration to succeed as a major research university without doing harm to the excellence of the established campuses. (2) Council issued a statement supporting the funding streams proposal, but raised questions about its impact on enrollment. It provides campuses with an incentive to increase non-resident enrollment without setting central limits and it raises questions about UC as a system. Council's response also emphasized that rebenching the allocation of state general funds per student is a necessary element of funding streams. Responding to Council, the provost convened the Rebenching Committee, which includes five Chancellors, several EVCs and Vice chancellors of Planning and Budget, and Senate participants Chair Simmons, Vice Chair Anderson, UCPB Chair Chalfant, UCLA divisional chair Ann Karagozian and UCSC divisional chair Susan Gillman. (3) A joint work group led by Vice Provost of Academic Personnel Susan Carlson is developing a proposal to implement a new faculty salary plan. President Yudof continues to advocate for 3% annual salary adjustments for faculty, as well as regular merit increases.

Chair Simmons stated that the Academic Council has voted to establish a new Special Committee on Agriculture and Natural Resources, similar in structure and purpose to its Special Committee on the National Laboratories. ANR receives \$130M in central funding. The committee will

include the chairs or vice chairs of UCPB, UCORP, and CCGA, the chairs or vice chairs of the three ANR divisions, and three at-large members, one of whom will come from a non-ANR campus. He reported that he and other Senate leaders participated in UC Advocacy Day on April 5 and will attend another advocacy day hosted by the Intersegmental Committee of Academic Senates, which brings together the Senate leaders from all three segments of public higher education. He encouraged faculty to advocate against an all-cuts budget. Finally, he noted that the online pilot project has received a \$748,000 grant from Next Generation Learning project, funded by the Gates and Hewlett Foundations, and that the administration announced that they have authorized a no-interest loan of up to \$6.9M to fund the pilot project. Council had endorsed online pilot project with the caveat that it be funded with external funds. The Academic Council will discuss the implications of this change in the funding model at its meeting in late April. The pilot project has solicited proposals from faculty and accepted 29 courses for development. Many details still must be resolved. Chair Simmons stated that the Senate should approach the project with a healthy dose of skepticism, but that it could be beneficial to the University.

IV. ANNOUNCEMENTS BY THE PRESIDENT

President Yudof reported that UCOP is cutting its own budget by \$50 M. These funds will reduce the amount of the budget cut allocated to the campuses and will provide greater monies for basic operating expenses. In addition, UCOP is cutting its support for centrally funded research programs by \$30 M. Campuses may choose to continue funding these programs, but there is no rationale for centrally funding them. He also reported that his meetings with Governor

Brown suggest that the governor understands the critical importance of UC to the state and its economy. The Speaker of the state Assembly also publicly spoke against an all-cuts budget. However, he stated that he expects continued budgetary paralysis, possibly through the fall. Given this situation, the University is going to adhere to the budget presented to the Regents, which assumes a \$500 M reduction, 3% merit increases for faculty and non-represented staff, and an 8% fee increase. In addition, UCOP has been developing a 5-year plan that makes varying assumptions about the level of state support. If the state cuts UC's budget by another \$500 M, all of the other factors will double annually. The budget scenarios set the stage for the alternatives should the state increase or decrease its support. The most optimistic scenario includes 8% annual increases in tuition. If the state reduces its support, tuition could easily rise to \$16 to 20 K per year. The projections assume modest enrollment growth, since cutting the student body would not save much money immediately, and would be detrimental to our commitment to preserving access. UC may have to change its method for administering student aid if tuition rises precipitously. UCOP also is trying to increase revenues. The budget office estimates modest annual growth of indirect cost recovery rates of \$20 M. The president is trying to raise \$50 M per year in scholarship funding, particularly from corporations and corporate foundations.

Q&A

Q: Can you describe the worst case scenario?

A: The worse case would be if the University's budget is cut by an additional \$500 M and funding stays flat for 5 years or even is reduced. That would lead to double tuition increases. Many of the things we have done to control costs were one-time solutions.

