

## ACADEMIC COUNCIL

**Minutes of Meeting**  
**Wednesday, June 27, 2012**  
**And**  
**Wednesday, July 11 teleconference**

**I. Senate Officers' Announcements****▪ Robert Anderson, Academic Council Chair**

- 1. Report on ICAS meeting.** State Senate President Pro Tem Darrell Steinberg is sponsoring SB 1052, which would establish an Open Education Resources Council in efforts to produce open source textbooks for popular courses. It would give ICAS the authority to manage the project; the bill mentions a cost of \$25M, but there is no allocation for it in the state budget.
- 2. GSR unionization.** SB 259, which would amend the Higher Education Employer Employee Relations Act (HEERA) to create collective bargaining rights for new classes of working students, including Graduate Student Researchers (GSRs), passed out of the Assembly Higher Education Committee. The University is opposed to the bill. A member suggested that if the bill is enacted into law the Senate should be part of the negotiations to ensure that academic issues, such as the impact on time to degree for graduate students, are central to the collective bargaining process.
- 3. Budget update.** The budget allocates \$90M for UCRP (this covers the increase in employer contributions from 7% to 10%). The budget also proposes buying out a 6% tuition increase that the Regents had planned to consider in July, contingent on the passage of the governor's tax initiative. Also, the money wouldn't be allocated to UC until 2013-14.

**II. Approval of the Agenda**

**ACTION: The agenda was unanimously approved.**

**III. Consent Calendar**

- 1. Approve draft May Council minutes.**
- 2. Approve reconstitution of UCI's Department of Education to School of Education**
- 3. Endorse UC Research Mission Statement**
- 4. Endorse draft response to the National Association of Scholars' "Crisis of Competence" report**
- 5. Endorse BOARS' proposed amendments to [SR 424](#)**
- 6. Endorse recommendations of the Principles, Processes, and Assessments of Universitywide Research (PPA) Task Force**

**ACTION: Items 3 and 6 were removed from the consent calendar and addressed under New Business. The remainder of the consent calendar was unanimously approved.**

#### **IV. Rebenching**

**ISSUE:** Council discussed the just-released Rebenching Task Force report, the rebenching summary written by Senate members of the task force, and a proposal to form a task force of the Academic Council to address enrollment management and budget adjustments under rebenching.

**DISCUSSION:** Susan Gillman, a member of the Rebenching Budget Committee, and co-author of the summary, stated that the authors wrote the summary to outline next steps, to ensure that the rebenching process begins, and to pass on the knowledge of Senate members who are rotating off of Council. She urged the Senate to take a leadership role in the implementation of rebenching. UCPB Chair Jim Chalfant added that they attempted to define terms with more precision in the discussion of enrollment management with the budget office. A member commented that during the recent budget call, it was clear that the administration wants to wait until after the election before beginning to address enrollment management. A member replied that waiting until November to determine how a cut will be allocated is not good planning; the EVCs should prepare both for the passage of the ballot measure and for its failure. A member speculated that if the ballot initiative fails, the president is likely to cut systemwide research in order to shield the campuses as much as possible. A member noted that there is also pressure from the campuses to reduce the funding streams assessment. A member replied that enrollment management is the foundation of rebenching. The Senate should derive principles for enrollment management as a bulwark against pressures to reduce the funding streams assessment. A member commented there is little will to set enrollment targets because many administrators believe that increased non-resident enrollment will solve the University's budget problem. A member commented that increasing non-residents does not necessarily displace residents; these are separate issues. A member expressed concern about the provision in the rebenching report that funding will be withdrawn if campuses are not making progress toward the goal of 12% doctoral students. This is not realistic when we can not hire faculty due to budget cuts. A better way to provide an incentive to meet this goal is to index it to the faculty to doctoral student ratio so that campuses who can not afford to hire faculty are not penalized. Members agreed that there must be continuing Senate involvement in enrollment management and the evaluation of the progress of rebenching. Several members supported the idea that a subcommittee of Council should draft a document outlining enrollment management principles; four members volunteered.

**ACTION: Council members agreed to send the rebenching report out now for review in the fall and to post the document summarizing the rebenching process on the Senate website.**

#### **V. Salary Equity Study**

**ISSUE:** Council will consider UCAAD's response to the systemwide review of the Salary Equity Study, in addition to UCAP's call for campuses to determine the extent of salary inequities and propose strategies to correct them.

