

UNIVERSITY OF CALIFORNIA
ACADEMIC SENATE
REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE
Minutes of May 28, 2003

I. Roll Call of Members

Pursuant to call, the Assembly of the Academic Senate met on Wednesday May 28, 2003 on the UCLA campus, Academic Senate Chair Gayle Binion presiding. Chair Binion called the meeting to order, and Academic Senate Director Maria Bertero-Barcelo called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

II. Minutes

The minutes of the Meeting of March 12, 2003 were approved as written.

III. Announcements by the Chair

Chair Binion presented an updated Agenda that would accommodate the schedules of guest speakers and that assigned time slots to agenda items. In order to allow full and fair discussion of all items and keep to the schedule, she proposed a two-minute limit for each speaker on each topic. A member may be recognized and speak again on a topic after all others who wish to have commented, time permitting.

Action: The revised agenda was adopted.

Action: The proposed time limit and structure for discussion was adopted.

The UCLA Divisional Chair requested that, during discussion of the revised APM 010, additional time be allowed for comments from a representative of the UCLA Committee on Academic Freedom.

Action: A motion was made and seconded to allow additional time for the UCLA CAF representative's comments. The vote resulted in a, which was broken by the Senate Chair's opposing vote, and the motion was denied.

Chair Binion announced that President Atkinson would not be attending the meeting and that Provost and Senior Vice President King would attend to make the President's announcements and to answer questions.

IV. Reports of Standing Committees

UCOC: Neal Garrett, Chair of UCOC, presented the nominations for the two UCOC members at large, who will serve as Chair and Vice Chair. The Academic Council approved these nominations. Professor Garrett also called members' attention to the list of systemwide committee chair and vice chairs appointments for 2003-2004 (Assembly Blue Book, p.88). He thanked the members of UCOC and remarked that there had been a good level of response this year, and expressed UCOC's appreciation of all the assistance that was received in the nomination and appointment process.

Action: A motion was made, seconded, and approved by unanimous vote to accept the nominations of Professor Jessica Utts as the 03-04 UCOC Chair and Professor Albert Stralka as the 03-04 UCOC Vice Chair.

BOARS: BOARS Chair Barbara Sawrey offered a brief overview of the committee's recent activities relating to admissions tests, mentioning in particular two committee white papers: one that discusses why admissions tests are used and one on supplemental subject matter tests. SAT and ACT have made changes in their basic tests in response to concerns raised by UC and by other institutions nationwide. These changes will be in place by 2005 and align closely with BOARS' requests. BOARS is proposing an amendment of Senate regulation 418 that would institute a "core-plus-two" admissions test protocol, which will require students to take one "core" test (either the SAT or the ACT), plus two subject matter tests of choice in the A-G subject areas. Language in the policy makes all references to tests generic. A transition plan has also been developed by BOARS and is being presented for Assembly approval. Both UCR&J and the Academic Council have endorsed the proposed amendment to SR 418.

Discussion:

Several members raised objections to the elimination of the supplemental math test requirement. One urged that the old math test not be removed before it was certain the new one would be sufficient. Another member commented that math would now be 20% of the entire admissions test content, reduced from 40%, a change that sends the message that math and science are not important. An alternative was proposed to require one of the subject tests to be in either math or science.

Professor Sawrey explained that the tests are being changed so that the current SAT II level 1C math test will now be subsumed in the SAT I math section. Campuses can still require or request students to take supplemental math tests or other tests that may be appropriate for selection of majors. She also noted that the new test structure would eliminate redundancies that now exist between the SAT II math and writing tests and the correlative sections in the SAT I. The core-plus-two testing policy will result in more breadth in the election of A-G tests. The weighting of each test at 20% can change, if necessary.

A friendly amendment was proposed to change the wording of the list of subject areas (Blue Book, p. 91) to read: "...or Visual and/or Performing Arts."

Action: A motion was made, seconded and approved by a vote of 43 to 3 to adopt the proposed SR 418 with the above amended language.

Action: A motion was made, seconded, and unanimously passed to accept the proposed transition plan for implementation of the new admissions tests.

V. Announcements by the President

Because President Atkinson could not attend the meeting, Provost and Senior Vice President C. Judson King presented the President's list of 23 discussion topics (distribution 5), touching on each topic and highlighting points in some. He made comments on two additional topics outlined below, and then took questions from Assembly members.