Q: If fees increase for graduate students, it will have a big impact on faculty research. Would you protect graduate students from tuition increases?

A: We previously shielded graduate students from increases, but can no longer afford to do so. We will try to raise scholarships for graduate students through the corporate sector, however.

Q: The governor previously said that to the extent that the University raises its fees, the state contribution will be reduced by the same amount.

A: That is a risk, but there has been continual disinvestment in UC over a long period of time.

Q: When you talk about changes in student enrollment, you did not address faculty. Will faculty lines decrease in the next five years?

A: If we were to enact the 5-year plan, we would maintain the current number of faculty.

Reducing the size of the faculty is not a good idea. We would probably lose in research funds more than we saved in salary. We really should be expanding the size of the faculty. In some of the budget scenarios, that would be possible in years 4 or 5. However, these are campus decisions.

Q: At our campus, there have been discussions about the state wanting to change the pension system. Do you have any promising information on this subject?

A: President Yudof stated that he does not know the governor's current thinking on the subject. While some of the proposals floated in the press pose some risk to UC, we already have revised our pension system in ways that many in the state government are advocating. That could shield us from further changes imposed by the legislature.

Q: What is being done to convince the legislature of the importance of UC to the state?

A: There is a very active advocacy campaign. Over 400,000 people have signed up to be UC advocates. Last week we contacted them to oppose an all-cuts budget. I invite broader faculty participation. We also have been using YouTube and other social media networks to get our message out, and we have cooperated with CSU and CCC.

Q: What are we getting from the state that allows them to strangle us?

A: Currently, we are getting \$2.5 B. Without this funding, we would have to impose a \$10 K student fee increase. The state's contribution simply can not be replaced by philanthropy.

Q: The governor released a press release on pensions. While it does not include UC or current employees, press reports indicate it would limit pension benefits to no more than \$106,800, the social security wage base. The unions, except for the nurses association, won't fight it because it won't affect them. A large number of faculty would reach that point in their mid-50s and retaining them would be difficult, so it is important to communicate this problem to the governor.

A: We will do so, and I would assert our constitutional autonomy to determine our own policies to the point of a lawsuit.

Patrick Lenz, Vice President of Capital and Budget, made a presentation on the budget that he previously presented to the Regents. The aim of the 5-year plan is to define the revenue we need to be the university we want to be. He noted that historically, on average, UC received 7 to 8% annual budget increases, hence they chose to model 8% annual increases in the 5-year budget plan. He pointed out in comparison that from 1990 to the present the corrections budget increased by 244% while UC's budget increased by only 18%. In 1990, the corrections budget was smaller than UC's budget. Today, it is larger than funds allocated to CSU, UC, CCC combined. He encouraged faculty to attend one of the local presentations being held by the state's Senate Budget Committee and to speak in support of adequately funding UC.

Q: By cutting the Discovery grant program by \$30 M, UC is relinquishing up \$20 M in industry matching grants. Is this smart?

A: This was a painful decision. Faculty who receive Discovery grants have more access to external funding than other faculty. Also, the submissions were less competitive in terms of the number of submissions and their quality than some of the other research grant competitions. We may revive the program when we have more money, but at this time, we had to make difficult choices to cut some programs.

Q: Can the UC system do anything to improve the prison system to save money?

A: Last year Jack Stobo, the SVP of Health Sciences and Services, proposed a way to save \$1.3 B in prison health care. The legislature attributed \$850 M in savings to this program in the budget, but did not implement it. We continue to offer the University as a resource in the best interest of the state.

