

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

**ACADEMIC COUNCIL  
MINUTES OF MEETING  
WEDNESDAY, APRIL 19, 2006**

**I. Chair's Announcements**

- **John Oakley, Chair**

Council Chair Oakley reviewed the agenda schedule and guests present at the meeting. He then announced the UC audit reports expected to be released in the near future, including reports from PricewaterhouseCoopers, the Bureau of State Audits and the UC Auditor, and the recent report of the Task Force on UC Compensation, Accountability and Transparency (also known as the "Kozberg-Hertzberg Task Force Report"). Chair Oakley reviewed the key findings and recommendations of the Task Force report, and members discussed their views of the report and how best the Senate can provide input as President Dynes and the Regents move forward in adopting such recommendations. Council Chair Oakley concluded his announcements with a reminder that the Faculty Diversity Summit will be held on May 23, 2006 in Oakland.

**II. Approval of the Agenda**

**ACTION:** The Academic Council unanimously approved the agenda as noticed.

**III. Consent Calendar**

1. **March 13, 2006 Minutes (N/A)**
2. **March 22, 2006 Minutes (N/A)**
3. **Reapportionment of Assembly Representatives**
4. **Academic Council Memo to the President re: Additional Recommendations on Senior Management Pay**
5. **UCAF's Student Freedom of Scholarly Inquiry Letter and Proposed Statement of Principles**
6. **UCOL Proposed Amendment to Senate Bylaw 185**

**ACTION:** The Academic Council approved items 3, 5 and 6 on the consent calendar as noticed.

**ACTION:** Item 4 was removed from the consent calendar to new business – agenda item XVII.

**IV. EXECUTIVE SESSION – ITEM IV ONLY**

**Note: Minutes, aside from action items, are not prepared for this portion of the meeting.**

- **John Oakley, Academic Council Chair**

**1. 2006-07 UCOC Member-At-Large**

**ACTION:** The Academic Council endorsed the UCOC nominee for the member-at-large who will serve as its 2006-07 Vice Chair and 2007-08 Chair.

**ACTION:** The UCOC Chair and Vice Chair will be invited to an upcoming Council meeting to discuss:

1. How to promote faculty participation in divisional and systemwide Senate committees in support of shared governance.
2. Procedures for appointing Senate representatives to joint administration-Senate working committees. Review UCOC charge and possible change to Senate Bylaws.
3. How to promote greater diversity of disciplines within all Senate committee membership.

## **2. Academic Council Faculty Representative Appointment to UCRS Advisory Board**

**ACTION:** The Academic Council unanimously endorsed the reappointment of Robert Anderson to the UCRS Advisory Board for a term of four years.

## **V. Draft Legislative Rulings**

- **John Oakley, Academic Council Chair**

### **1. Draft Ruling on Voting Rights of Non-Senate Instructors**

**ISSUE:** The University Committee on Rules and Jurisdiction (UCR&J) has submitted a draft ruling for comment by the Council responding to a question from the UC Davis Elections, Rules and Jurisdiction Committee about the rights and responsibilities of the Academic Senate when reviewing the instructional performance of non-Senate personnel. After providing a brief history of the events at UC Davis leading up to this draft ruling, Davis Divisional Chair Simmons explained the contents of the draft ruling, which he believes to be correct.

**DISCUSSION:** Council members noted the inconsistency of language in the ruling itself and UCR&J's written response to the question presented, pertaining to the content of a department letter. Although some Council members liked the ruling's language in that it would allow flexibility for departments and the way they report non-Senate instructional faculty opinions, Council agreed that UCR&J should reconcile the disparities before it issues the final ruling.

**ACTION:** The Academic Council voted to agree with the draft legislative ruling as noticed, and submit the following comment:

The Academic Council points out that the language of the analysis, which provides that non-Senate faculty opinions "should be submitted separately from the department's letter," is inconsistent with the last sentence of the legislative ruling itself, which provides that "A department may solicit a recommendation or vote from non-Senate instructional faculty to be used in its deliberations." The department letter should reflect all information considered in its deliberation, including a vote of non-Senate instructional faculty if such a vote is taken.