Los Alamos National Laboratory (LANL). Interim Director Pete Nanos has been made permanent Director of LANL until September 2005, at which time he will be reviewed for continuation in the post, if UC continues to manage the lab. The RFP for the management contract will be set by next March. To help UC with the costs of competing,

NNSA has indicated that UC may be allowed to use funds from fees; those are, however resources that are needed. Once it is certain that UC will compete, a review of the management operations at the labs will be conducted.

APM 010-Academic Freedom. Academic freedom questions arose with respect to last year's Berkeley English R1A course description, which generated considerable interest on the part of the Regents and the Governor's office. A Senate task force on course descriptions has produced a two-part report that describes UC policies and procedures for course descriptions and the role and responsibility of faculty. A recently formed commission on course descriptions and academic freedom has accepted the conclusions of the report, and will issue a public statement that may be ready in July.

Q/A

Report on Faculty Workload: The report of the joint task force on instructional activities should be issued in July, in two parts: one part will define instructional activities to the public, making a distinction between classroom hours and tutorial instruction; the other part will be a comparison of UC policy with that of other institutions, the data for which were gathered through interviews of UC faculty who had previously worked at comparison institutions, and from polls of department chairs at the "comparison eight" institutions. There is much internal variability in workload, and the task force is still refining measures for recording and monitoring these differences.

What will be done to oppose the CRECNO initiative? People can be active as individuals, but UC cannot take an advocacy position. The faculty's expertise can be called on, however, to testify on aspects of the initiative. Information on what activities can be engaged in will be sent to the Academic Senate Chair, to be forwarded to Divisions.

The RFP for LANL management and change of UC president: The Senate subcommittee on the labs will be able to provide continuing knowledge. Now there can be only speculation as to the terms of the contract, although UC could also propose what it sees as desirable. The option of partnering with industry is at this stage not attractive, but may work with subcontractors. In any case all appropriate partners would be in high demand among competitors.

Does UC have power to shape the terms of the contract? UC has support among certain people, and the University could clearly convey its concerns or preferences.

VI. University and Faculty Welfare Report

Mark Traugott, Chair, University Committee on Faculty Welfare

The current budget situation has curtailed some of the projects UCFW is working on. Health care discussions are focused on core concerns. This is not a time for major new initiatives, and most of the committee's activities are defensive.

UCRS. The fund has dwindled from \$42B to \$30B as of March, which effectively eliminates over-funding. At present, UCRP is fully funded and healthy, and is still not requiring employee or employer contributions. Resumption of contributions is possible within 2-5 years if the stock market does not improve. The Regents are cautious about any charges against the UCRS. UCFW will consider a resumption strategy and is concerned that any plan for resumption requires contributions of both employer and employees.

Health Sciences Task Force Report. This administrative report presents three options for addressing concerns that health sciences faculty have about their retirement benefits coverage. An analysis of the report by the committee's Task Force on Investment and Retirement (TFIR) supports only one of the 3 options, and prefers a fourth option it presents as a alternative. This analysis will soon be available on line.

Phased Employment/Phased Retirement. UCFW revised its original proposal to address concerns raised by EVCs, but a formal response from them has not yet been received. The EVCs were concerned about space and expressed reluctance to move from the current recall system, which is an inexpensive means of paying for teaching. In response to the latter point, UCFW has urged UCOP to lower the normal retirement age from 70 to 60, and they have agreed. This will make it possible for faculty to negotiate before retirement the terms of teaching on recall, and may in the long term reduce the financial advantage of recall.

Health Care. The transition from Aetna to Blue Cross and Blue Cross PPO was in general efficiently managed. The zero cost option has disappeared and premiums have overall increased. Changes in the coming year will likely be just as bad, with a possible 15-20% rise in costs, and no funds in the University's budget to defray these costs. The unions are criticizing the apportionment of subsidies of plans as an illegitimate transfer of benefit funds. This apportionment maintains risk adjustment and a larger range of options in health care, which UCFW defends. UCFW's task force on health care will look at options for funding in the coming year, one of which is a contribution strategy that would increase payments of those earning above 80K, and decrease by the same amount payments of those earning less than 30K.