Provost Pitts stated that as part of the funding streams project, UCOP has examined its own budget. A great deal of the budget is spent on programmatic initiatives (e.g., the California Digital Library). He noted that a group of programs have been funded historically as pet projects with money earmarked by the legislature. UCOP has asked the legislature to stop earmarking funds, and instead allow us to distribute the funds to the campuses to reduce the magnitude of the cuts and to allow those programs to be evaluated like all other research programs on the campuses. We need maximum flexibility to deal with the cuts. The proposed cuts in centrally funded programs followed a rationale. Those closest to instruction or support of faculty research have greater protection, while programs in the service arena have less protection. The cuts are not reflective of the quality of the programs. Provost Pitts also addressed the incorrect perception that the number of faculty is decreasing. Rather, there has been slight growth, but we compare it to years of continual growth, it does not measure up. However, the median faculty age has risen and we need to prepare for retirements.

Q: I noticed that the Senate has been cut by 8%. What will be cut?

A: Executive Director Winnacker stated that the cut is borne by the systemwide office, and will mostly be accomplished by greater use of teleconferences. We have also allowed an open position to be reduced to 60%. That said, the Senate's role is to meet and deliberate, and we will look for ways to ensure the quality of deliberations.

Q: I have been at UC through prior recessions, and have never experienced such a degree of demoralization among the faculty. How can we give them a sense of a positive future?

A: Provost Pitts stated that the president has included annual increases in his budget proposal. It is a statement that it is important to maintain the quality of faculty even in bad times. The faculty remains the best; the number of awards and research productivity are still high and retention remains around 75%. UC will grow selectively in areas of opportunity. For example, it is funding “proof of concept” grants to help faculty innovations move from patent to market and we are continuing to invest in grant competitions. We are trying to look toward a positive future.

Q: Are benefits for active employees going to stay the same?

A: We will continually examine the quality of benefits that we offer and their costs, since they are major cost drivers. We believe we need high quality health benefits, with lower cost options. There are no plans to dramatically change the benefits, although there may be raises in co-pays, etc.

Q: In the new funding streams model, why did you decide to assess expenditures rather than net revenue? Extramural funding is not fungible; it is locked into specific purposes.

A: UCOP performs a set of central functions that cost a set amount of money and requires a predictable source of revenue. While it is true that campus revenue fluctuate slightly, it does not fluctuate wildly.

V. SPECIAL ORDERS

A. 2011-12 Assembly Meeting Schedule (information)

In accordance with [Senate Bylaw 110.A.3.b.](#), the following dates for the 2011-12 Assembly meetings were set in consultation with the President of the Senate and the Academic Council: December 7, February 15, April 11, and June 6.

VI. REPORTS ON SPECIAL COMMITTEES [NONE]

VII. REPORTS OF STANDING COMMITTEES

A. CCGA’s Guidelines for Self-Supporting Programs [information]

▪ James Carmody, CCGA Chair

In anticipation of an increase in proposals for self-supporting programs as a means to generate revenue, CCGA’s chair James Carmody reported that it has recently issued guidelines for use by campus Graduate Councils and Committees on Planning and Budget in the review of proposals for new self-supporting programs. Its aim is to protect existing programs, particularly doctoral programs. The review guidelines state that departments can not create a new SSP by cannibalizing graduate programs. The main area of concern is on-load versus off-load teaching. The more off-load teaching a faculty engages in, the less time he or she has for research and mentoring graduate students. The review process will be conducted on the campuses, rather than at CCGA, to ensure high level review and extensive discussion of resources. An Assembly member asked whether CCGA is insisting that financial aid be set aside for students in SSPs so they will not privatize graduate education. Chair Carmody responded that CCGA has asked proposal proponents to demonstrate that they generate resources for existing students, e.g., through TAs. While the guidelines require a discussion of financial aid for students in SSPs, they do not require that financial aid be provided. He also noted that the new SSP policy precludes doctoral programs from being self-supporting and precludes the requirement of an SSP master’s degree as a prerequisite to doctoral program.

Chair Carmody also expressed great concern about fee increases for graduate students. Many departments already are not able to make competitive offers to graduate students, and therefore do not attract the best graduate students. This could eventually erode UC's ability to attract top faculty and could have a huge impact on UC's quality.

