

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

*DRAFT Minutes of March 9, 2005***I. Roll Call of Members**

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, March 9, 2005 by teleconference. Academic Senate Chair George Blumenthal presided. Chair Blumenthal welcomed participants and called the meeting to order at 10:00 a.m. The order of business and procedures for discussion and voting via teleconference were reviewed. Chair Blumenthal also requested that flexibility in the order of the agenda be allowed for efficient use of time. 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

ACTION: The minutes of the [Regular Meeting of November 10, 2004](#) were approved with two amendments.

III. Announcements by the President

- **Robert C. Dynes, President**

President Dynes' discussion topics were distributed electronically prior to the meeting ([Distribution 1](#)). The Assembly wishes to express appreciation for its advance receipt of the President's written remarks, and for the opportunity to directly interact with the President.

President Dynes addressed the following topics in his announcements to the Assembly:

University Budget

The University is currently pleased with its status in the ongoing state budget negotiations with the exception of one issue. The Governor's budget proposal, released on January 10, 2005, eliminates \$17 million in one-time funding provided to the University at the end of the 2004-05 budget process for K-12 academic preparation programs. The University is working with the Governor and the Legislature to demonstrate the importance of these programs and to seek restoration of this funding. Besides this one issue, President Dynes does not anticipate any major problems with the University's budget, and is encouraged to see that the state is committed to fulfilling the terms of the Compact, including a three percent increase for faculty and staff compensation, funding for a 2.5 percent increase in enrollment, continued funding for the opening of UC Merced this fall 2005, and \$305.2 million in funding for capital improvements.

Federal Budget

The President's proposed budget includes heightened constraints on discretionary spending, which affect the University's research funding. Although there are small increases for NIH and NSF funding and a proposal to expand Pell Grants, federal budget projections show flat spending on research overall, and cuts to federal outreach programs such as Gear Up, Upward Bound and Talent Search. Senior Vice President Darling will make a full presentation of the federal budget at the Regents meeting on March 16-17, 2005.

UC Campus Leadership

A national search is underway for a chancellor of UC Irvine due to the departure of former UC Irvine chancellor Ralph J. Cicerone, who was recently elected president of the National Academy of Science. The chancellorial search committee has held two meetings so far this year.

In other news, Denice D. Denton was approved by the Regents as chancellor of UC Santa Cruz in December 2004, Marye Ann Fox was inaugurated as chancellor of UC San Diego on March 3, 2005, and UC Berkeley chancellor Robert J. Birgeneau will be inaugurated on April 14-16, 2005.

Legislation Seeking Authority for CSU to Award Independent Doctorates

California State Senator Scott has introduced legislation (SB 724) that would authorize the California State University (CSU) to independently award professional/clinical doctoral degrees. CSU cites displeasure with the progress on Joint Ed.D. programs with the University, and needs for doctoral degrees in audiology and physical therapy as reasons for pursuing this alteration of a key provision of the state's Master Plan for Higher Education. President Dynes and Provost Greenwood have expressed to state lawmakers the University's opposition to this legislation, while emphasizing the success of Joint Ed.D. programs and the University's willingness to work with CSU to strengthen and possibly expand these programs.

State Pension Reform Proposals

University representatives have been discussing the Governor's pension initiatives in detail with the Governor's office, legislative leaders, and the Jarvis Taxpayers Association in attempts to preserve the University's flexibility to design a plan that best meets the diverse needs of its faculty and staff. Regent Parsky recently testified before the Legislature, expressing criticism of the Governor's proposals and strong support of the University's need to control its own retirement system independent of the state-managed PERS and STRS retirement programs.

UC-Managed National Laboratories

The University submitted its bid to manage Lawrence Berkeley National Laboratory (LBNL) in early February 2005, and a response from the Department of Energy (DOE) is expected soon. In mid-February 2005, a new set of proposed request for proposals for management of the Los Alamos National Laboratory (LANL) was released, apparently designed to stimulate competition. The DOE's release of the final request for proposals is expected soon. Although the Regents have not yet formally voted on whether to submit a bid to manage LANL, the University is working under the assumption that it will compete for management rights.

President Dynes' Advocacy Efforts

President Dynes announced his current advocacy efforts on behalf of the University, which includes traveling to diverse locales in California ranging from the Imperial Valley to Los Angeles. The President has been actively spreading word of the University's impact and role in the state of California to local Chambers of Commerce, business leaders and community groups with the goal of building large numbers of University supporters. These interactions have been uplifting for President Dynes and the University, and he would like to convey to the faculty the University's positive impact on remote corners of the state.