VII. Report of the Senate's Task Force on UC Merced

Peter Berck, UCMTF Chair

Professor Berck pointed out highlights of the Task Force report (Distribution 1). Assuming UC Merced opens on schedule in the fall of 2004, it will do so with 1000 students, 100 of whom will be graduate students. At that time, one academic building of classrooms and offices will be ready, as will student dorms. The library and administration building will be completed six months after opening; and six months after that the laboratories building. In the interim, lab facilities will be set up at the old Castle Air Force Base and administrative offices will be in the town of Merced. Nine faculty are now hired who will soon be assuming regular Senate activities, such as CAP, Educational Policy, and Graduate Council. Until now, the UCM TF has carried out all Senate tasks. Hiring is the top priority, with the goal of having 60 faculty for the opening. If the opening is deferred for one year, as is now being considered by the state legislature, a physical and administration structure will be in place, with no students to use them.

VIII. Report of the Academic Council

Gayle Binion, Academic Council Chair

CRECNO. This initiative has been subject to thorough review by the Senate. Chair Binion will distribute her letter to President Atkinson, which constitutes the Senate's position. She will also assemble information on what activities the Senate may engage in to oppose CRECNO's adoption.

DOE Labs. At its last meeting the Academic Council created a new subcommittee on the labs, made up of the Chair and Vice Chair of the Council and several members of the former UCORP subcommittee on lab management. The group will focus on UC management of the labs and, in accordance with its main charge, ensure the Senate's voice is heard at UCOP on this issue. The President is assuming that the Senate will offer an official position on management. The basic question of the advisability of UC continuing to manage the DOE labs will likely be on the table, and the subgroup will make clear all considerations involved in that question, not just the ethical issue.

2003-2004 Assembly Schedule - found on p.15 of the Blue Book.

Apportionment of Assembly Representatives - found on p.16 of the Blue Book.

IX. Proposed Amendments to Senate Bylaws

George Blumenthal, Chair, Ad hoc Committee on the Senate Bylaws

Professor Blumenthal noted that the latest version of the revised bylaws (Distribution 3) is identical to that in the Blue Book, except for five changes: 1) some minor grammatical corrections; 2) Bylaws 128-215 would be effective as of September 1, 2003, except for provisions pertaining to membership; 3) revised wording in Bylaw 128B; 4) a minor change in the duties of UCOPE; and 5) inclusion of a two-year term of the Chair of UCEAP. He asked that Distribution 3 be substituted for the version in the Blue Book.

Action: No objection was raised to the substitution.

He then asked that the bylaws be voted on in two separate groups: Bylaws 35-125, and Bylaws 128-215.

Action: No objection was raised to the proposed voting structure.

Senate Bylaws 35-125

These bylaws deal largely with the Academic Assembly and its activities. The main changes include: allowing use of electronic agendas; allowing a flexible order of the agenda; allowing electronic voting; changing the notice time; appointing the Chair of UCORP a member of the Academic Council; including the Academic Council Chair and Vice Chair as ex officio (non-voting) members on all standing committees except for UCR&J. On UCOC they will be voting members. These changes will be effective immediately upon adoption, which will require a two-thirds vote.

Action: A motion was made, seconded, and unanimously carried to accept the proposed amendments to Senate Bylaws 35-125.

Senate Bylaws 128-215

These are bylaws pertaining to the standing committees of the systemwide Senate. The goal in revising them was to create continuity and conformity, and render the appointment of Chairs more orderly. These changes will be effective as of September 1, 2003, except for changes pertaining to membership, which will go into effect September 1, 2004. Some further amendments to the systemwide Senate Bylaws and the Divisional Bylaws will be considered next year. Key changes here include:

- A standardized 2-year committee term and a policy of noticing members of their term when they are appointed.
- A two-year extension option with a total four-year term limit; but committee chairs and vice chairs may serve a total of six years.
- Establishment of chairs and vice chairs for all committees

- One-year terms for chairs (with exceptions)
- A provision that allows a divisional representative to a systemwide committee to essentially serve only as a liaison with the appropriate Divisional committee.
- Incorporation of committees' proposed revisions of their respective charges

Discussion

128.E. In order to clarify that students are not privileged to attend executive sessions, it was proposed to delete the phrase “sit with” in reference to student membership.

Action: This change was deferred to next year's discussion.

128.H. Some members found the exclusion of associate deans from Senate service as unfair, noting that an associate dean and a department chair are often not distinguishable in terms of rank. Associate deans are most often part time and are fulfilling administrative duties out of a sense of service, and therefore should not be penalized by being made ineligible for Senate committee membership.

A motion was made and seconded to amend the first sentence of the justification of proposed Bylaw 128.H by qualifying administrative positions as being full time.

