

VI. REPORTS OF SPECIAL COMMITTEES (none)

VII. REPORTS OF STANDING COMMITTEES

**A. Academic Council
Lawrence Pitts, Chair**

- 1. Nomination and Election of the Vice Chair of the Assembly for 2004-2005 (oral report, action)**
- 2. Ratification of the Appointment of the 2004-2007 Secretary/Parliamentarian (action)**

In accordance with Senate Bylaw 15, at its meeting of January 21, 2004, the Academic Council, in consultation with the President, approved the appointment of Professor Peter Berck to continue as Secretary/Parliamentarian of the Assembly for another three-year term commencing September 1, 2005. **The Assembly is asked to ratify the appointment.**

- 3. Report from the President's Council on the National Laboratories (oral report)**
 - 4. Academic Council Special Committee on National Labs (ACSCONL)
George Blumenthal, Chair (action)**
- Approval of Proposal for an Electronic Survey of the Senate Faculty on Issues Related to UC's Management of the DOE Labs**

Proposal for Electronic Survey of the Senate Faculty:

The Academic Council and its Special Committee on the National Labs is recommending that the Academic Assembly approve an electronic survey of all Senate faculty on questions related to UC's management of the Lawrence Livermore National Lab (LLNL) and the Los Alamos National Lab (LANL). The survey is intended to elicit the nuances of faculty opinion regarding the labs and whether UC should bid for the continued management of LLNL and LANL. [The Lawrence Berkeley National Lab (LBNL) will not be included in the survey since the research occurring there is not classified and is well integrated with research activities at UCB; there is no serious controversy about UC bidding for continued management.]

If the Assembly endorses this request, the Systemwide Academic Senate will conduct the electronic survey with assistance from the UCSF Divisional Senate Office. The survey will be conducted via the Internet during the first week of May 2004. About one week prior to the survey, Senate members will receive Email instructions on how to participate.

It is our intention to elicit faculty views on a variety of issues such as whether UC should compete to retain management of the labs, whether management of one lab or the other is more important to UC, the importance of academic freedom at the labs, and the appropriate role of the Academic Senate in the management of the labs. As soon as the results of the survey are tabulated, they will be reported to the Office of the President Administration, the Board of Regents, and released to the public.

JUSTIFICATION

The University of California has managed the three Department of Energy (DOE) labs, Lawrence Berkeley National Labs (LBNL), Los Alamos National Lab (LANL) and Lawrence Livermore National Lab (LLNL) for roughly sixty years. Both the Regents and the DOE have periodically agreed to renew our contract to manage these labs, and the UC faculty has frequently provided its opinion regarding the renewal of these contracts. During contract renewal discussions in 1990 and in 1996, the Senate conducted mail ballots to determine faculty sentiments about renewal. The response rate in both elections was disappointingly low.

Recently, Congress enacted legislation mandating that the management contracts for all three DOE labs be opened for competition within the next two years. It is not yet clear when the competition will occur, but a Request for Proposals for one or more of the labs could be released as early as summer 2004. The ultimate decision about whether or not to compete for these contracts will have to be made by the Board of Regents shortly after the RFP is released. The Academic Council feels that the faculty should take this opportunity to participate actively in shaping the future direction of the University's relationship with the labs and should express its views in a timely fashion, before the Regental decision. To help achieve this aim, the Council constituted a Special Committee—ACSCONL—to provide input to the Office of the President on issues that must be faced prior to any decision about the competition, to provide relevant information to the faculty, and to solicit the views of the Senate regarding whether or not to compete for these contracts. In fulfilling this charge, ACSCONL believes that an electronic survey of Senate members would be the most efficient and effective means to ascertain their concerns and opinions. In the months leading up to the survey, ACSCONL will issue a series of “white papers” concerning the labs, and several campuses will hold town meetings to discuss the issues. Following the survey, the views of the faculty will be communicated to the University Administration, to the Board of Regents, and to the public.

VII. REPORTS OF STANDING COMMITTEES (CONT'D)

A. Academic Council (Cont'd)

5. Ad Hoc Committee on Bylaw Revisions (oral report, discussion) George Blumenthal, Chair

B. University Committee on Privilege and Tenure (UCP&T) Carolyn Martin-Shaw, Chair (Action)

- Approval of Amendments to Senate Bylaw 335

The University Committee on Privilege and Tenure (UCP&T) recommends that Senate Bylaw 335, which governs the standards and procedures employed by Privilege and Tenure committees for grievance cases, be modified as set forth below. The following proposed amendment to SBL 335.B.1-2 has been approved by the Academic Council and reviewed by the University Committee on Rules and Jurisdiction for its consonance with the Code of the Senate. The Academic Council, with the concurrence of the University Committee on Rules and Jurisdiction, is recommending that the Academic Assembly approve the proposed amendment to SBL 335.

Present Wording:

SBL 335. Privilege and Tenure: Divisional Committees -- Grievance Cases

335.

B. Preliminary Procedure in Grievance Cases

1. For the purpose of advising Senate members on the available relief in case of a potential grievance, each Division, in accordance with specifications to be determined by such Division, shall appoint an individual or panel (preferably former members of the Privilege and Tenure Committee, but not current members) who shall be available to each grievant to discuss the claim of violation of rights and privileges and to provide advice on the appropriate procedure to be followed. Such individuals or panel members shall not serve as representatives of any grievant, and they shall maintain full confidentiality to the extent allowable by law. An aggrieved Senate member may consult with the individuals appointed under this provision with the understanding that the grievance will not be disclosed and that the consultation shall not constitute notice of the grievance to the campus or University administration.
2. Upon receipt of a written grievance, the Privilege and Tenure Committee shall first determine whether or not the grieving Senate member has made out a *prima facie* case. This determination shall be limited to a review of the written grievance only. A *prima facie* case shall be deemed established if the Committee concludes that the