**DISCUSSION:** Chair Anderson noted that there is a significant degree of consensus on the path forward. The President offered to do another statistical study or to ask the campuses to assess their own situations and create a plan to address any inequities. UCAAD recommends the latter path, and UCAP concurs. Members questioned the proposed timeline, but UCAAD's vice chair emphasized that the mid-November deadline is merely to have a plan to address the issue, not a full report. UCAAD hopes that reports will be completed by the end of the 2012-13 academic year. Many campuses already have data collection mechanisms in place.

**ACTION: Council endorsed UCAAD’s proposal that individual campuses study the extent of any salary inequities on the campus and propose strategies to correct them, with plans of action for developing a study to be reported to UCAAD by November 15, 2012.**

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

Chair Anderson read the following resolution passed by Council in appreciation of Provost Pitts: The Academic Council unanimously passed a motion thanking Executive Vice President and Provost Pitts for his exceptional commitment and service to the University of California during unusually challenging times and for his willingness to engage with the Senate.

Provost and EVP Pitts. Provost Pitts summarized the main elements of the state budget. It includes the following components: \$89.1 million in UC Retirement Plan funding; a tuition buy-out of \$125.4 million in 2013-14 if UC does not increase tuition in 2012-13; and minimal cut to Cal Grants that affect UC students. The budget is contingent on the passage of the Governor’s November revenue-raising ballot initiative. If it does not pass, UC’s budget will be reduced by \$250 million and it will lose the anticipated \$125.4 million in tuition buyout funding. If it does not pass, the University is likely to seek up to a 20% tuition increase. The budget does not include the debt restructuring that the University had proposed. He noted that while the tuition buyout is good news for students, it does not benefit the University or help alleviate operational costs.

Provost Pitts stated that the state Senate passed a bill that will enable GSRs to unionize. The Assembly is likely to pass it and the governor is expected to sign it into law. He noted that historically, UC has maintained neutrality regarding efforts to unionize. But in this case, there are valid educational reasons to oppose unionization.

Vice President Lenz, Budget and Capital Resources. Vice President Lenz said there was good news on the state budget. He noted that Regent Lansing and student leaders were successful in achieving a tuition buyout. The legislature restored the \$38M for UCRP that had been cut in the May revise, and the University was successful in getting the state to allow the University to borrow for previously approved capital expenditures. The legislature rejected proposals to limit Cal Grants that would have affected many UC students (reducing them down to the federal Pell Grant level and proposing a stricter minimum GPA). He expressed appreciation for the Speaker’s efforts to protect Cal Grants for public university students.

However, VP Lenz expressed dismay at the lack of transparency in the budget process this year. For example, the budget included a provision that would have prevented UC from contracting out services for any non-academic function without an extensive cost-benefit analysis. The University was not given the opportunity to comment on this in advance. The president will request that the governor veto this provision.

**VII. Proposal to request a moratorium on UCOE loan repayment**

*Note: Council had a preliminary discussion of this item in Executive Session at its regular meeting (no minutes were recorded). It continued its discussion, summarized below, at a teleconference on July 11.*

**ISSUE:** UCEP and BOARS have been closely monitoring the implementation and evaluation of UCOE's first wave of courses and are concerned that the planned loan repayment schedule is too aggressive to meet without compromising the academic integrity of the program.

**DISCUSSION:** BOARS Chair Bill Jacob stated that UCOE personnel assured BOARS that targeting "high achievers" will not be part of UCOE's advertising plan, but his committee remains concerned about the need to generate revenue driving programmatic decisions, and about access for those who can not afford the fees. This strategy is objectionable, given the mission of the University. A member opined that it is no more likely that the loan could be paid one year from now, and advocated ending the project. UC should instead focus its online efforts on fostering existing campus courses and initiatives. A member stated that the University should view the program as an investment in UC students, and pointed out that the aim of the program as originally conceived by the Commission on the Future was to help students graduate in a timely manner and eventually to extend access to a broader range of students. But it has come to be seen primarily as a way to generate revenue. A member opined that this proposal would give UCOE latitude to do what they think is best for the program without the financial constraint of repaying the loan immediately. Campuses will benefit from the development of the common learning platform and may learn how to implement online instruction more effectively. A member stated that there is some urgency to this matter, as UCOE must decide in the next two weeks whether to target advertising toward non-matriculated students.