Discussion on the proposed amendment:

Pro – There are a number of faculty who take on part time administrative duties, but who consider themselves faculty foremost. Local CAPs look at those as meeting service requirements. It was mentioned that at UCSF the associate dean position is generally not assumed to be a higher rank than that of department chair. Will it be left up to the campuses to decide higher and lower ranking?

Con- On some campuses all administrative positions below a provost are less than fulltime. Further, the “part time” and “full time” distinction doesn't consistently correlate with whether a position is faculty or administrative. It was pointed out that the intention of the provision is to restrict membership on committees to those who are dedicated to serving the Senate.

- Professor Blumenthal clarified that the Academic Council did not decide on the specific status of associate deans, but it was agreed that the local COCs would have some discretion. The justification predated that discussion.
- A member proposed revising the justification so that the determination of whether a position is higher than department chair can be left to divisional COC discretion. To that, one member expressed concern that whatever is done on campuses be consistent.

Action: The motion to amend the first sentence of the justification of Bylaw 128.H to read “...members holding *a full time* administrative position higher than department chair...”

was defeated by a majority vote.

160.A. The current membership of the Editorial Committee includes two co-Chairs, and some members would prefer retaining this structure. The Academic Council discussed the issue and decided that a Chair and Vice Chair structure in the Editorial Committee would better serve the needs of the Senate.

Action: A motion was made and seconded to restore the original language of Bylaw 160.A, of the Editorial Committee, which would allow it to retain the current leadership structure of co-chairs. The motion was defeated by majority vote.

Action: A motion was made, seconded and carried by a two-thirds majority vote, to adopt the proposed revisions of Senate Bylaws 128-215.

Action: It was the sense of the Assembly to accept the proposed amendment to the justification of Bylaw 128.H, which would remove the term “associate deans” from the second sentence and add it to the following sentence’s parenthetical content to read: “(e.g., college provost or associate dean).”

Action: It was the sense of the Assembly to accept the justifications of the revised Senate Bylaws as amended above, and as a whole, to be the legislative record of the Assembly’s action on the Bylaws.

X. Proposed Amendment to APM 015 – Faculty-Student Relations

Issue: 20 years ago the Assembly passed a resolution concerning romantic liaisons and asked UCP&T to develop an appropriate amendment to the Faculty Code of Conduct (APM 015); however, no such amendment was brought forth until now. The current version under consideration was drafted by UCP&T and reflects revisions adopted by Council and subsequently approved by UCP&T. The Regents are expecting an updated, Assembly-approved policy that represents the faculty’s considered position on this issue this year. If adopted, UCP&T will study the policy in its initial period of implementation, and report on any needed changes. The proposed policy bans faculty from entering into romantic or sexual relations with students under their current supervision or who will foreseeably be under their supervision in the future. Members were reminded that the amendment is to be distinguished from sexual harassment policy, and also that cases would be subject to the review of peers through divisional P&T or Charges committees. According the Office of General Counsel, none of the current campus policies on faculty-student liaisons are enforceable.

Discussion:

Berkeley members reported strong opposition on their campus to the proposed policy, although the principle in question is supported. Berkeley faculty are in favor of faculty being the source of such a policy, but urge that there be more time given to the development of a more nuanced document. Objections were raised to the language of the policy, which was seen as ambiguous and moralistic, and to the lack of guidelines for recusal or an “exit strategy.” Also noted was the need for a better distinction between sexual harassment and sexual relations.

Other Assembly members opposing the proposed policy felt that students are protected by sexual harassment policy, that sexual relations should not be sanctioned, and that the policy would be an infringement on individual behavior that is a basic social phenomenon. It was also noted that misuse of power should already be dealt with in the code of conduct.

In support of the proposed policy, other members saw it as a means of: guaranteeing some level of protection for students; addressing potential abuse of power and promoting ethics; and of stating boundaries and recognizing the professional responsibility faculty have to students.

Action: A motion was made and seconded to re-commit the proposal to the Academic Council for further discussion on the campuses.

Further discussion:

It was suggested adopting the current proposal, with the intention of revising it in the coming year. Another comment held that recommitting the policy would not be productive, since it had already been looked at thoroughly.

Action: A motion was made and seconded to call the question of the previous motion to recommit the policy to Council. The motion was carried by a two-thirds vote.

The initiator of the motion made these further points: For most faculty, this policy did appear suddenly and there has not been enough time for consideration. Once the policy goes to the Regents, there will not really be opportunity to refine it, so the best version possible should be the one that goes forward.

