

**UNIVERSITY OF CALIFORNIA**

**ACADEMIC SENATE**

**REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE**

**DRAFT Minutes of March 10, 2004**

**I. Roll Call of Members**

Pursuant to call, the Assembly of the Academic Senate met on Wednesday March 10, 2004 via telephone, Academic Senate Lawrence Pitts presiding. Chair Pitts called the meeting to order at 10:00 a.m., but because of the teleconference format, deferred roll call to allow for a full accounting of those attending. Attendance was called after the President's Announcements, and is listed in Appendix A of these minutes. All votes were carried out by acclamation and considered unanimous if no objection was heard.

Participants had earlier been asked to meet together at a central campus area, if possible. For purposes of voting, Chair Pitts asked those groups to designate a leader who will report votes and coordinate speakers. Campuses will be polled by alphabetical order. At the end of the campus responses, those participants who are not in a group will be asked for their responses. For purposes of discussion, he requested that all speakers announce their name and campus. Chair Pitts also asked that flexibility in the order of the agenda be allowed for efficient use of time. He also noted that many items will be covered elsewhere in the agenda, such as the national labs, the various searches currently underway, the budget, and the admissions study group. His comments on the last item will be added to the update from BOARS Chair Sawrey, and the other items can be revisited if desired. President Dynes' written comments were distributed yesterday by email along with a cover letter, which has allowed for review prior to the meeting.

Action: Assembly agreed to allow for flexibility in the published agenda to accommodate the shortened teleconference format of the meeting.

**II. Minutes**

The Minutes of the Meeting of May 28, 2003 were approved as written.

**III. Announcements by the President, Robert C. Dynes**

*Introductory Remarks.* President Dynes began by remarking that over the years he has served as Chancellor and now in his role as UC's President, he has regarded himself primarily as a professor of physics and a Senate member. He then extended thanks to Provost King and recognized his 41-year career at UC, the last 8 years of which have been as UC Provost and Senior Vice President of Academic Affairs. Provost King will be retiring from UCOP at the end of the month, and will assume the position of Director of the Center for Studies in Higher Education. President Dynes also noted the appointment of M.R.C. Greenwood as Provost King's replacement, noting her energy, talent, and accomplishments.

*Searches.* The search for a new chancellor of UCSD is in its final phase, with a decision to come soon. The search for a new Berkeley chancellor is fully underway, and a strong group of prospects is being considered. It is hoped that a decision will be reached by May. The search for a new Director of the Lawrence-Berkeley Laboratory has a short time frame and is being carried out expeditiously. President Dynes observed that the pool of prospects for each search is distinct and of equally high caliber, which reflects the strength that derives from the diverse identities of

its campuses. He then thanked the Senate for its significant efforts in doing much of the preliminary vetting in the search processes.

*The Budget and Interactions in Sacramento.* Some progress can be reported in recent negotiations on the state budget. Educating legislators, staff, and the Governor on UC's role in the state's economy and general welfare is fundamental to these talks. Greater understanding has been imparted regarding the implications of many of the Governor's budget proposals, including the proposed increase in graduate fees, the additional cut to research, and the cut to outreach.

*Admissions Study Group.* The group held its final meeting recently and a briefing of its activities will be presented to the Regents this month. A unanimous agreement on a set of recommendations was reached. Assembly members are encouraged to look at the data on diversity that was released on Monday, and which was covered in the media. The analysis shows a recent slight decrease in the number of some underrepresented groups. The report represents an honest appraisal, and is an effort to lead the agenda on this issue.

*President's List of Discussion Topics.* Assembly members were referred to the written list of topics that was distributed prior to the meeting, and asked to comment on its usefulness and whether the practice of publishing it for Assembly meetings should be continued.

Chair Pitts thanked Provost King for being a great friend of the Senate. The Provost is the administrator with whom Senate leadership works most closely, and for past and present Council Chairs as well as for the systemwide Senate office, Provost King has provided exceptional support and has been a valued educator and guide in the Senate's work on many complex issues.

Provost and Sr. Vice President King noted his appreciation of the President's and the Council Chair's words of thanks. He briefly remarked that he will be returning to the role professor and member of the faculty, and is looking forward to that change and to the opportunity to study educational issues at the CSHE.

### **Questions and Comments**

**Q:** In discussion in Sacramento, was there any indication that the proposed \$5000 fee increase for professional schools might be mitigated?