B. Report from UCPB [information]

▪ **James Chalfant, UCPB Chair**

James Chalfant, UCPB's Chair, outlined the main concerns of this committee this year. He stated that they worked on post-employment benefits and faculty remuneration (including ideas about offering alternate compensation plans), the funding streams project, and are now focusing on the work of the Implementation Task Force about which he reported earlier. The report of the Special Committee was largely aspirational and articulated the values of the Senate, outlining what should be protected. The Implementation Task Force is currently focusing on a formula for rebenching the allocation of state general funds to each campus, introducing a common state subsidy per student across UC campuses. It also proposes a new way of determining the true number of students the state is funding, in order to make recommendations on enrollment management. Next, it will turn to graduate student funding, and also will address a proposal to define a new faculty job title that requires more teaching and less research.

C. Report from BOARS [information]

▪ **Bill Jacob, BOARS Chair**

BOARS' Chair Bill Jacob reported on several issues that BOARS has been working on this year. He provided an update on 2011 freshman admissions offers, and explained that in January the Regents passed a resolution calling for all campuses to use the single score holistic review process used at UCLA and Berkeley to review applications for admission, while allowing campuses the flexibility to pursue alternative approaches if they meet certain goals. He stated that BOARS is examining ways to improve transfer admission, focusing particularly on admission to specific majors. He stated that the new freshman admission policy to take effect in Fall 2012 will entail shared review. BOARS is making recommendations on adequate funding for the new admissions process.

D. Academic Council

▪ **Daniel Simmons, Chair**

1. **Nomination and election of the Vice Chair of the 2011-12 Assembly [action]**

Chair Simmons noted that Robert Powell of UC Davis served simultaneously as departmental and divisional chair at Davis and has done a superb job in both positions. He has a long history of Senate service at both the campus and systemwide levels. The Assembly had a confidential discussion and then elected Powell to be Vice Chair of the 2011-12 Academic Assembly.

VIII. UNIVERSITY AND FACULTY WELFARE REPORT [information]

▪ **Joel Dimsdale, UCFW Chair**

UCFW's Chair Joel Dimsdale reported that the state budget situation has resulted in heavier workloads for faculty with less salary support and deteriorating compensation. Research at UC is in jeopardy, due to cutbacks in federal funding and funding from UCOP, and increasing demands to increase teaching to the detriment of research. He noted that pensions are under attack nationally and there are several state proposals that the committee is tracking. He reported that UCFW members feel that the administration

has provided inadequate notice on several issues, including the new retirement plans, to allow the faculty to meaningfully participate in shared governance. The committee has urged the administration to minimize cost increases in health benefits and is working with Human Resources to address issues with access to care at certain campuses. Salaries continue to lag and total compensation is decreasing due to the onset of employee contributions to UCRP. The committee is closely watching the increase in contingent faculty. In a more positive vein, he reported that UCFW has had some success in pressing the University to ensure that the compliance and regulatory requirements are more user-friendly. UCFW also has been working with the administration to provide flexibility for faculty in the mortgage origination program. UC Berkeley has established a back-up emergency childcare program and the University is considering instituting it systemwide. UCFW plans to focus more on the concerns of younger faculty.

IX. PETITIONS OF STUDENTS [NONE]

X. UNFINISHED BUSINESS [NONE]

XI. NEW BUSINESS [NONE]

The meeting adjourned at 3:30 pm.

Attest: Daniel Simmons, Academic Senate Chair

Minutes Prepared by: Clare Sheridan, Academic Senate Analyst

Attachments: Appendix A – Assembly Attendance Record, Meeting of April 13, 2011

Appendix A – 2010-2011 Assembly Attendance Record, Meeting of April 13, 2011

President of the University:

Mark Yudof

Academic Council Members:

Daniel Simmons, Chair
Robert Anderson, Vice Chair
Fiona Doyle, Chair, UCB
Robert Powell, Chair, UCD
Alan Barbour, Chair, UCI (in at 11 am)
Ann Karagozian, Chair, UCLA
Evan Heit, Chair UCM
Mary Gauvain, Chair, UCR
Joel Sobel, Vice Chair, UCSD (alternate for Frank Powell)
Robert Newcomer, Vice Chair, UCSF (alternate for Elena Fuentes-Afflick)
Henning Bohn, Chair, UCSB
Susan Gillman, Chair, UCSC
William Jacob, Chair, BOARS
James Carmody, Chair, CCGA
Francis Lu, Chair, UCAAD (absent)
Ahmet Palazoglu, Chair, UCAP (by telephone)
David Kay, Chair, UCEP
Joel Dimsdale, Chair, UCFW (by telephone)
Phokion Kolaitis, Chair, UCORP (absent)
James Chalfant, Chair, UCPB

Berkeley (5)

Steven Beissinger
Ralph Catalano (absent)
Robert Jacobsen (alternate for Mary Ann Mason)
Paula Fass (alternate for Bernard Sadoulet)
Theodore Slaman

Davis (6)

Richard Grotjahn
Joel Haas
Joseph Kiskis
Brian Mulloney (absent)
Terence Murphy (absent)
Krishnan Nambiar

Irvine (4)

Luis Aviles (absent)

Ulysses Jenkins (absent)
Tahseen Mozaffar (absent)
Charles Zender

Los Angeles (8)

Paula Diaconescu
Malcolm Gordon (absent)
Jody Kreiman (absent)
Timothy Lane
James Miller (alternate for Duncan Lindsey)
Susanne Lohmann
Purnima Mankekar (absent)
Joseph Nagy

Merced (1)

David Noelle (alternate for Ignacio Lopez-Calvo)

Riverside (2)

Thomas Morton
Albert Wang

San Diego (5 – 2 TBA)

Timothy Bigby (absent)
Lorraine Pillus
Peter Wagner (absent)

San Francisco (4)

Farid Chehab
David Gardner
Deborah Greenspan
Wendy Max

Santa Barbara (3)

Ralph Armbruster (absent)
Gayle Binion
Vickie Scott (alternate for John Foran)

Santa Cruz (2)

Joseph Konopelski
Marilyn Walker

Secretary/Parliamentarian

Jean Olson

III. ANNOUNCEMENTS BY THE CHAIR

- Academic Assembly Chair Daniel Simmons

IV. ANNOUNCEMENTS BY THE PROVOST

- Provost and Executive Vice President Lawrence Pitts

V. SPECIAL ORDERS

A. Apportionment of Representatives to the 2011-12 Assembly [information]

In accordance with [Senate Bylaw 105.A.4](#), the Academic Council approved following its May 26 meeting the apportionment of the 40 Divisional Representatives for 2011-12. On the basis of Divisional Academic Senate membership as of April 2011, the Webster Method of Calculation was used to determine the number of Divisional Representatives as follows:

DIVISION	NUMBER OF REPRESENTATIVES/DIVISION
Berkeley	6
Davis	6
Irvine	4
Los Angeles	8
Merced	1
Riverside	2
San Diego	5
San Francisco	3
Santa Barbara	3
Santa Cruz	2

VI. REPORTS ON SPECIAL COMMITTEES [NONE]

VII. REPORTS ON STANDING COMMITTEES

A. ACADEMIC COUNCIL

- Academic Assembly Chair Daniel Simmons

1. Senate Representative to the UCRS Advisory Board [Information]

According to the Bylaws of the UCRS Advisory Board, the Academic Council appoints two active Senate members to serve staggered four-year terms, which may be renewed once, as representatives of the Senate on the UCRS Advisory Board. The two must be from different divisions. A member whose status is

active at the time of appointment may complete his or her term if he or she transitions to emeritus status during the term. Professor John Oakley (UCD) is completing a four-year term and has become emeritus, making him ineligible for reappointment. Professor Ross Starr (UCSD) has a year remaining in his term. The Academic Council appointed Professor Shane White (UCLA) to the position being vacated by Professor Oakley. Professor White has extensive Senate service and expertise on retirement issues. He is a four time chair of the UCLA Committee on Faculty Welfare, former chair of the University Committee on Faculty Welfare, former member of UCFW's Health Care Task Force and current member of its Task Force on Investment and Retirement (TFIR), and served on the President's Task Force on Post-Employment Benefits.