**ACTION: Council approved a letter proposing a moratorium on loan repayment by UCOE (15 in favor, 1 against).**

### **VIII. Review of APM 010, 015 and 016**

**ISSUE:** Council discussed responses to the systemwide review of the proposed revisions to APM 010, 015 and 016.

**DISCUSSION:** Chair Anderson reported that there was nearly unanimous opposition to the proposed revisions to APM 016. There was some confusion about the need for the changes to APM 010 and 015, as a result of the Supreme Court's *Garcetti* decision. Many respondents objected to the phrase "when acting as a member of the faculty" as ambiguous and confusing. Chair Anderson asked if Council would approve the proposed revisions to APM 010 and 015 if this phrase was deleted. UCFW Chair Parker stated that his committee strongly feels that the freedom to address any matter of institutional policy or action is an affirmative statement of a fundamental right of academic freedom and should be included in the definition of academic freedom in APM 010, and as a technical revision to APM 015, enumerating the list of professional rights.

**ACTION: Council unanimously endorsed the draft letter included in the agenda packet.**

### **IX. IGETC for STEM majors**

**ISSUE:** UCEP has endorsed changes to IGETC (Intersegmental General Education Transfer Curriculum, a series of courses that CCC students may complete to satisfy the lower-division general education requirements at both UC and CSU) for STEM Majors, proposed by ICAS, and suggests that a document be developed that clearly explains all of the paths for transfer.

**DISCUSSION:** BOARS' Chair Jacob said that IGETC does not work for some science majors that require courses taken in sequence. He stated that this is a minor change that replaces SciGETC. The proposal would exempt STEM majors from fulfilling two social science or humanities courses and a foreign language course prior to transfer if they took specified patterns of sequential math or science courses, but require them to fulfill the requirement at UC. He also noted that BOARS is drafting a document that explains transfer pathways.

**ACTION: Council approved in principle the revisions to IGETC to accommodate STEM majors and requested that next year's Council propose amendments to Senate Regulation 478 reflecting the revisions.**

**X. Proposal for funding of charrette planning efforts**

*Council deferred this to its July meeting.*

**XI. Report of the Academic Council Task Force on Competitiveness in Academic Graduate Student Support (CAGSS)**

**ISSUE:** CAGSS completed its report for submission to the Regents. It is likely to be presented to the Regents in September, along with the report of the joint Senate-Administration Work Group on Academic Graduate Student Issues.

**DISCUSSION:** CCGA Chair Goodhue, who also chaired CAGSS, stated that the report makes several concrete recommendations. It recommends: (1) waiving Non-resident Supplemental Tuition (NRST) for doctoral students, or, as alternatives, increasing the number of years NRST is waived for international doctoral students or foregoing future tuition increases for international academic doctoral students; (2) not charging NRST to research grants; (3) eliminating the systemwide limits on the number of terms a student may be employed as a graduate student instructor (GSI); and (4) allocating additional resources for net stipends for academic doctoral student support. She stated that it is important to establish graduate student funding as a priority. She noted that it would cost \$9.8M to waive NRST. She noted that the Regents froze NRT in 2007-08 and enacted a waiver for students who have advanced to candidacy. While these measures are helpful, they do not provide a level playing field for international students. Both the admissions process and the hiring of GSRs is distorted by charging NRST. The cost of eliminating NRST after the first year is only 2% of the entire budget for graduate student support. A member commented that the report rightly describes the programmatic consequences of distortions in admissions, in addition to the financial ones. A member asked how the CAGSS report differs from the draft of the joint report. Chair Goodhue responded that there are no major factual contradictions, but that the joint report makes fewer concrete recommendations.

**ACTION: Council unanimously endorsed the report.**

**XII. UCR&J Ruling on Senate Membership**

**ISSUE:** As requested by Chair Anderson and Vice Chair Powell, UCR&J has issued a draft legislative ruling on the issues of Senate membership and process arising from UCSF's announcement that full-time faculty in the Adjunct and Health Sciences Clinical series at the Associate and Full Professor levels would be considered Senate members effective July 1, 2012.

Per Bylaw 206.A, the draft ruling, which describes “the position of the committee as to what [the] ruling should be” is submitted to Council “for consideration and comment” before the committee issues its final ruling.