**A:** Not yet, but the topic was raised, and the difference between professional fees and graduate fees was clarified. It was successfully pointed out that such a fee increase would make professional schools less competitive.

**C:** Faculty should be directly involved in negotiations with the Governor regarding measures of accountability for the faculty, so that appropriate measures of accountability can be determined that are acceptable to faculty. Also, the issue of faculty salary should be kept a high priority.

**A:** It's agreed that faculty have not been as involved in discussions of accountability as they should be. The fact that salaries are below market level and should recover was raised directly with the Governor.

**C:** It needs to be clarified that graduate fees and non-resident tuition are paid out of contracts.

**A:** It was explained that hiring postdocs is a cheaper option than hiring/funding graduate students, and with fee increases this situation will worsen.

**Q:** Will resources be returned to outreach, and if so, in what form?

**A:** There has been a lot of discussion on outreach with the Council of Chancellors, but no conclusion reached. Chancellors have been asked to articulate their priorities regarding outreach programs. Some systemwide programs, such as Puente and Mesa, will be maintained.

**Q:** What are the criteria for deciding on whether to bid on management of the DOE labs?

**A:** The decision depends on the terms of the RFP, and whether the science platform for the labs continues. If the labs are re-conceived more as “deliverable factories” then it is likely UC will not bid.

**Q:** Is a combined bid for LANL and LLNL possible?

**A:** UC cannot make that decision. The LANL schedule has been published; the LLNL schedule has not been set. It is not yet determined whether UC may be given the opportunity to compete for both at the same time, or if the bids would need to be separate.

**Q:** Can the questions of professional schools setting their own fees, and the return of fee revenue to the schools be clarified?

**A:** Professional school fees are still under negotiation with the Governor. It was agreed that if UC raised fees higher than the proposed increase, that revenue could be retained.

**Q:** Has the proposed reduction in the level of return-to-aid funds been part of the budget discussions?

**A:** Yes, it was a topic in the testimony given on Monday, along with a graph showing that UC has the highest level of low-income students in the country, which has been achieved through its strong financial aid program.

**Q:** Can the flexibility given to campuses to “hire or not hire” mentioned in the discussion topics possibly lead to an erosion of quality?

**A:** UC is strongly opposed to an increase in the student-faculty ratio, and will instead take this as an unallocated cut. Cuts will be absorbed by the campuses as they deem best. It could, though, result in a decrease or delay in recruitment.

**Q:** What attention has been or will be paid to maintenance of infrastructure in the budget process?

**A:** This comes from UCOP’s off-the-top portion of indirect cost recovery, which is not subject to cuts.

**Q:** What is UC leadership doing to improve the climate of gender equity and diversity?

**A:** UCOP is watching the campuses, and progress has been seen. UCOP will continue to monitor the climate, and will welcome hearing any concerns.

**C:** Recruitment and retention issues need to be articulated, e.g., faculty salaries and market distortion, the difficulty of replacing faculty, housing, etc.

**A:** There will be a presentation on these issues at the Regents’ meeting this month.

**Q:** How will UC address what the media has called a disparity of students in underrepresented minorities, given the cuts to outreach and possible changes in eligibility criteria?

**A:** This cannot be done without outreach programs; moreover, the programs themselves have address different needs.

**Q:** Has there been a resolution of the question of how DANR endowment funds were re-allocated?

**A:** Resolution of that issue will be followed up on with Sr Vice President Darling and Academic Council Chair Pitts.

Regarding a request for an articulation of the value of the labs to UC and the scientific collaborations that take place, Chair Pitts noted that those benefits are pointed out in ACSCONL's forthcoming white papers.

There was a consensus that the President's "List of Discussion Topics" is a very useful tool for Assembly members, and that it should, whenever possible, be distributed in advance of the meeting.

**IV. Announcements by the Chair** [Presented earlier in actual order of business.]

Joint Meeting of the Academic Council and the Chancellors. *Regarding the main topic of the general health of shared governance, it was agreed that the system was in general vital and valuable, although to varying degrees at the different campuses. The second topic was efficiencies in the CAP process. A possible joint effort will be to identify best practices to be shared for information among the campuses. The third topic was support of the divisional Senate offices. The Chancellors have received the report of the Senate Directors, and a dialogue has begun.*

*Electronic Vote on the Proposed Name Change of Subject A.* This was the first time an electronic vote had been taken by the Assembly. The voting process is cheap and easy; however, responses were few and slow to come in. For future electronic votes, Assembly members are requested to open and respond to an email with the subject line "electronic vote," and to reply within the allotted voting period (usually about two weeks). The software keeps the current tally, and a prompt can be sent to those who still need to respond.