### **2. Draft Ruling on the Consistency of Academic Senate Regulation 904 with the Code of the Academic Senate**

**ISSUE:** UCR&J has submitted a second draft ruling for comment by the Council, prompted by the disqualification of a graduate student at UC Davis by the Dean of Graduate Studies. Davis Divisional Chair Simmons again provided a brief history of the issue, and the question presented.

**DISCUSSION:** Council members quickly noted that the draft ruling does not adequately address the question presented to UCR&J by the Chair of the UC Davis Committee on Elections, Rules and Jurisdiction.

**ACTION:** The Academic Council voted to send this draft ruling back to UCR&J with a request that UCR&J comment on the validity of Senate Regulation 904 under Senate Bylaw 20, addressing the conflict of language therein.

**VI. UCR's Proposal to Reconstitute the A. Gary Anderson Graduate School of Management (AGSM) to Award the B.S. Degree in Business Administration in Addition to Graduate Degrees**

- **Duncan Lindsey, CCGA Chair**
- **Denise Segura, UCEP Chair**
- **Stan Glantz, UCPB Chair**

**ISSUE:** In accordance with the Compendium, Council is to determine whether to approve UCR's proposal for reconstitution of the AGSM based on reports submitted by CCGA, UCEP and UCPB.

**DISCUSSION:** CCGA Chair Lindsey reported that his committee approves the reconstitution, however UCEP Chair Segura and UCPB Chair Glantz indicated that their committees do not at this time support UCR's proposal. UCEP Chair Segura explained UCEP's many reasons for its disapproval and noted that UCEP would require all of its questions and comments answered before it could lend support. UCPB Chair Glantz agreed, and recommended disapproval of the proposal at this time because of UCPB's belief that it would be near impossible for UCR to address and correct UCPB's concerns anytime in the near future. UCR Divisional Vice Chair Luben explained the history of the AGSM and the challenges facing UCR's College of Humanities and Social Sciences, which prompted UCR's reconstitution proposal. Noting the serious reservations held by UCEP and UCPB, and not wishing for the Academic Council to submit a vote of disapproval, UCR Divisional Vice Chair Luben proposed that Council postpone action at this time until UCR can appropriately review Council's concerns and prepare responses to the UCEP and UCPB letters. Instead, a non-debatable motion to table this issue indefinitely was moved and seconded, with an added note that UCR will receive the UCPB and UCEP comment letters.

**ACTION:** The Academic Council voted unanimously to table this item indefinitely, with assurance that UCR will receive and respond to the UCPB and UCEP comments when appropriate.

**VII. Consultation with the Office of the President – Senior Managers**

- **Robert C. Dynes, President**
- **Bruce Darling, Senior Vice President, University Affairs**
- **Lawrence C. Hershman, Vice President for Budget**

President Dynes

*Report of the Task Force on UC Compensation, Accountability and Transparency:* President Dynes announced the release of the Task Force report, and expressed his agreement with the report's recommendations. President Dynes reported on a series of actions, announced publicly on Monday, which he believes UCOP can implement to correct the "culture of exceptions" at UC and restore the public trust while maintaining the creative and innovative culture which exists at UCOP. Further, President Dynes noted the three audit reports that will be released soon, and which are expected to illuminate campus compensation practices as well. President Dynes said

that the University will require a long time to change twenty years of practices that were followed, yet no one was aware they were against formal UC policy. He recognizes that the simple declaration of principles is not enough, that policies must be followed, and the use of exceptions to policy must be justified, rare and documented.

*Fall 2006 Admissions:* President Dynes reported positive news that some campuses have admitted thousands more students than in prior years, and an overall increase in the number of admissions and the UC admit rate. Also, the number of underrepresented students has gone up systemwide as a proportion of the freshman class, and for the first time, the number of Asian-American admits is greater than that of white admits. Lastly, President Dynes noted the peculiar 19 point decline in mean SAT I scores from last year, a concern to UC that will be carefully evaluated by UCOP and BOARS.

*Academic Preparation Report:* Recently, UC submitted to the Legislature and the Governor a report on UC academic preparation programs as required by the Compact. President Dynes reported that it contains a quantitative analysis of the effectiveness of these programs, and although the significance of the numbers is unclear, the report shows a strong relation of those in academic preparation programs who later enroll in college.