Action: A vote was taken on the motion to recommit the proposal to Council. The motion failed, with the majority voting in opposition.

Further Discussion: The type of sexual liaison policy that involves recusal and disclosure was discussed. This option was not chosen by UCP&T because it does not protect other students in a class, it involves possible disclosure of private activities, and it does not always adequately deal with graduate students' situations in that the faculty member's recusal could affect the student's work.

Action: A motion was made and seconded to accept the proposed amendment to APM 015, and was carried with a vote of 33 in favor, 12 opposed, and 3 abstentions.

XI. Proposed Amendment to APM 010- Academic Freedom

Chair Binion introduced the two presenters of this item: Robert Post; Professor of Law at UC Berkeley; and UC Riverside Professor Gary Watson, Chair of the University Committee on Academic Freedom, who introduced the motion to adopt the amendment on behalf of UCAF.

Professor Watson presented UCAF's participation in this matter - UCAF has been discussing the proposed amendment of APM 010 since Professor Post's original draft was circulated. Since then, and in consultation with other committees and with Professor Post, UCAF has participated in its refinement, resulting in the draft that is now being considered. UCAF endorsed this version in a vote of seven to one. The logic of the proposed amendment seemed to the committee straightforward and plausible. First, that the academic freedom is rooted in the mission of the University to pursue and disseminate knowledge; second that the quality of scholarship is assessed by professional standards of the academy; and thirdly that the definition and application of these standards properly lie within the expertise and competence of the faculty as a body. Professor Watson suggested as a friendly amendment to the current version, placing the superscript 1, referring to footnote 1, to the end of the first sentence of the second paragraph.

Action: A motion was made to adopt the current draft, as revised by the above friendly amendment, of the proposed amendment to the to APM 010- Academic Freedom.

Professor Post offered an overview of the process of the proposed amendment's origin and composition – At President Atkinson's request, and in consultation with Senate leaders and members at UC, national authorities on the subject, and with the Office of General Counsel, Professor Post, drafted a statement on academic freedom. The original draft statement was vetted, and changes made and approved by the Academic Council. Subsequently, he discussed with UCAF their proposed revision, the version that is now on the table.

The purpose of APM 010 is to give general principles from which deductions of academic freedom can be derived. Terms that are too specific would not be appropriate for this section. If specific rules of behavior are developed, they could be incorporated in APM 015. Paragraph 1 defines academic freedom as a set of freedoms that are derived from 1) the basic principle that the mission of the university is to discover knowledge; and 2) the university's fundamental purpose of instilling in students independent thinking. Paragraph 2 states that knowledge is recognized by standards of professional expertise that characterize the faculty as a body. Paragraph 3 states that faculty are protected by the 1st Amendment of the Constitution and by the Constitution of California.

Discussion:

- UCLA's Committee on Academic Freedom objected to the lack of time allowed for review of this new version, which has not been seen by campus committees, and noted that the earlier version was seen as ambiguous.
- San Diego listed several objections, which included: the current APM 010 seems sufficient and has endured for decades; the proposed amendment has not been discussed extensively or strongly endorsed; an academic freedom statement should address faculty's responsibility to students, yet these are not adequately covered in APM 015; more time is needed to reach a compromise solution.
- Berkeley expressed grave concerns about threats to academic freedom coming from external forces (such as the Patriot Act and the Bio-terrorism Act), and felt there to be an urgent need to adopt a more useful statement on academic freedom, such as the one now proposed.

Action: A motion was made and seconded to call the question of the proposed amendment to APM 010. In a two-thirds majority vote, the motion was denied.

In further discussion, members noted that not all objections to the proposed amendment have been addressed in the review process, and that more time is needed to do so; the question was raised of how to define professional competence; a request was made for cases to be presented to help understand the policy's applicability; and the question was raised of the applicability of APM 010 in a global context or in the context of the Internet.

Action: A motion was made and seconded to return the proposed amendment to APM 010 to the Academic Council and to reconsider it a year from now after extensive consultation on the campuses. The motion passed by a majority vote.

- The language of the above motion was subsequently clarified to mean that the proposed amendment to APM 010 should return to the Assembly "within a year."

Chair Binion will notify members as to whether a special meeting of the Assembly will be held on July 30, 2003.

Meeting adjourned, 3:50
Attest: Gayle Binion,
Academic Senate Chair

Minutes prepared by
Brenda Foust,
Policy Analyst

Distributions:

1. Academic Senate Task Force for UC Merced: Chair's Report to the Academic Assembly. May 28, 2003.
2. Academic Senate Chair Binion/wright letter re: APM 101-Academic Freedom
3. Proposed Amendments to the Academic Senate Bylaws, Submitted by the Academic Council Bylaw ad hoc Committee, Endorsed by the Academic Council on April 23, 2003.
4. 5/03 Revision of the Proposed Amendment to APM 010 – Academic Freedom.
5. President Atkinson's List of Discussion Topics for the Meeting of the Assembly of the Academic Senate, Wednesday May 28, 2003.

Appendix A

2002-2003 Assembly Attendance Record, Meeting of May 28, 2003

President of the University:

Richard Atkinson (alt. Provost C. Judson King)

Academic Council Members:

Gayle Binion, Chair

Lawrence Pitts, Vice Chair

Catherine Koshland, Chair, UCB

Bruce Madewell, Chair, UCD

Philip DiSaia, Chair, UCI

Duncan Lindsey, Chair, UCLA

Irwin Sherman, Chair, UCR

Joel Dimsdale, Chair, UCSD

Daniel Bikle, Chair, UCSF

Walter Yuen, Chair, UCSB

George Blumenthal, Chair, UCSC

Michelle Yeh, Chair, UCAP

Richard Church, Chair, CCGA (alt. Kent Erickson)

Andrew Grosovsky, Chair, UCEP

Lisa Alvarez-Cohen, Vice Chair UCEP

Barbara Sawrey, Chair, BOARS

Mark Traugott, Chair, UCFW

Richard Price, Chair, UCPB

Berkeley (7)

Richard Abrams (alt. Cynthia Gorney)

James Bartolome (alt. Robert Spear)

Sharon Fleming (alt. Ronald Gronsky)

Michael Hanemann (alt. Ignaccio Navarrette)

Russell Jones (absent)

Donald Mastronarde

Raymond Wolfinger

Davis (6)

Peter Hays

Gyongy Laký

Jerry Powell

John Rutledge (alt. Margaret Rucker)

Evelyn Silvia

Philip Yager

Irvine (4)

Joseph Dimento

Linda Georgianna (alt. Dana Aswad)

Alexei A. Maradudin (absent)

Thomas Poulos (absent)

Los Angeles (9)

Kathryn Atchison (alt. Jaime Villablanca)

Charles Berst

Dalila Corry

Robert Ettenger

Lillian Gelberg

Ann Karagozian

Seymour Levin (alt. Jascha Kessler)

Vickie Mays

Jane Valentine

Riverside (2)

R. Ervin Taylor

Linda Tomko

San Diego (4)

Stuart Brody (alt. William Trogler)

Ellen T. Comisso

Barney Rickett

Geert Schmid-Schoenbein

San Francisco (3)

Patricia Benner

Philip Darney

Francisco Ramos-Gomez

Santa Barbara (3)

Michael Gerber

Susan Koshy

Sydney Levy

Santa Cruz (2)

Alison Galloway

John Lynch

Secretary/Parliamentarian

Peter Berck

**SPECIAL MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE
Minutes of July 30, 2003**

I. Roll Call of Members

Pursuant to call, the Assembly of the Academic Senate met on Wednesday July 30, 2003 on the UCB campus, Academic Senate Chair Gayle Binion presiding. Chair Binion called the meeting to order, and Academic Senate Director Maria Bertero-Barceló called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

II. Announcements by the Chair

Academic Council Chair Binion welcomed Assembly members and members of the press to the meeting. She noted that Professor Robert Post, who drafted the revision of APM 010, was unable to attend and sent his regrets.

**III. Announcements by the President
Richard C. Atkinson**

President Atkinson briefed the Assembly on selected topics and took questions from the floor.

Budget. The recently passed state budget includes deep additional cuts to the University of California. This situation will make the present era a difficult and challenging time for us. The faculty will be essential in maintaining the quality of the University.

APM 010. The impetus to revisit UC's academic freedom statement arose during the resolution of last year's Berkeley English R1A course description situation. At that time, President Atkinson was struck by the fact that the 1934 Sproul statement, drafted during the Great Depression, was seriously outdated. It had been useful to the University in navigating the political waters of the 1930s, but did not represent modern concepts of academic freedom.

UC Berkeley Law Professor Robert Post was recruited to draft the revision. Professor Post researched the policies of comparable institutions in the U.S. as well as those of the AAUP. Seven Senate committees then reviewed his new draft statement.

The revision is in harmony with academic freedom statements at many other American universities, but UC's unique system of shared governance is also reflected in the revision. The proposed revision differs from other university statements in the 2nd paragraph, in which authority for resolving issues of academic freedom is assigned primarily to the faculty themselves. The idea that faculty are judged according to professional standards of competence by their own peers is central both to the new statement and to the entire concept of the modern university.

There have been attempts from both the right and the left to impose irrelevant political impressions onto this document. Some on the left have claimed that freedoms are being taken away in the revision, while some on the right have suggested that all constraints on faculty are being removed. Studies allegedly showing that a majority of faculty are left-

of-center politically do not prove that there will be bias inherent in faculty judgments about academic freedom. If we cannot trust the faculty to make these decisions, we are in real trouble.

Some have suggested that this revision is being advanced with undue speed. However, there has been broad faculty input into this document. The campus committees and seven Systemwide committees have participated in the revision. The University is about to undergo a change in administration, and although President-elect Dynes supports the revision, there is merit in moving this forward so that he can focus on other matters of importance to UC.

APM 010 should not be seen as isolated from APM 015, the Faculty Code of Conduct, but as a framework for Academic Freedom, the limitations on which are more fully addressed in APM 015.

III. Proposed Amendment to APM 010- Academic Freedom

Remarks by Chair Binion

Academic Council Chair Binion presented the main issue of the day before the Assembly, which was the possible endorsement of one of two versions of a revised APM 010 statement on Academic Freedom. Version A was cited as the Academic Council-endorsed version, and Version B an alternate version including in the first paragraph: “Responsible instruction precludes coercing the judgment of a student, or the use of instruction as a means to nonacademic ends.” Chair Binion proposed a five-minute presentation on behalf of each version and then a general discussion with a two-minute limit for each speaker in order to allow full and fair discussion of the entire matter. Only after all members had an opportunity to speak would anyone be recognized to speak again.

Chair Binion presented the Council-endorsed Version A. She said that although the move to revise 010 had originated as a concept with President Atkinson, it had been written entirely by the faculty. UC’s system of shared governance depends on the faculty Senate’s authority to interpret questions of academic freedom. It is the collective competence of the faculty that underlies this ability. This authority, contrary to the 1934 version, does not come from the state but from the profession itself. The new formulation also recognizes for the first time the academic freedom of students, one of the justifications of which is the need to foster an independence of mind in those students.

Remarks by San Diego Divisional Chair Dimsdale

At the May Assembly, Professor Dimsdale on behalf of the San Diego division had requested a delay in the vote on 010, because UCSD members felt it would be useful to have more time to consider the proposed revision. As the underlying aspirational statement about what it means to be teaching in the university, 010 is very significant. There was a second UCSD concern that the Council-endorsed version placed too much emphasis on freedom and not enough on faculty responsibility to students and colleagues. In the meantime, Academic Council had been fine-tuning the document, and San Diego offered the alternative version to the Assembly for consideration, which had this added emphasis. This was not viewed by UCSD as a left versus right issue.

Discussion

Members debated the merits of the additional language in Version B. Some members remarked that the terms “coercion” and “nonacademic” were too ambiguous and could have negative implications. Others remarked that the concerns the additional sentence sought to address were already addressed in the document or in APM 015, and there was no need to cite one provision from 015 to highlight. Those in favor of the Version B felt it was important to emphasize faculty responsibility to protect students from coercion. Others voiced the opinion that the second half of the sentence in particular was so controversial and unclear that it should be eliminated from the text before the alternate version was brought to a formal vote.

Specific Assembly member comments included:

- As an English Professor, I am not afraid to say that I coerce my students to speak correct English and to regard prejudice as morally repulsive. Therefore, I will not support the alternative version, as it is contrary to my teaching policy.
- A seminar that leads to a patentable idea could be considered “nonacademic ends.” Other relevant and appropriate nonacademic ends often come out of classroom discussion.
- Some have sought to abolish Labor Studies on the grounds that it is an ideological project that fails to present all sides. The language in the alternative version opens the door to the eradication of certain sub-disciplines.
- 010 is an aspirational document. Such esoteric documents should air on the side of freedom.
- 015 already covers Do’s and Don’ts. Further, the amended language in the alternative version only addresses one of those points covered in 015.
- We ought to expect instructors to present alternative perspectives in the classroom even if they are committed to a particular perspective. Further, the use of instruction to nonacademic ends is not explicitly mentioned in 015.
- There are words in the original formulation of 010 that suggest that alternative points of view ought to be presented to students, who ought make decisions on their own based on the facts. I do not see that wording in the revision. What is to be gained by omitting that language?
- I would hate to go down a path where one day a scholar might deny the Holocaust and defend it on grounds of academic freedom.
- UCPB was strongly in favor of the simpler, original version. They would also suggest that 015 could be revised and refined in the future.
- The footnote was left in as part of the legislative record. It was seen as important for future Senates to have that language available to it to understand what the process and reasoning had been.
- The proposal will help academics by providing a basis for the University to defend them in battles over research and publishing restrictions.

Action: A motion was introduced to amend the alternative version of APM 010, striking the second part of sentence. That sentence would be amended to read: “Responsible instruction precludes coercing the judgment of a student.” Chair Binion called the

motion, and it was seconded. The motion was defeated on a 22-23 vote with 2 abstentions.

Action: A motion was introduced to call the question on the motion to substitute the alternate version of APM 010. The vote to call the question was unanimous. Chair Binion called the question on the motion to endorse the alternative version of APM 010. The motion was defeated 5-41 with 1 abstention.

Action: A motion was introduced to call the question on the motion to endorse the Council-endorsed version of APM 010. The vote to call the question was unanimous. Chair Binion called the question on the motion to endorse the Council-endorsed version of APM 010. The motion passed 45-3.

Meeting adjourned, 3:00
Attest: Gayle Binion,
Academic Senate Chair

Minutes prepared by
Michael LaBriola,
Committee Analyst

Appendix A

2002-2003 Assembly Attendance Record, Meeting of July 30, 2003

President of the University:

Richard C. Atkinson

Academic Council Members:

Gayle Binion, Chair

Lawrence Pitts, Vice Chair

Catherine Koshland, Chair, UCB

Bruce Madewell, Chair, UCD

Philip DiSaia, Chair UCSD (absent)

Clifford Brunk, Vice Chair, UCLA (alt. for Duncan Lindsey, Chair, UCLA)

Robert Heath, Vice Chair, UCLA (alt. for Irwin Sherman, Chair, UCR)

Joel Dimsdale, Chair, UCSD

Daniel Bikle, Chair, UCSF

Walter Yuen, Chair, UCSB

George Blumenthal, Chair, UCSC

Michelle Yeh, Chair, UCAP (absent)

Richard Church, Chair, CCGA

Andrew Grosovsky, Chair, UCEP

Barbara Sawrey, Chair, BOARS

Mark Traugott, Chair, UCFW

Janis Ingham, Vice Chair, UCORP

Richard Price, Chair, UCPB

Berkeley

Richard Abrams

Ronald Gronsby (alt. for Sharon Fleming)

Michael Hanneman

Andrew Garrett (alt. for Russell Jones)

Donald Mastronarde

Ignacio Navarrete

Raymond Wolfinger (alt. for Robert Spear)

Davis

Peter Hays

Ryken Grattet (alt. for Gyongy Laky)

Jerry Powell

Margaret Rucker (alt. for Philip Yager)

John Rutledge

Evelyn Silvia

Irvine

Joseph DiMento

Linda Georgianna

Alexei A. Maradudin

James Given (alt. for Thomas Poulos)

Los Angeles

Kathryn Atchison

Phililip Bonacich (absent - alt. for Lillian Gelberg)

Charles Berst

Tasneem Naqvi (alt. for Dalila Corry)

Ann Karagozian

Seymour Levin

Vickie Mays

Jane Valentine

Jaime Villablanca (alt. for Robert Ettenger)

Riverside

R. Ervin Taylor (absent)

Linda Tomko

San Diego

Stuart Brody (absent)

Ellen T. Comisso (absent)

Terry Jernigan (alt. for Barney Rickett)

Geert Schmid-Schoenbein

William Trogler (alt.)

San Francisco

Patricia Benner

Philip Darney

Francisco Ramos-Gomez

Santa Barbara

Michael Gerber

Susan Koshy

Nelson Lichtenstein

Santa Cruz

Alison Galloway

John Lynch

Secretary/Parliamentarian

Robert Anderson (alt. for Peter Berck)