**V. Special Orders**

**Consent Calendar**

**A. Variance to Senate Regulation 780 A and B and 778 B requested by the Senate Task Force on UC Merced**

**Action:** No objection was voiced, and the request for variance was approved as submitted

**B. Annual Reports (2002-03)**

**Action:** The Assembly received the Standing and Special Committees' Annual Reports as noted in the NOTICE of Meeting.

**VI. Reports of Special Committees (none)**

**VII. Reports of the Standing Committees**

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

**1. Nomination and Election of the Vice Chair of the Assembly for 2004-2005**

Academic Senate Vice Chair Blumenthal presented the Academic Council's recommendation to elect Clifford Brunk (UCLA) as the 2004-2005 Vice Chair of the Assembly, and offered a brief overview of Professor Brunk's Senate service and general qualifications. No other nominations were forwarded from the floor.

**Action:** The Assembly unanimously elected Clifford Brunk as 2004-2005 Vice Chair of the Assembly.

**2. Ratification of the Appointment of the 2004-2007 Secretary/Parliamentarian**

The Academic Council, in consultation with the President, approved the appointment of Peter Berck as the 2004-2007 Secretary/Parliamentarian. Chair Pitts asked that Assembly ratify this appointment.

**Action:** The Assembly ratified the appointment of Peter Berck as Secretary/Parliamentarian for a three-year term from 2004-2007.

**3. Academic Council Special Committee on the National Labs (ACSCONL), George Blumenthal, Chair** [Report given earlier in actual order of meeting.]

According to recent congressional mandate, management of the national labs must be put out to bid for renewal or change of contracts. UC has managed the labs for 60 years, and has previously negotiated contract renewals every five years or so. The Lawrence Berkeley Lab does no classified research and its research mission is intrinsically related to the Berkeley campus, so the question of bidding to renew its management contract is not controversial. The other two labs, the Los Alamos National Lab, and the Lawrence-Livermore National Lab conduct research that involves weapons research, stockpile stewardship, and, potentially, the manufacture of nuclear weapons. Bidding for these management contracts is more controversial. When the contracts were up for renewal in 1990, faculty voted roughly 2-1 against management of the labs; again in 1996, a vote was held that was roughly 60 to 40 in favor of managing the labs. The question now is not renewal, but whether or not to compete to manage the labs. ACSCONL, in fulfilling part of its charge and with the endorsement of the Academic Council, is proposing that an electronic survey be conducted in the first week in May, to assess faculty opinion on this question and on related questions. All UC Senate members will be included in the electorate. A series of white papers presenting background information and present pros and cons on the issues is being developed in order to better inform faculty. The white papers will be widely distributed and available on the Senate web site. In addition, several campuses plan to hold town meetings to discuss the issues locally. Assembly members are requested to participate in a trial of the survey and to comment beforehand on the survey and how it is administered.

**Action:** The Assembly approved holding an electronic survey of Senate faculty, to be conducted in early May, on whether UC should compete to bid for management contracts for LANL and LLNL.

**4. Ad Hoc Committee on Bylaw Revisions, George Blumenthal, Chair**

The systemwide bylaws of the Academic Senate have been under review for the last few years. Last year, the Assembly passed a number of changes pertaining to committee membership and charges. Additional changes to the bylaws are being proposed this year, which, along with their justifications, can be reviewed on the Senate web site. They are currently out for review by

systemwide committees and divisions, and it is planned to bring the proposal before Assembly in May. The major changes are:

- Addition of a provision to allow agencies to hold meetings electronically, either at the divisional or systemwide level.
- Establishment of a standard term of reference for time periods. Various terms of references for time periods are used in the bylaws (e.g., “academic term” or “days of instruction”), and even defined differently within the bylaws. Moreover, there are multiple time periods among and within the campuses. Therefore, at the systemwide level, it is being proposed to use only “calendar days” as the term of reference for the unit measuring the time needed for notices to go out, etc. This will facilitate year-round operation of the Senate, or, for example, conducting Assembly meetings in the summer.
- Addition of two appendices: a glossary of terms, and a legislative record.
- Elimination of the Student Committee on Affirmative Action, which will be subsumed under the University Committee on Affirmative Action and Diversity.