California Science and Mathematics Initiative

President Dynes highlighted the University's efforts in advancing the California Science and Mathematics Initiative, including the development of a plan to increase the production of science and mathematics teachers to meet California's workforce educational needs. Those currently working on the project include Executive Faculty Associate to the Provost and Professor Lynda Goff, Vice President Winston Doby, and a steering committee of University faculty and staff.

Questions, Answers and Comments

Q: Has the Office of the President considered sponsoring a UC-managed student loan program?

A: To my knowledge, no further discussions have taken place on this subject.

Q: It appears that the University is moving from an international graduate program towards a provincial graduate program due to the unavailability of funds to attract international students. Is it possible for the university to earmark funding to reverse this trend?

A: The Office of the President is deeply moved on this issue, and I am personally worried about the University's ability to attract international students. This issue is at the heart of our current efforts to rebalance the University's emphasis on undergraduate enrollments towards graduate and professional school enrollments. We are working to expand and enhance graduate education, which includes goals such as complete assessment of long-term state needs, developing new strategies for increasing graduate student support, and improving the balance between graduate and undergraduate enrollments.

Q: What types of anti-terrorism clauses, mentioned in your prepared remarks, are being included in research awards, and how might such clauses affect academic freedom?

A: The anti-terrorism clauses include restricted areas in which money can be spent, for example, research areas that avail themselves to be construed as supporting terrorism. The University is diligently working to remove these clauses from research awards.

Q: What is the funding source regarding the University's participation in the California Science and Mathematics Initiative?

A: The funding is not included in the \$17 million the University anticipates to receive for academic preparation programs, and the California Science and Mathematics initiative is also not funded independently. Currently, we are working with the Office of President and the campuses to build enthusiasm for the program in Sacramento and with California industry. The goal is to develop a compelling program and implementation framework to encourage funding support, and prospects appear positive.

Q: Could you expand on your comments concerning the Office of the President’s intention to rebalance undergraduate and graduate and professional school enrollments? From a policy perspective, does this focus include shifting resources from one group to another, or working to increase funding overall?

A: I cannot exclude either option at the moment. Title Wave II enrollments are expected to level off in the future, yet at the same time, the number of graduate and professional school students is expected to increase. This has prompted the present goal to rebalance graduate and undergraduate support while maintaining the University’s excellent record on supporting low-income undergraduate students. I will continue to be aggressive in collecting increased funding from the state, and other sources as well.

Q: In what ways do you see the new State Finance Director, Tom Campbell, affecting the University, and specifically, can we expect graduate student fees to be lowered?

A: Tom Campbell, also the former dean of the Haas School of Business at UC Berkeley, appears to be more receptive to lowering student fees because he does not share the view that the University’s professional schools are so competitive that they do not need state funding. Campbell is aware that the Compact allows the University to absorb the benefits and losses in raising and lowering student fees, in which the state does not receive money in either instance.

Q: Could you provide an update on the University’s efforts to ease homeland security restrictions, which have drastically hindered ease of travel for a majority of international graduate students?

A: I have seen the statistics and have had conversations with the former heads of the Departments of Defense and Homeland Security, and am pleased to see the lifting of visa restrictions for foreign graduate students. Furthermore, the American Association of Universities and the University are coordinating efforts to vigorously address the issue.

Q: Can current faculty and staff employees count on assurances from the Governor and other lawmakers that only employees hired after 2007 will be impacted by the state pension initiatives currently being negotiated in Sacramento?

A: Yes, this point is clear in the proposed pension initiatives. The Governor’s desire is to insulate California taxpayers from the market fluctuations that can impact PERS and STRS, though not the independently well-managed UCRS, thus his touting of the “reform” proposals.

Q: Can you provide an update concerning actions or inquiries at the University related to the Patriot Act?

A: To my knowledge, there have been no inquiries or actions taken under the Patriot Act affecting the University.

Follow-up Question: Some of the language in the Patriot Act says that, for example, a University librarian is forbidden to report to a University official any approach made under authority of the Patriot Act to provide library records. Is there University policy that allows an employee who has been approached to disclose that approach, and also seek guidance from the Office of the General Counsel?