**DISCUSSION:** Chair Anderson stated that UCR&J’s ruling is clear that Adjunct and Clinical titles are not Senate members, and that UCSF did not follow the appropriate process to change this. As per Senate bylaws, Council is not asked to approve or disapprove of the ruling, but may send comments to UCR&J. UCSF Chair Newcomer asked if there is an appellate process to challenge the rulings of UCR&J. Chair Anderson responded that Council could opine that the ruling is incorrect and suggest modifications, but while UCR&J is obliged to consider comments, it is not obliged to change its ruling. The appeals process would be to propose legislation to the Assembly, and amending legislation requires a 2/3 vote. Chair Newcomer stated that UCR&J did not consider the opinion of the Office of General Counsel, even though the committee had been informed that OGC would opine. Chair Anderson responded that the OGC memo was written in response to a request made by him and Vice Chair Powell, and that their request was made after UCR&J issued its ruling. Members debated the meaning of OGC’s opinion. A member stated that it is important that the Senate safeguard its autonomy and prerogative to interpret its own bylaws; suggesting that the Senate may be obliged to follow the opinions of an administrative entity is troubling. A member suggested forwarding OGC’s letter to UCR&J and asking them whether it alters the committee’s conclusions in any way. Chair Newcomer stated that his division will send a letter to the faculty informing them of a delay in the automatic appointment of faculty titles to Senate membership, but of the intention of the division to provide equal rights to participate in governance on the UCSF campus, but not at the systemwide level. UCSF will propose establishing two CAPs—one for clinical faculty, and one for Senate faculty. In addition, the division will ask Chancellor Desmond-Hellman to solicit support on the Board of Regents. UCFW Chair Parker, who is leading a Council subcommittee on Senate membership, reported on the progress of its work.

**ACTION: Council voted to forward the letter from OGC to UCR&J and ask the committee whether the opinion would change their preliminary ruling in any way (16 in favor, 1 opposed, 2 abstentions).**

### **XIII. UC Observatories Board**

*Note: Council did not have time to discuss this item at its regular meeting. This discussion was held at a teleconference on July 11.*

**ISSUE:** In response to suggestions from the review of the UC Observatories and after extended consultation with UCORP, ORGS has proposed the establishment of a Board that would provide strategic planning and administrative oversight for UCO.

**DISCUSSION:** UCORP Chair Crawford said in discussions with ORGS, his committee understood that the Board of twelve members would be composed equally of faculty and administration representatives, and that the Senate would play a primary role in nominating the Senate members. The president disagrees with this proposal; he views it as an administrative body to which two Senate members would be appointed. UCORP would not have endorsed the proposal in this form. A member argued that if the structure is not changed, the Senate should not participate. A member replied that the Senate is only advisory in this area; the administration is not obligated to take the Senate’s advice. A member responded that it should not be called a joint body.

**ACTION: Members requested that Chair Anderson discuss Council’s view with the president’s office.**

**XIV. UCCC Bylaw**

*Council deferred discussion to its July meeting.*

**XV. Reimbursement of legal fees for faculty found innocent in whistleblower investigations**

**DISCUSSION:** Chair Anderson reported that both UCAF and UCP&T responded to draft guidelines developed by OGC for establishing when a faculty member found innocent of charges of alleged research misconduct in an investigation instigated by a whistleblower complaint may be reimbursed for legal fees incurred in defending against the allegations. UCAF is satisfied with the draft, but UCP&T has some concerns and proposed revisions.

**ACTION: Council unanimously endorsed UCP&T’s proposed revisions and asked that they be forwarded to the Office of General Counsel.**

**XVI. New Business**

- (1) ACTION: The Academic Council unanimously passed a motion thanking Executive Vice President and Provost Pitts for his exceptional commitment and service to the University of California during unusually challenging times and for his willingness to engage with the Senate.**
- (2) Research Mission Statement** (removed from the Consent Calendar). Members made several suggestions for revision. Council authorized UCORP Chair Crawford to revise the mission statement based on Council’s discussion and share it with Provost Dorr.
- (3) Principles, Processes, and Assessments of Universitywide Research (PPA) recommendations** (removed from the Consent Calendar). Members suggested two modifications to the section on membership of the Portfolio Review Group.  
**ACTION: Council endorsed the recommendations of the report, provided that their proposed modifications are accepted.**
- (4) Executive Session.** *Minutes were not taken for this portion of the July 11*

Meeting adjourned at 4:30 pm

Attest: Robert Anderson, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst