

## ACADEMIC COUNCIL

**Minutes of Meeting**  
**Wednesday, December 14, 2011**

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

- 1. Privacy and Security Committee.** The administration is concerned about the security of medical records and other protected information and convened this committee to draft policies. The initial draft of the committee's report overreached. A Senate representatives working with the committee, Christine Borgman (UCLA), who is an expert on this topic, has urged the administration to focus on the areas of greatest concern rather than general monitoring. As a result, the draft report will be rewritten and issued in the spring.
- 2. Rebenching Task Force.** The Rebenching Task Force will meet again in January.
- 3. Provost and UCSD Chancellor search committees.** The provost search committee has reviewed about 100 prospects and is reviewing approximately 200 more. The UCSD search committee is in the process of reviewing about 300 prospects.
- 4. UCAF endorsement of guidelines for the reimbursement of legal fees for faculty accused of misconduct in research and are found innocent.** The University is obliged to investigate whistleblower complaints and protect whistleblowers from retaliation. UCAF endorsed the guidelines, but Chair Anderson suggested that UCFW, UCORP and UCP&T should have the opportunity to comment.
- 5. UCEAP Strategic Plan.** UCIE is concerned that they were not asked to comment on the UCEAP Strategic Plan. UCPB's chair stated that his committee would like to review it, as well.
- 6. Report on ICAS meeting.** Vice Chair Powell reported that SciGETC was approved by UC but not by the CCC. He stated that if Council approves UCEP's letter to WASC and white paper on program review, then we should share these documents with ICAS (CSU is also accredited by WASC). Finally, he reported that the principals on the California Education Roundtable agreed to temporarily suspend meetings of that group.

**II. Approval of the Agenda**

**ACTION:** The agenda was unanimously approved with the addition of several items of New Business.

**III. Consent Calendar**

- 1. Approve draft November 20 and 30 Council minutes**

**ACTION:** The consent calendar was unanimously approved.

#### **IV. Systemwide Review of APM 670 (HSCP)**

**ISSUE:** Council discussed the responses received to the systemwide review of proposed revisions to APM 670 (Health Sciences Compensation Plan).

**DISCUSSION:** UCFW Chair Parker outlined his committee's concerns, which centered on providing too much authority to deans and chairs to determine "good standing" and to set salaries. For instance, the advisory committee is only advisory to the dean, so in fact, there is no real appeal of a dean's decision. Half of the advisory committee membership is appointed by the dean and half by some other, undefined mechanism. The APM either should be more explicit about the selection mechanism of non-administrative representatives on the advisory committee or ensure that the committee is an odd number of people with the dean appointing no more than half. The dean's authority to determine whether a faculty member is in "good standing" may be misused. Finally, the APM includes no provisions for non-Senate faculty to participate in shared governance. UCFW would like a new draft that addresses these concerns. UCSF Chair Newcomer stated that his division raised a number of solvable issues, and suggested revisions to the language. He concurred that a new draft should be circulated. A divisional chair from a campus without a medical school noted that previously he deferred to the opinion of those campuses with medical schools, but since APM 668 was proposed to offer a medical school model on the general campuses, he believes the Senate should pay closer attention to the HSCP. A member opposed the limit on the number of members of an APU, noting that some APUs need to be small. Second, he noted his campus' preference that the cap on outside compensation be on the number of days of outside professional activity (focusing on effort), rather than on a dollar amount. Furthermore, the proposed dollar restriction is not indexed for inflation, so the APM would have to be amended in the future. A member added that exceptions must be made for nurses and other personnel who need a certain number of hours of professional activity for licensing and sometimes have to go outside of UC's network of affiliated medical facilities. Chair Anderson suggested forwarding all of the comments to Vice Provost Carlson with a cover letter that highlights the concerns that should be addressed in a new draft.

**ACTION:** Council authorized Chair Anderson to revise the draft letter requesting revisions to APM 670 that would clarify and strengthen faculty participation in advisory committee, the determination of good standing, the treatment of outside professional activities, and the minimum size of APUs. The letter will be circulated for Council approval prior to transmission.

#### **V. Consultation with Office of the President Senior Managers**

Provost and Executive Vice President Pitts joined Council for a discussion.

APM 668. Provost Pitts noted that initial feedback from the systemwide review of APM 668 was negative. He stated that while APM 668 may not be the best way to provide appropriate compensation, the idea has merit. It is critical to find sources of funds to improve faculty salaries. Rebenching. Provost Pitts anticipates that the Rebenching Task Force will formulate a set of recommendations by February and will distribute a draft for review in March. The Task Force is moving toward incorporating earmarks (e.g., for ANR and Agricultural Experiment Stations) into funding streams. He reported that the Task Force is still grappling with the problem of unfunded students. He agreed with the Senate suggestion of implementing enrollment targets with consequences for not meeting the targets. The Budget Office is developing an interactive

spreadsheet that will allow the Task Force to see the impact of instituting different targets. A member commented that this model is transparent and could be used in advocacy for state funding. A member indicated approval of using the Funding Streams tax to pay for earmarks, relieving pressure on core state funds, which have been subject to the greatest cuts, but stressed that the goal is to provide equal funding for students regardless of campus.