A: Yes, we recommend that any employee who has been approached should seek guidance from Campus Counsel or General Counsel and inform them of the approach.

Questions for Provost Greenwood:

Q: How are audiences responding to your presentations addressing the importance of graduate education?

A: The faculty and the campuses are extremely pleased with the presentations. In Sacramento however, legislators by and large have not given the issue much thought, especially new members of the Legislature. More seasoned members of the Legislature appear to understand the University's need to have a strong graduate education program, and are supportive of my efforts. Right now, we are working to lay the groundwork for increased state support for graduate education and keeping the state as a reliable partner, consistent with the Academic Senate's Concurrent Resolution on Graduate Education, and also sharing the message of balancing support for undergraduate and graduate education

Q: Do you have an update on the proposed framework for the Academic Senate's role in the review of the California Institutes for Science and Innovation (Cal ISI), recently sent out for review by UCORP, UCPB and CCGA?

A: Academic Senate Chair Blumenthal answered that the Academic Council has received comments from UCORP, UCPB and CCGA, and Council must now decide its next step in providing feedback to Provost Greenwood on the Cal ISI Review Framework.

IV. Announcements by the Chair

- **George Blumenthal, Academic Senate Chair**

Chair Blumenthal updated members of the Assembly on recent activities and issues currently before the Academic Senate, including the following:

Commencement of the President's Long-Range Planning Task Force

President Dynes has convened a group charged with developing a strategic plan for the University covering the next ten to twenty years. The task force has a six month time scale, and consists of the following members: five Regents, three chancellors, Chair Blumenthal and Vice Chair Brunk as Senate representatives, and Provost Greenwood and Senior Vice President Darling as co-chairs. The task force will evaluate topics such as the challenges the University faces regarding the state budget, the structure of the University's financial system, challenges the University faces with respect to California's diversity and the University's accessibility, the ongoing crisis in graduate education, and student and faculty concerns regarding foreign competition and the University's need for building alliances.

California State University

On March 10, 2005, Chair Blumenthal will address the CSU Plenary, CSU's equivalent of the Assembly of the Academic Senate, in Long Beach, California. This is the first time in a number of years that an Academic Senate Chair has addressed the CSU Plenary in this regard.

Semiannual Joint Council-Executive Vice Chancellors' Meeting

On March 31, 2005, the Council will hold its semiannual joint meeting with the Executive Vice Chancellors. The two main topics to be addressed include the future of graduate education,

presented by CCGA Chair Quentin Williams, and UC faculty diversity, presented by UCR Divisional Chair Manuela Martins-Green.

Council-Approved Intersegmental Proposals

Council has recently approved two intersegmental proposals, which have the goal of easing transfer from the California Community Colleges (CCC) to the University. First is the Science Intersegmental General Education Transfer Curriculum (SciGETC), and second is the Proposal to Streamline the UC Course Major Preparation Articulation Process between the UC Campuses and the CCC. Both proposals will require adoption of amendments to the Regulations of the Academic Senate, which are anticipated to be considered at the May 11, 2005 Assembly meeting.

UC Advocacy Efforts

The University has waged a successful advocacy campaign using University alumni to lobby legislators in key areas affecting the University. A decision has been made to broaden the effort to include faculty, and a request for faculty volunteers will be distributed in the upcoming weeks to divisional Senate chairs to move forward in this new phase of UC advocacy activity.

Legislative Activity

There has been a lot of recent activity in the legislative arena that is of interest to the Academic Senate, including the following:

- *Governor Schwarzenegger's Pension Proposals:* The Governor has proposed by way of a constitutional amendment the elimination of all state-funded defined benefit plans, and the Jarvis Taxpayers Association has introduced a ballot initiative to the same effect. These proposals would harm the University by adversely affecting faculty recruitment and renewal. University officials are currently working to negotiate the exclusion of the University from both pension proposals.
- *Legislation Extending to CSU the Right to Grant Doctoral Degrees:* California State Senator Scott, chair of the Senate Committee on Higher Education, has introduced legislation that would extend to CSU the right to grant doctoral degrees. The University is concerned because the current joint UC-CSU doctoral degree programs are successful, and other issues of importance should dominate the public dialogue, such as the state budget, funding graduate education, the degradation of faculty salaries, and the faculty-student ratio.
- *Legislation Requesting the Regents Mandate a UC Transfer Policy Similar to CSU's Transfer Policy:* Senator Scott has also introduced legislation that requests the Regents to mandate a CSU-like transfer policy for the University. The University appreciates the independence and diversity of its undergraduate programs, and therefore adoption of a transfer policy like the one offered at CSU appears unlikely. However, the University recognizes the need to ease the transfer of CCC students into University programs, a need that was addressed in the recent Council-approved intersegmental proposals, SciGETC and the Proposal to Streamline the UC Course Major Preparation Articulation Process between the UC Campuses and the CCC.