*Inauguration of UCI Chancellor Drake:* President Dynes was pleased to report that Chancellor Drake's inauguration ceremony went very well, and that Chancellor Drake is an example of "the splendid evolution of UC talent from the inside."

#### Senior Vice President Darling

*Report of the Task Force on UC Compensation, Accountability and Transparency:* Senior Vice President Darling seconded President Dynes' remarks on the Task Force report, and encouraged the Academic Council to carefully look at the report and be prepared to submit comments in time for the May Regents meeting. He noted that Regent Parsky is looking for recommendations on each of the recommendations proposed by the Task Force, and UCOP administrators would appreciate any input the Council has to offer.

#### Vice President Hershman

*UC Budget Update:* Vice President Hershman reported that he and President Dynes have attended and testified at the latest round of budget overview hearings in Sacramento, which went very well since UC was able to offer a large number of positive accomplishments and an excellent yearly report card. At the hearings Vice President Hershman highlighted the following: UC enrollment numbers and projections for next year, admissions, student fees and use of the student fee buyout money, the need to increase staff and faculty salaries, and the need for continued support of student academic preparation programs and the Science Mathematics Initiative. The capital outlay hearings are scheduled for next week, where Vice President Hershman expects to discuss the cost of UC projects and how research facilities are funded.

*UC Compensation:* At the budget hearings, the Legislature seemed pleased and receptive to President Dynes' testimony on UC's accomplishments, and no mention was made of the UC compensation issues. However, former Regent Hertzberg attended to present the findings of the Kozberg-Hertzberg Task Force Report, which was well-received by the Legislature. Vice President Hershman reported that legislators are willing to work with UC on certain legislative proposals that could threaten University autonomy. More budget hearings will be held in the next few weeks, and the upcoming audit reports will be presented to the Budget committees before the May Regents meeting.

*State Bonds:* UC needs new bond money, and there are reports that the Legislature is close to agreeing on a new bond package deal including less funding than originally proposed by the Governor. The package is likely to be in the \$30-\$34 billion range with a two or four year lifespan, and will fund education, transportation, and repairs to the state levee system. UC's bond package remains the same, with core funding under the Compact and \$200 million for expansion of the UC Medical Centers and funding for additional medical students. The bond hearings will be held in the next few weeks.

## **DISCUSSION**

Budget: Council members discussed with Vice President Hershman a wide variety of topics, including admissions, strategic partnering with other segments of higher education to strengthen their respective budgets, campus growth plans, future plans for UC to regain strong funding levels from the state, and student fees. Vice President Hershman noted that UC would need \$3 to \$4 billion to return to a full funding status, which is made difficult by the state's \$5 billion structural problem, and the best scenario for student fees right now is to freeze them for a determined period. He also said that support for the Science Mathematics Initiative is strong, and the UC bond issue will only cover expansion of the UC Medical Centers therefore any other expansion must be funded from UC's regular capital program or through the operating budget. Lastly, UCPB Chair Glantz discussed the UCPB "Futures Report" and a desire by many to see senior management speak more of the implications, contained in this report, if UC does not correct its current budget path and the public perception that UC's budget is healthy and sufficient. President Dynes and Vice President Hershman reported that they are already speaking in this manner, and referred Council members to the President's recent testimony to the Legislature.

UC Compensation – Response to Task Force Recommendations: Council members were encouraged to provide input on the format and content of the ethics training module that is expected to be implemented in response to the Kozberg-Hertzberg Task Force recommendations. President Dynes noted that the training is new for administrators, faculty and staff, will have an education component on the treatment of whistleblowers, and can be modified after the first round. Some Council members offered the Senate as a possible beta tester for the program. Aside from the ethics training, Council members expressed their general agreement with the sentiment that there is a "culture of exceptions" at UCOP and their desire to see this corrected, and with real consequences. Lastly, Council members weighed the pros and cons of the public base salary reporting system, another recommendation of the Task Force, feeling that it might open UC to more criticism for not reporting "total compensation" instead.