2. Nomination and Election of 2010-11 UCOC Vice Chair [ACTION]

In accordance with [Senate Bylaw 150.A.1. Committees](#), "...the members-at-large are to be named by the Assembly for two-year staggered terms. Each at-large member will serve as Vice Chair in the first year and shall normally succeed as Chair in the second year." Accordingly, UCOC Vice Chair Stanley Awramik (UCSB) is a candidate to become Chair and Professor Mitchell Sutter (UCD) is a candidate to serve as Vice Chair. Professor Awramik served as the UCSB representative to UCOC for two years prior to becoming Vice Chair, and has extensive divisional Senate service. Professor Sutter is a current member of UCOC and previously served on the Committee on Committees at UCD for two years.

ACTION REQUESTED: Elect the 2011-2012 UCOC Chair and Vice Chair

3. [Draft*] Legislative Ruling 6.11.A. Definition of "residence."

Determination of a student's residence for purposes of fulfilling the requirements for a degree by a student's participation in courses approved by the relevant Faculty and Senate governing entities of the University of California, not linked to the physical presence of the student on campus, is consistent with the definition of "residence" contained in Regulation 610.

However, it is the opinion of University Committee on Rules & Jurisdiction that the interpretation of "residence" employed by SR 610 in its present form is sufficiently ambiguous, and of such significant consequence, that the issue should be taken under consideration by the Assembly of the Academic Senate of the University of California. UCR&J's opinion rests on a liberal interpretation of SR 610, which permits on-line, off-campus instruction when courses have been duly reviewed and approved by Faculty and Senate governing entities. A literal interpretation of SR 610 may impose a requirement for the physical presence of an undergraduate student at on- and off-campus sites which might limit or even exclude on-line, off-campus instruction regardless of review and approval by Faculty and Senate governing entities.

The issue should be resolved finally by legislative amendment of SR 610 to reflect explicitly either, but not both, of the liberal or literal interpretations of "residence" proffered by the preceding Legislative Ruling. This recommendation is consistent with Academic Senate Bylaw 205.B.2, whereby it is the duty of UCR&J "to prepare and to report to the Assembly or to any of the Divisions such changes and additions to the Bylaws and Regulations as may seem to it advisable."

4. [Draft*] Legislative Ruling 6.11.B. Eligibility of an associate dean to serve as a member of the Assembly.

Bylaw 105.A.4 does not exclude associate deans from service in the Assembly of the Academic Senate. The Bylaw, which excludes deans from such service, contains no mention of associate deans or comparable academic administrative officers. The appointment process of each Division is adequate to weigh potential conflicts of interest between the academic administrative and Faculty roles of colleagues during the course of their selection.

5. [Draft*] Legislative Ruling 6.11.C. Scholarship requirements for undergraduate students.

1. Senate Regulation 900.C.2 requires that degree program requirements in particular schools or colleges that impose more stringent norms with respect to academic probation or disqualification than those established in SR 634 and 900.A.1 and 2 may not be implemented without the approval of both the Division and the Assembly of the Senate consistent with the final oversight clause of SR 900.C.2.
2. Enrollment management of an undergraduate major is an insufficient justification in regard to educational merit academic probation or disqualification permitted by SR 900.C.2.
3. A variance is required if more stringent norms imposed in accordance with SR 900.C.2 would result in cases of academic probation or disqualification (not simply transfer to a less demanding major) for undergraduate students who meet the minimum qualifications of the University as delineated in SR 634 and 900A.1 and 2.
4. UCR&J advises that amendment of divisional Regulations to establish a “pre-major” and clear due notice statements of more stringent degree program requirements before entry into a major to reduce or mitigate the discrepancy described in paragraph 3 may provide for adequate major enrollment management consistent with the recommendations of the University Committee on Educational Policy of the Academic Senate of the University of California in their “White Paper on Impacted Majors” of 8/5/09.