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

**Approval of Amendments to Senate Bylaw 335**

The recommended amendment brings the University in to accord with state law (the Whistleblower Protection Act). To do that, Senate Bylaw 335 needs to be changed in two ways. First, any faculty member coming to a Committee on Privilege and Tenure with a complaint that falls under the Whistleblower Act shall be informed of his/her right to make a protected disclosure to a Locally Designated Officer, whose job is to receive these reports and act on them. Second, if the Committee on Privilege and Tenure receives a grievance in which there are allegations covered by the Whistleblower Act, the committee shall report those allegations to the LDO.

**Action:** The Assembly unanimously approved the proposed amendment to Senate Bylaw 335.

**C. University Committee on Educational Policy (UCEP), Lisa Alvarez-Cohen, Chair**

**Approval of Amendments to Senate Bylaw 630**

Chair Alvarez-Cohen briefly explained that Senate Regulation 630E waives the final semester or final quarter residency requirement for education abroad students and UCDC students. UCEP has proposed that SR 630 be modified to extend that same waiver to students studying at the UC Center in Sacramento. The Academic Council, with the concurrence of the University Committee on Rules and Jurisdiction, recommends that the Academic Assembly approve the proposed amendment to SR630.

**Action:** The Assembly unanimously approved the proposed amendment to Senate Regulation 630.

**D. Board of Admissions and Relations to Schools (BOARS), Barbara Sawrey, Chair**

*The President's Study Group on Admissions.* The study group held its last meeting, and is drafting a report to the President that will include about 16 recommendations, most of which are references back to BOARS for action. Most points are in the spirit of requests for more information and work. The group was put together by President Dynes after the report sponsored by Regent Moores, issued September 2003, raised questions about the proper application of admissions criteria. The group is co-chaired by Regent Kozberg and Senior Vice President Bruce Darling and includes other Regents, Provost King, Academic Council Chair Pitts, BOARS Chair Sawrey, and other faculty and students. The Regents have been consistent in recognizing the faculty's authority and efforts regarding admissions policy. The study group was a means of reviewing the issues and background information in great detail, and providing the Regents with needed information. Recommendations will go to the Regents, who ultimately will decide on policy. The implementation of policy will be the responsibility of BOARS.

*Eligibility Criteria.* BOARS is working on possible revisions to the eligibility criteria in preparation of the CPEC report, which is expected at the end of May. It is assumed that UC is drawing from more than the Master Plan's mandated 12.5% of California high school graduates. The level may be as much as 14, 15, or 16%. BOARS has drafted a set of eligibility principles to be used as a basis for more detailed recommendations, and hopes they will serve a similar function in future deliberations in years to come. BOARS will be poised to adjust its recommendations to whatever the specific outcome of the CPEC study may be. Recommendations will be brought to the Academic Council in June for approval, and will then need to be approved by Assembly before going to the Regents in July.

Chair Pitts explained that, because of the short turnaround time between these events and the necessity for Council and Assembly both to endorse BOARS' recommendations before they go to the Regents, a special meeting of the Assembly will likely be called for late June or early July. At the May Assembly meeting, BOARS will be able to present a set of likely scenarios and recommendations, in order to familiarize Assembly representatives with the philosophy, process, and data connected with possible final recommendations. The June or July special meeting would center on this one discussion/action and could be held by telephone. Chair Pitts then polled Assembly members as to whether they thought the telephone format of the present meeting had worked well enough to be used again for a special meeting in the latter part of June or early July.

**Action:** The Assembly agreed that the teleconference format would be an acceptable format for a Special Meeting, should it be necessary to hold one in June or July.

**VIII. University and Faculty Welfare Report, John Oakley, Vice Chair, University Committee on Faculty Welfare**

*UCRS.* For 2003, the value of UCRS assets rose more than 22%. The benefits package is at present stable. Potential resumption of contributions is a function of both asset level and faculty demographics. Projections based on age show that it is likely that there will be greater demand on the system in the future, and UCFW is monitoring changes closely.

*Health Sciences Retirement Compensation Task Force Report.* The report recommended a 7% direct contribution plan contribution for compensation of health sciences members. The

Academic Council, after consultation with the Senate and health sciences faculty, did not endorse the proposal. The status quo has been maintained, in part because of the emergence of a new retirement account option, the 457B plan, which will in effect double the amount of income that may be tax-deferred. The 457B plan will be launched in the last quarter of this year. Faculty should be aware that if they wish to take advantage of the opportunity to increase the amount of their tax-deferred income with this new plan, they should plan ahead to be in a position to pay an extra amount out of payroll income in the latter part of the year.

*Retirement Recall Plan.* Last year's phased employment/phased retirement proposal was not found acceptable by the EVCs. UCFW has made changes to accommodate concerns, and is continuing to develop a revised retirement recall plan.

*Health Care.* The UCFW Health Care Task Force is monitoring a very volatile environment. This is the first year of tiered health premiums. UCFW drafted a statement on the tiered system (available on the UCFW web page), explaining that, although faculty pay differential premiums, they also get a higher share of health care dollars since they tend to choose the more expensive health care options. Regarding the relationship of the UC health plan to Medicare, UCFW is making sure that members on recall status keep their income below 43% in order not to jeopardize Medicare eligibility, and is also studying the issue of Medicare eligibility for members who are approaching retirement age and are not coordinated with Social Security,

*Educational Fee Waiver.* The Academic Council has forwarded to the President UCFW's recommendation for a phased introduction of educational fee waivers. For the first year, fee waivers would be available only to new faculty; then would progressively be made available to all faculty, eligible staff, and annuitants over 60. In a parallel fashion, the percentage of fees covered would gradually increase from 50% to 100%.

**IX. Petitions of Students (none)**

**X. Unfinished Business (none)**

**XI. New Business (none)**

Meeting adjourned, 12:10 p.m.

Attest: Lawrence Pitts  
Academic Senate Chair

Minutes prepared by  
Brenda Foust,  
Sr. Policy Analyst

**Distributions:**

1. President Dynes' List of Discussion Topics for the Meeting of the Assembly of the Academic Senate, Wednesday, March 10, 2004
2. Draft University of California Academic Senate Survey on the National Laboratories



## **Appendix A**

### **2003-2004 Assembly Attendance Record, Meeting of March 10, 2004**

#### **President of the University:**

Robert C. Dynes

#### **Academic Council Members:**

Lawrence Pitts, Chair  
George Blumenthal, Vice Chair  
Ronald Gronsby, Chair, UCB  
Bruce Madewell, Chair, UCD  
Abel Klein, Chair, UCI  
Cliff Brunk, Chair, UCLA  
Irwin Sherman, Chair, UCR  
Jan Talbot, Chair, UCSD  
Dan Bikle (alt. for Leonard Zegans, Chair, UCSF)  
Walter Yuen, Chair, UCSB  
Alison Galloway, Chair, UCSC  
Barbara Sawrey, Chair, BOARS  
Kent Erickson, Chair, CCGA  
Ramon Gutierrez, Chair, UCAP  
Lisa Alvarez-Cohen, Chair UCEP  
John Oakley (alt. for Ross Starr, Chair, UCFW)  
Janis Ingham, Chair UCORP  
Michael Parrish, Chair, UCPB (absent)

#### **Berkeley (6)**

Richard Abrams (absent)  
Michael Hanemann (absent)  
Dorit Hochbaum (absent)  
David Hollinger  
Donald Mastronarde  
Raymond Wolfinger (absent)

#### **Davis (6–1 TBA)**

William Casey  
Peter Hays (absent)  
Gyongy Laký  
John Rutledge  
Philip Yager (absent)

#### **Irvine (4)**

Margaret Morrissey (alt. for Linda Georgianna)  
Ross Conner (absent)  
Calvin McLaughlin (absent)  
Thomas Poulos (absent)

#### **Los Angeles (9)**

Philip Bonacich (alt. for Kathryn Atchison)  
Charles Berst  
Yoram Cohen  
Harold Fetterman  
Vickie Mays  
Richard Weiss (alt. for Jose Moya)  
Owen Smith  
Jane Valentine  
Jaime Villablanca

#### **Riverside (2)**

Mary Gauvain  
Linda Tomko

#### **San Diego (4)**

Stuart Brody  
Leroy Dorman (alt. Gerald Doppelt)  
Barney Rickett  
Nicholas Spitzer (absent)

#### **San Francisco (3)**

Philip Darney (absent)  
Francisco Ramos-Gomez (absent)  
Peter Wright

#### **Santa Barbara (3)**

Ann Jensen Adams  
Susan Koshy (absent)  
Nelson Lichtenstein (absent)

#### **Santa Cruz (2)**

Carol Martin-Shaw (alt. Peggy Delaney)  
Theodore Holman

#### **Secretary/Parliamentarian**

Peter Berck