Regents' Visits with the Academic Council

The Academic Council has expressed its appreciation for this year's regular visits with members of the Board of Regents, which have been extremely helpful and productive. This year's participants include Regents Novack, Blum, Anderson and Rosenthal. Regents Ruiz, Lozano and Núñez have all agreed to attend future Council meetings.

UC-Managed National Laboratories

In January 2005, the Regents approved the University's participation in the competition to manage LBNL, and in early February 2005 the University submitted a bid. Also in January, the first draft request for proposals for management of LANL was released, followed by a second draft released in mid-February. Although the second draft doubles the management fee awarded to the winning bidder, it also acts to stimulate competition for the LANL management contract. The University expects the final draft request for proposals to be released in the near future.

Academic Council Action on the California Institute for Regenerative Medicine

At its February 23, 2005 meeting, the Academic Council unanimously endorsed the Policy on Public Access and Archiving of Research Results Relative to the Stem Cell Research Bond Act. The proposal requires investigators to submit an electronic version of their final manuscripts to a publicly available online repository, in order to accelerate research progress and provide Californians with no-fee access to research results stemming from grants funded by the California Institute for Regenerative Medicine (CIRM). The proposal, submitted to Council by the Academic Council Scholarly Communication Subcommittee, will now be forwarded to Provost Greenwood for consideration by the Independent Citizens Oversight Committee in April 2005.

Questions, Answers and Comments

Q: How will the SciGETC proposal be implemented at the campus level?

A: SciGETC is an articulation proposal only, and the Academic Council will now need to pass legislation in order to establish proper implementation procedures.

Comment: I would like to emphasize the successful nature of the joint doctoral programs between UC San Diego and CSU San Diego. This important point should be emphasized to the public, the Legislature, and CSU officials while CSU continues to push for the right to grant its own doctoral degrees. Also, I would like to see heavy representation of those faculty involved in these successful joint programs on the task force appointed to work on this issue.

Response: Provost Greenwood's task force includes representation from the campuses and the Senate, and is charged with considering how the University should respond to Senator Scott's legislation, what options are available, and how to implement the task force's recommendations. Currently, CSU appears resistant to continuing its joint doctoral programs with the University.

V. Special Orders (none)

VI. Reports of Special Committees (none)

VII. Reports of Standing Committees

A. Academic Council

- **George Blumenthal, Chair**

1. Nomination and Election of the Vice Chair of the Assembly for 2005-2006

Chair Blumenthal announced that its January 26, 2005 meeting, the Academic Council voted to recommend the election of John Oakley, professor of law at UC Davis and current chair of UCFW, as Vice Chair of the Assembly for the 2005-06 academic year. Vice Chair Brunk introduced John Oakley to the members of the Assembly and provided a brief biography and list of accomplishments of the 2005-06 Vice Chair nominee. No other nominations were forwarded from the floor.

ACTION: The Assembly unanimously elected Professor John Oakley as the 2005-06 Vice Chair of the Assembly of the Academic Senate.

2. Approval of the Concurrent Resolution on Graduate Education

At its December 15, 2004 meeting, the Academic Council unanimously approved a proposal to introduce this year in both houses of the Legislature a Concurrent Resolution on Graduate Education at the University of California. Council's stated intent was to educate the Legislature about the deteriorating state of graduate education, to reaffirm the importance of graduate education, and to press for action by the Governor, industrial partners, the Regents, and other interested parties to strengthen their support of graduate education at the University. Chair Blumenthal announced that the Concurrent Resolution has been provided to Assembly member Carol Liu and Senator Jack Scott, both chairs of their respective Higher Education Committees, and that Council has resolved to ensure that the Concurrent Resolution is introduced in and passed by the Legislature during this session. As part of an effort to accomplish this endeavor the Council has called upon Chair Blumenthal to present the Concurrent Resolution on behalf of the Academic Senate, and therefore requests that the Assembly approve the following resolution:

“Be it resolved that the Assembly of the Academic Senate urges the Chair of the Academic Senate and the President of the University to take all possible measures to ensure that the Academic Senate's resolution on graduate education is introduced in and adopted by the State Legislature, and signed by the Governor in 2005.”