6. [Draft*] Legislative Ruling 6.11.D. *Ex officio* member voting rights.

Senate Bylaw 50.C grants voting rights in the Faculty Executive Committee of a school or college to the chief academic administrative officer of that school or college who are *ex officio* members of the Faculty Executive Committee unless the bylaws that establish the committee or its parent organization expressly deny those rights.

The University Committee on Rules and Jurisdiction issues this ruling in response to two specific questions:

1. Question: Does UCR&J concur regarding the inherent conflict of interest between decanal administrative authority and faculty authority, and, if so, can (and will) UCR&J remedy the

matter with a legislative ruling? Response: This Legislative Ruling of UCR&J provides an interpretation of Bylaw 50.C that does not directly address the issue of inherent conflicts of interest between decanal administrative authority and Faculty authority on FECs. Pursuant to its majority opinion, UCR&J will not at this time seek to remedy the issue by Legislative Ruling or propose relevant amendments of Academic Senate Bylaws for consideration by the Academic Assembly. However, UCR&J finds no constitutional impediment for an explicit nonvoting *ex officio* membership category in these and comparable committees based on duly approved bylaws should the Divisions or the Faculties of the Schools and Colleges employ this means of addressing the issue.

2. Question: If deans should be excluded from voting on FECs, what, if any, are the implications for other administrative *ex officio* members of other Senate Committees? Should they also be excluded from voting? Response: This Legislative Ruling of UCR&J finds that deans have implicit voting rights in FECs (a baseline of voting *ex officio* membership) unless these voting rights are constrained by explicit exclusion through duly approved bylaws (a constitutionally defined category of nonvoting *ex officio* membership). By extension of the principle, administrative *ex officio* members of other Divisional and Faculty committees have implicit voting rights except when these rights are explicitly excluded in the bylaws that establish the committees and/or their parent organization(s).

7. [Draft*] Legislative Ruling 6.11.E. Relationship of the Academic Senate with the Faculties of schools and colleges offering postbaccalaureate, first professional degree programs leading to the award of M.D., D.D.S., D.V.M., D.Pharm. and J.D. degrees.

1. The statement by the Coordinating Committee on Graduate Affairs, approved by the Academic Council on July 23, 2008, that CCGA “is reinstating its plenary role in the approval of *new* M.D., D.D.S., D.V.M., Pharm.D., and J.D. programs” while “leav[ing] the discretion of oversight of established degree programs to their campus Graduate Councils or their designees” is consistent with SOR 105.2(a) and (b) and defines the exceptional nature of the Academic Senate authority for these degree programs only. Under normal circumstances, the academic oversight of these degree programs is delegated to the Faculty of the Schools wherein the programs are located, consistent again with the cited CCGA statement (“...CCGA concurs that ongoing oversight is best left to professional schools offering these five degree titles pursuant to Standing Order of the Regents 105.2(b)...”).
2. Academic oversight of all other graduate and undergraduate degree programs and courses is governed through the Faculties, Divisions (Graduate and Undergraduate Councils) and Senate by means of the regular Bylaws and Regulations of the Academic Senate as per SOR 105.2(a).
3. In circumstances where a School or academic unit operates degree programs included in both Legislative Rulings 6.11.E.1 and 2 above, M.D., D.D.S., D.V.M., Pharm.D., and J.D. degree programs will be governed pursuant to Legislative Ruling 6.11.E.1 and all other degree programs and courses of the School or academic unit will be governed pursuant to Legislative Ruling 6.11.E.2.

**Final versions of these Legislative Rulings will be issued prior to the meeting of the Assembly.*