UC Compensation – General Comments: A Council member reported the views of a local divisional executive council that UCOP's priorities with respect to senior management compensation are wholly misplaced, and that primary focus of UCOP needs to move away from raising executive level salaries and towards raising salaries for faculty and staff instead. Further, that UCOP is not aware of the strong lack of confidence among the campus rank and file in UCOP. This member reported that it is irresponsible to claim that policies adopted twenty years ago, in a highly visible and public manner, were not known by UCOP because it is the job of UCOP to ensure policies that are put in place are followed. The Council member noted the Senate's repeated pleas for different UC priorities, including support for graduate students and

faculty salaries, which are both issues that engender public support. Another Council member expressed the view that UC needs to change its public perception among all members of the public, especially those who may not make distinctions among administrators and faculty.

Faculty Salary Structure: Council members briefly discussed what they feel is a broken faculty salary structure, and the need to correct the system to better reflect reality. President Dynes concurred, noting that greater disclosure of the faculty salary system would be a good start, and might help to modify behavior. In addition, President Dynes said that the faculty must take the lead in crafting a constant step system and salary structure, to which a Council member replied would require a lot more funding for faculty salaries.

## **VIII. General Discussion**

- **Academic Council**

Senate Response to the Kozberg-Hertzberg Task Force Report: UCFW Chair Russell and UCPB Chair Glantz noted that their respective committees will discuss the Task Force report and President Dynes' subsequent recommendations at their upcoming meetings and report to the Academic Council in May. Council members wished for any Council response to also be informed by the upcoming audits reports from the Bureau of State Audits, PricewaterhouseCoopers, and the UC Auditor.

Off-Scale Salaries: Some Council members began a brief discussion of faculty off-scale salaries and the need for Council to formulate a position. Council Chair Oakley assured the members that this issue will be on an upcoming Council agenda for full discussion.

## **IX. Senate Review of Special Committee on Scholarly Communication (SCSC's) White Papers and Proposal – Responding to the Challenges Facing Scholarly Communication**

- **Larry Pitts, SCSC Chair**

**ISSUE**: Council has received for discussion both divisional and systemwide committee responses to SCSC's white papers and proposal for copyright policy.

**DISCUSSION**: SCSC Chair Pitts provided Council with background information and an overview of the SCSC proposal which he looks forward to Council endorsing today for submission and approval by the Assembly at its May 10, 2006 meeting. After distributing a revised version of the proposal, SCSC Chair Pitts explained that a paragraph was added to allow for the establishment of a joint administration-Senate workgroup to hash out the details of the final copyright policy, which would when then be resubmitted to the Senate for another review period before it becomes UC policy. Council members then discussed many detailed changes to the proposal (listed in the action item, below), and arguments for and against the opt-out provision. After a lengthy discussion, members generally agreed that any further amendments to the proposal should be made by the joint administration-Senate workgroup once it is formed.

**ACTION**: The Academic Council voted to receive and accept in principle the SCSC white papers, and submit the SCSC white papers and proposal, as amended below, to the Assembly for consideration and action at its May 10, 2006 meeting.

1. Change "accepted for publication" to "published" in paragraph two.

2. Change “periodical” to “scholarly journal or conference proceedings” in paragraph two.
3. Delete the second-to-last sentence beginning with “For scholarly work in book form...,” in paragraph two.
4. Add “Whereas” and “Resolved” phrases to the first and fourth paragraphs, respectively.
5. Add “[Academic Assembly]” following “Academic Council” in paragraph four.

**X. Academic Council Special Committee on the National Labs (ACSCONL) Proposals for UC Faculty and DOE Laboratory Interactions**

- **John Oakley, ACSCONL Chair**

**ISSUE:** ACSCONL has submitted for Council’s and the Assembly’s approval a proposal outlining the Senate’s view of the scope and procedural mechanisms for future interaction with the DOE labs by UC faculty individually, and the Academic Senate institutionally.