ACTION: The Assembly unanimously approved the above resolution on graduate education at the University of California.

3. a. Approval of the Proposed Guidelines and Procedures Governing the Academic Senate's Role in the Development of a New UC Campus and for Granting Divisional Status to a New Campus

The proposed guidelines and procedures were approved by the Academic Council on November 22, 2004, and are intended to provide the future leadership of the Academic Senate with direction on the Senate's role in the development of a new UC campus, clarify the process by which new divisions of the Academic Senate are authorized, and amend the bylaws to allow for the implementation of these policies. The proposed guidelines and procedures are intended to strengthen the institutional knowledge of the Systemwide Academic Senate and although they do not apply to UC Merced, they will apply to the development of any future University campuses.

ACTION: The Assembly unanimously approved the Proposed Guidelines and Procedures Governing the Academic Senate's Role in the Development of a New UC Campus and for Granting Divisional Status to a New Campus.

3. b. Approval of the proposed amendments to Academic Senate Bylaws 116.A, 116.B and 125.B to allow for the implementation of the policies in the above proposal.

At its November 22, 2004 meeting, the Academic Council approved proposed amendments to Academic Senate Bylaws 116.A, 116.B and 125.B to allow for the implementation of the policies in the above proposal, the Proposed Guidelines and Procedures Governing the Academic Senate's Role in the Development of a New UC Campus and for Granting Divisional Status to a New Campus. The Academic Council therefore recommends that the Assembly approve these proposed amendments.

DISCUSSION: Some members of the Assembly expressed concern that the proposed amendments imply that the Assembly has ceded its authority to the Academic Council, and that specifically, the proposed amendment to Senate Bylaw 116.A undercuts the Assembly's superior voice, for example, by forbidding the Assembly's approval of a division of the Academic Senate when in the rare instance Council does not approve of a division. Members of the Assembly expressed the view that the proposed amendment to Senate Bylaw 116.A would establish bad precedent by restraining the authority of the Assembly, and that the proposed amendment to Senate Bylaw 125.B adequately accomplishes the intended rule change by clarifying that the Assembly acts only on the advice and recommendation of the Council.

ACTION: The Assembly unanimously voted to amend the action requested and remove from the Assembly's consideration the proposed amendment to Senate Bylaw 116.A. The action requested by the Assembly will reflect only the adoption the proposed amendments to Senate Bylaws 116.B and

125.B as written in the Notice of Meeting of the Assembly, and not the proposed amendment to Senate Bylaw 116.A.

ACTION: The Assembly unanimously approved the proposed amendments to Senate Bylaws 116.B and 125.B.

B. University Committee on Privilege and Tenure (UCP&T)

- **George Blumenthal, Academic Council Chair**

1. Proposed Amendment to Academic Senate Bylaw 336.B.4

The Assembly was informed of a typographical correction to the proposed amendment. On page 29 of the Notice of the Meeting, the last section of the proposed wording to Senate Bylaw 336.B.4 should read without the inserted quotation marks.

Chair Blumenthal then provided an overview of the proposed amendment to Senate Bylaw 336.B.4, which was approved by the Academic Council on February 23, 2005. The proposed amendment intends to clarify that the three-year statute of limitations for disciplinary actions against faculty begins when a member of the administration or an employee in a supervisory role (e.g., program director, department chair, dean), who is obliged to report the alleged violation to the Chancellor or relevant Vice Chancellor, knew or should have known about the alleged violation of the Faculty Code of Conduct.

DISCUSSION: Some members of the Assembly raised concerns about the proposed amendment's purported granting of immunity to administrators who do not report alleged violations within the three-year statute of limitations. Chair Blumenthal clarified that if this situation were to occur, an administrator would have violated their responsibility under the Faculty Code of Conduct and would face their own disciplinary action; and under this example, the faculty member cannot then face charges because the statute of limitations protects the faculty member from stale evidence, witnesses who may have disappeared, faded memories, and lost documentation. Chair Blumenthal further stated that the proposed amendment purports only to clarify that the three-year statute of limitations begins to run also at the time a Chancellor's designee knew or should have known of an alleged violation, and that at the moment no substantive changes to Senate Bylaw 336.B.4 are under consideration. One member of the Assembly made an additional point of clarification, that the proposed amendment does not purport to grant faculty immunity from accountability altogether because the alleged individual victim still retains his/her regular avenue of recourse in a court of law, if applicable. The proposed amendment only prevents the University from going forward with a disciplinary action against a faculty member past the three-year limit, and therefore protects the University's institutional interest to take timely action when a faculty member's position is under attack.

ACTION: The Assembly approved the proposed amendment to Senate Bylaw 336.B.4 with a two-thirds majority vote (32 in favor, 8 opposed, 1 abstention).

C. University Committee on Faculty Welfare (UCFW)

- **John Oakley, UCFW Chair**

UCFW Chair Oakley provided an update to the members of the Assembly on the following four topics currently being addressed by UCFW:

Proposals Affecting the UC Retirement System (UCRS)

The recent pension proposals introduced by the Governor and the Jarvis Taxpayers Association would affect only prospective employees, however the proposals are adverse to the University's interests to lose Regental autonomy in controlling a well-managed retirement plan. If either proposal is adopted and UCRS is not disaggregated from other public employee retirement systems, it appears likely that the University could regain Regental autonomy in the future by presenting the University's compelling concerns to the voters.

Review of Parking Principles

UCFW is conducting a triennial review of Council's Parking Principles, adopted June 2002, which attempt to install best practices in the management of user-funded parking programs at each campus. After completion of its review, UCFW will report back to the Assembly if the committee believes that further action is required.

Mortgage Origination Programs

The Office of the President has reported savings of two to three million dollars in its Mortgage Origination Program, which periodically offers package mortgage deals to University employees. When the Office of the President recently requested bids for buyers of its loans, the most favorable bid received was from a credit union offering two to three percent more than any other buyer, but its offer also required the issuers of the loans to become members of that credit union. UCFW got involved and with assistance from the Office of the President, UCFW drafted a notice for each enrollee informing them of this provision and offering them an opt-out opportunity. This action resulted in only 38 out of 264 enrollees opting-out of the program, and 225 loans were sold for \$104.8 million, placing the University ahead by two to three million dollars.

UC Healthcare Audit of Enrollees

Twenty percent of enrollees in UC-sponsored health plans are being asked to participate in an audit, which was prompted by the discovery of a significant number of ineligible and unqualified dependents enrolled in UC health plans. The ineligible enrollees are costing the University eight million dollars per year, and UCFW wishes to express support for the audit in eradicating fraud from the UC health plan system under this period of heavy budget cuts and rising healthcare costs.

Questions, Answers and Comments

Q: Do you have any recent projections for when employee contributions are planned to resume under UCRS?

A: The final tipping point for UCRS appears to occur in two to five years, and the expectation is that employee contributions would be phased-in over a two to three year period to ease the transition. Phased-in contributions appear likely whether or not the Regents retain autonomy over management of UCRS.

Q: It appears that the University is losing a large amount of money due to ineligible dependents being enrolled in UC health plans, which the current health care audit seeks to resolve. Would it be worthwhile then for the University to conduct an audit of 100 percent of its employees in an effort to eradicate all fraud and abuse from the system?

A: At its meeting this Friday, March 11, 2005, UCFW receive additional figures to determine if the benefits of a 100 percent audit outweigh the administrative costs in conducting it. An additional point to be made is that the problem of ineligible enrolled dependents appears largely to stem from employees believing that their dependent is qualified, when in fact they are not (e.g., relationship categories: thinking of one's nephew as equivalent to one's son).

D. Board of Admissions and Relations with Schools (BOARS)

- **Michael T. Brown, BOARS Chair**

BOARS Chair Brown provided an update to members of the Assembly concerning the committee's recent evaluation of the University's participation in the National Merit Scholarship Program (NMSP). BOARS has written two letters, including one to Chair Blumenthal asking for assistance in requesting appropriate agencies of the Office of the President to evaluate the appropriateness of the University's participation in the NMSP. BOARS has also written to each campus admissions committee, recommending its review of admissions policies which grant preferences to applicants based solely on their NMSP status. These actions were prompted by BOARS' ongoing investigation into campus admissions criteria, which led to a letter written by former Associate President and former College Board Trustee Patrick Hayashi concerning the University's participation in the NMSP and which specifically addressed the NMSP's lack of validity associated with selection procedures and serious adverse impact concerns.

BOARS performed its own review of the NMSP and the College Board's use of the Preliminary Scholastic Assessment Test (PSAT), and has concluded that the NMSP uses selection procedures that violate national principles governing responsible use of standardized tests for three reasons. First, the NMSP sets a simple cut-off score to make an initial distinction between "meritorious" and "non-meritorious" students. Students who fall but one point below the cut-off score are summarily eliminated from further review. One of the fundamental principles governing responsible use of standardized tests is that major decisions should never be made on the basis of small differences in scores. Second, the NMSP uses no other pertinent academic information in making its initial determination besides the simple cut-off score, e.g., high school grades or academic

courses taken. A third principle that is violated is that tests should be used for the purposes for which they have been designed and validated; BOARS has neither uncovered nor been provided with such evidence.

BOARS also believes the criteria and selection procedures employed by the NMSP have an educationally unwarranted and negative impact on disadvantaged students - underrepresented minorities and low-income students. The College Board, which owns, markets, and administers the PSAT, has not provided BOARS with data on the socioeconomic characteristics of students who make the first cut as compared to the overall pool of test-takers. However, other evidence, for example, performance on the Scholastic Assessment Test (SAT) with which it is highly correlated, strongly suggests that the PSAT as used by the NMSP overwhelmingly favors a narrow group of affluent students attending well-endowed high schools.

Finally, BOARS has learned that most UC undergraduate campuses participate in the NMSP, awarding \$1.4 million to 1,155 students systemwide in 2003-2004. BOARS believes that instead, these funds could be used to fully fund graduate students, needy students in general, or could be allocated towards other campus-based scholarship programs.

VIII. University and Faculty Welfare Report (none)

IX. Petitions of Students (none)

X. Unfinished Business (none)

XI. New Business (none)

Meeting adjourned at 1:00 p.m.

Attest: George Blumenthal, Academic Senate Chair

Minutes Prepared by: Michelle Ruskofsky, Academic Senate Analyst

Distributions:

1. [President Robert C. Dynes Discussion Topics for the Meeting of the Assembly of the Academic Senate, Wednesday, March 9, 2005.](#)

Appendix A

2004-2005 Assembly Attendance Record, Meeting of March 9, 2005

<p>President of the University: Robert C. Dynes</p> <p>Academic Council Members: George Blumenthal, Chair Cliff Brunk, Vice Chair Robert Knapp, Chair, UCB Dan Simmons, Chair, UCD Joseph DiMento, Chair, UCI (absent) Kathy Komar, Chair, UCLA Manuela Martins-Green, Chair, UCR Donald Tuzin, Chair, UCSD Leonard Zegans, Chair, UCSF (absent) Walter Yuen, Chair, UCSB Alison Galloway, Chair, UCSC Michael Brown, Chair, BOARS Quentin Williams, Chair, CCGA Alan Barbour, Chair, UCAP (absent) Joseph Kiskis, Chair, UCEP John Oakley, Chair, UCFW Max Neiman, Chair, UCORP (absent) Michael Parrish, Chair, UCPB</p> <p>Berkeley (6) Ronald Amundson Lowell Dittmer Dorit Hochbaum Kyriakos Komvopoulos Herb Strauss Janet Adelman (alt. for Barrie Thorne)</p> <p>Davis (6) Ines Hernandez-Avila (absent) Linda Morris (alt. for William Casey) Tu Jarvis Brian Morrissey (absent) Kyaw Tha Paw U Philip Yager</p> <p>Irvine (4) Hoda Anton-Culver (absent) Ross Conner James Earthman (absent) Calvin McLaughlin</p>	<p>Los Angeles (9) Philip Bonacich Yoram Cohen Robert Frank (alt. for Harold Fetterman) Margaret Jacob Vickie Mays Jose Moya Owen Smith Jane Valentine Jaime Villablanca</p> <p>Riverside (2) Emory Elliot Mary Gauvain</p> <p>San Diego (4) Gerald Doppelt Igor Grant Barbara Sawrey Nicholas Spitzer (absent)</p> <p>San Francisco (4) Dan Bikle Barbara Gerbert Lawrence Pitts Peter Wright</p> <p>Santa Barbara (3) Ann Jensen Adams Nelson Lichtenstein (absent) Muriel Zimmerman</p> <p>Santa Cruz (2) Faye Crosby Michael Issacson</p> <p>Secretary/Parliamentarian Peter Berck</p>
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