**DISCUSSION:** UCPB Chair Glantz reported UCPB’s concerns with the undefined relationship between UC and LANS LLC, and the need to know the precise business relationship and possible conflicts before the Senate can make any decisions about the faculty’s role as ACSCONL has proposed. UCORP Chair Sensabaugh agreed, and also stated that UCORP is very concerned with the scientific relationship between UC and LANS LLC and would like to see an alternate plan for UC to remove itself from the LLC if necessary. A few other Council members noted that the ACSCONL proposal seems unrealistic and premature at this point, due to the unknown amount of time, resources and expertise that the proposal’s implementation would require in such highly complex lab operations. Members generally agreed with UCPB Chair Glantz’s point that the relationship between LANS LLC and UC must be defined first before the faculty define how they should be engaged. Another Council member pointed out that the Senate should be wary of involving itself in a secret enterprise where information cannot be freely divulged to faculty. Further, that the Senate should insist the LANS LLC be much more open with the Senate once UC decides on its future role with LLNL. In response to these concerns, Chair Oakley noted that the ACSCONL proposal is a planning document, and that timing is crucial because LANS LLC operations are still being established, and effective June 1, 2006, the President’s Council and Lab Councils will not be dealing with scientific endeavors.

**ACTION:** It was the consensus of the Academic Council to table this item until further discussion at the May 24, 2006 Council meeting. UCPB Chair Glantz and Davis Divisional Chair Simmons will be invited to the May 23, 2006 ACSCONL meeting to address their respective concerns with the ACSCONL proposal.

**XI. University Committee on Affirmative Action and Diversity**

- **John Oakley, Academic Council Chair**
- **Dan Weiss, UCAAD Chair**
- **Gibor Basri, UCAAD Vice Chair**

**1. UCAAD Proposed Systemwide Academic Senate Statement on Diversity**

**ISSUE:** In early February 2006, UCAAD received comments from systemwide committees and divisions on its Statement on Diversity, and re-drafted the Statement for approval by the Academic Council. At its March 22, 2006 meeting, the Council reviewed UCAAD’s re-drafted statement, and drafted and endorsed its own version of the Statement, and forwarded it to UCAAD for comment. On April 13, 2006, UCAAD submitted a letter commenting on the

Council-endorsed statement, expressing general concerns. Today, Council is to determine next steps in approving some version of the Statement, and if possible, forward it to the Assembly for approval at its May 10 meeting.

**DISCUSSION:** UCAAD Chair Weiss reported that UCAAD is not wholly opposed to Council's version of the Statement, but that it feels the statement worked on by UCAAD for the past two years, which incorporated all systemwide committee and divisions' comments, is better because of its firm definition of diversity – which was the main motivation for the Statement. UCAAD Vice Chair Basri then detailed UCAAD's problems with the Academic Council version, also contained in the committee's April 13 letter to Council. Council members noted that the Council version was preferred because of its incorporation of wording contained in the Davis Division's proposed Statement. UCSC Divisional Chair Crosby noted that she has prepared an additional version of the Statement, and then read it aloud. After Council members received paper copies of the Crosby version, members expressed general approval with the addition of a few amendments.

**ACTION:** The Academic Council voted to approve an amended version of the UCAAD Statement on Diversity for consideration by the Assembly at its May 10, 2006 meeting, with wording to be edited by Council Vice Chair Brown, UCAAD Chair Weiss and UCAAD Vice Chair Basri, and final confirmation by Council membership via email following the meeting.

## **2. UCAAD Request for a Seat on the Academic Council**

**ISSUE:** Council offered to discuss UCAAD's request for a possible non-voting seat on Council for the UCAAD Chair, on a trial basis. The UCAAD Chair and Vice Chair are present today to discuss this request, and elaborate on the committee proposal.

**DISCUSSION:** UCAAD Chair Weiss began the discussion by distributing a list of Council agenda topics, dating back to 2003, which UCAAD believes it could have input on and benefit the Academic Council in the process. UCAAD Vice Chair Basri noted that a UCAAD seat on Council would show that the Senate is serious about diversity and its importance to the mission of UC, and it makes sense to bring someone to the table who has a greater depth of knowledge and understanding of diversity issues, and access to multiple resources. He also noted that divisions have found it very useful to have an affirmative action/diversity representative on their executive councils, and that UCAAD representation will assist UC in fulfilling its core mission to serve all people of California. Most Council members expressed agreement with the UCAAD proposal, noting that diversity requires a constant reminder, that more attention to historical and new underrepresentation is critical, and many other ways that Council would benefit from UCAAD representation. A couple Council members were in opposition to the UCAAD proposal however, noting that membership on Council should revolve around delegated duties from Regents, as is right now, and not waver from this organizing principle because it would open the door for all other Senate committees to argue for a seat on Council. Further, they felt that diversity issues are already part of every policy discussion at UC and such views are well-represented at the divisional and systemwide levels. Representatives from the Berkeley, Santa Cruz and San Diego campuses added that they have found affirmative action/diversity representatives to be very helpful at their respective divisions, having a major impact on campus initiatives and issues such as admissions, curriculum, graduation, programs, departmental reviews, and oversight.

**ACTION:** The Academic Council voted to invite the UCAAD Chair to an interim seat, as a non-voting member on the Academic Council beginning at the May 24, 2006 Council meeting,



through the 2006-07 academic year. The Academic Council will evaluate the UCAAD seat on Council at the end of the 2006-07 academic year.

**XII. University Committee on Planning and Budget (UCPB) Proposals**

- **Stan Glantz, UCPB Chair**

**1. Proposed Principles on Private Fundraising for Salaries**

**2. Report: Current Budget Trends and the Future of the University of California**

[Items not addressed due to lack of time.]

**XIII. Approval of the May 10, 2006 Academic Assembly Agenda**

- **John Oakley, Academic Council Chair**

**ACTION:** The Academic Council approved the following agenda items for the May 10, 2006 Assembly meeting:

1. Nomination and election of UCOC Vice Chair (member-at-large) for 2006-07, Chair for 2007-08
2. SCSC White Papers and Proposal – Responding to the Challenges Facing Scholarly Communication
3. Proposed Systemwide Academic Senate Statement on Diversity
4. Report on the Memorial to the Regents regarding Non-Resident Tuition for Academic Graduate Students
5. Reports from Standing Committees (UCOC, UCFW, UCPB and BOARS)

**XIV. Academic Affairs Ad Hoc Committee on the Future of International Education**

[Item not addressed due to lack of time.]

**XV. Academic Council Subcommittee on the Systemwide Academic Senate Leadership and Office Structure**

[Item not addressed due to lack of time.]

**XVI. Implementation of the Academic Council's Proposed Cap on Class Size for University of California Entry Level Writing Classes**

[Item not addressed due to lack of time.]

**XVII. New Business**

Academic Council Memo to the President re: Additional Recommendations on Senior Management Pay [item removed earlier from the consent calendar]

**ACTION:** The Academic Council approved this letter to be forwarded to President Dynes, with the following amendment: change “Chancellors and Deans should be rewarded on the basis of the improvement of their campuses and schools, not the ranking of their campuses or schools at the time they are hired,” to “Chancellors and Deans should be rewarded on the basis of performance, not the ranking of their campuses or schools at the time they are hired.”

Academic Assembly May 10, 2006 Meeting – Format

**ACTION:** The Academic Council approved the May 10, 2006 Assembly meeting to be held via teleconference.

**Meeting Adjourned at 4:30 p.m.**

Attest: John Oakley, Chair, Academic Council

Minutes prepared by: Michelle Ruskofsky, Policy Analyst

Distributions:

1. SCSC: *Proposal for UC Faculty – Scholarly Work Copyright Rights Policy*, revised April 15, 2006; Graph 2 (Monograph and Serial Expenditures in ARL Libraries, 1986-2004); and Table 2 (Monograph and Serial Expenditures in ARL Libraries, 1986-2004, Median Values for Time-Series Trends).
2. UCAAD: Council Agenda Topics 03-04 – 05-06.
3. UCPB: S.Glantz letter to J.Oakley, April 19, 2006, re: UCPB's report, "Current Budget Trends and the Future of the University of California" and copy of said report; *Proposed Principles on Private Funding for Senior Leadership Salaries at the Level of Dean and Above*, revised April 19, 2006; and S.Glantz letter to J.Oakley, April 18, 2006, re: Growth Rates in UC Employment Categories, with attached table.
4. J.Minster letter to J.Oakley, April 11, 2006, re: UCSD Division response to SCSC White Papers and Draft Policy – Responding to the Challenges Facing Scholarly Communication.