Multi-year funding plan. Provost Pitts reported that UC is in discussions with the Department of Finance on developing a multi-year funding plan. He noted that the University may take control of its own capital financing. Under the current system, the state issues bonds for capital projects and provides UC with an annual allotment to pay off the lease-revenue bonds. Under the proposal, the state would turn over all of the debt on lease-revenue bonds (but not general obligation bonds) and provide the annual debt service allocation to UC without earmarking it for the bond payment. If UC can restructure the debt to reduce the amount of debt service, e.g., by extending the payment schedule or lowering the interest rate, it will free up funds. The state also is considering providing UC with a block grant that it could use for the retirement system. Both of these sources of funds would be added to the University's permanent base budget in 2012-13; in subsequent years, the State would augment by at least 4% per year. Provost Pitts noted that Department of Finance officials are discussing these proposals with senior legislative leaders to ensure that any agreement it makes will be honored, unlike past compacts with the governor alone. A member commented that the governor's ballot proposal dedicates the tax revenues it raises toward K-12, but not toward UC.

## **VI. General Discussion**

A member expressed concern about the lease-revenue bond proposal. The state could cut the funds it previously provided to pay the debt, and UC would be legally obligated to continue to pay off the bond. A member stated that UC bonds usually have a 20 year repayment period for buildings that last at least 50 years, which saddles current students with paying the bill while providing infrastructure for students far into the future.

## **VII. Systemwide Review of APM 668 (negotiated salary)**

**ISSUE:** Council discussed responses to the review of a proposed new APM section that would allow academic departments to use non-state resources to provide additional salary for general campus faculty, similar to the health sciences compensation plan.

**DISCUSSION:** Chair Anderson noted that faculty favor the goal of augmenting salaries to achieve parity with the Comparison 8, but most think that APM 668 is not the way to achieve this. A member stated that Council should oppose APM 668 on philosophical grounds. Another member noted that those who were familiar with the health sciences were more positive about the proposal. Some suggested a more narrow conception of APM 668 with tighter regulation and greater Senate involvement would be acceptable. A member noted that three major areas of concern were articulated by multiple respondents: 1) maintenance of peer review as a central tenet of compensation; 2) inequities in that only some kinds of accomplishment are rewarded; and 3) the proposed policy could cause diversion of faculty effort from the core educational mission. Members also noted that the proposed APM could increase the workload of Privilege and Tenure committees, siphon funds from research, create diversity equity issues, and create a precedent for requiring faculty to raise part of their own salaries. A member asked how APM 668 differs from the recommendations of the joint Senate-administrative salary task force. A member who serves on the task force responded that APM 668 was redrafted in response to administration comments, and

was not resubmitted to the task force. However, the task force's charge did not include recommending a plan, but rather creating a policy based on the Gottfredson report that could be reviewed by the Senate. A member noted that federal agencies have different regulations regarding salary, which already causes inequitable access to sources of external compensation; APM 668 would exacerbate those disparities. A member stated that biology faculty with identical research activities can receive greatly varying rates of compensation depending on whether they have an appointment in a general campus biology department or a joint appointment with a medical school; faculty move their grants to the medical school, which hurts the general campuses. The plan would mitigate this inequity for a subset of faculty. A member responded that perhaps a policy could be crafted that is more narrowly tailored to specific issues like those of biology faculty.

Council members debated whether to reject the proposal outright or to provide critiques and request a new draft. Several argued that a more tightly regulated version that limits campus autonomy and preserves a common structure and Senate involvement would be acceptable. Others vigorously objected to it as counter to UC tradition and the Senate's role in assessing merit; systemwide policies should not be tailored to individual campuses or groups within campuses. A member noted that most APM sections are prescriptive and that the extent of Senate involvement in the implementation and decision making processes should be specified. A major flaw of the proposal is that it does not provide enough detail about how the process would work and allows for a great variety of unintended consequences in specific implementations. A member suggested strongly opposing APM 668, listing the Senate's concerns, and stating that any future proposals should address these objections.

**ACTION:** Council authorized Chair Anderson to draft a letter rejecting APM 668 as written, outlining the significant concerns that would have to be addressed in any similar proposal in the future. The letter will be circulated for Council approval prior to transmission.

## **VIII. UCEP and CCGA Proposals to WASC**

**ISSUE:** In response to proposed revisions to the WASC handbook governing accreditation, UCEP drafted a proposal requesting permanent exemption from external benchmarking measures, such as the Lumina Foundation's Degree Quality Profile. UCEP instead proposed continued reliance on the existing program review processes, with some modifications, to fulfill WASC's external benchmarking requirement.

**DISCUSSION:** UCEP Chair Wudka reported that at its recent meeting WASC decided not to adopt external validation of degrees; it has postponed its decision to its February meeting. It also decided to pilot the Lumina Degree Qualification Profile at several universities (including the University of Hawaii system), and will evaluate the DQP two years from now. He noted that WASC's proposal is an attempt to provide one approach to accreditation for both for-profit and public institutions and is not relevant or appropriate for UC in many ways. In response, UCEP developed a proposal for the review of UC programs. In addition, UCEP has written a white paper defending UC's program review process as superior to the external validation proposed by Lumina. CCGA Chair Goodhue stated that her committee agrees with UCEP's analysis and added that defining learning outcomes is not appropriate for doctoral degrees. A member commented that the white paper is an important piece of work and should be disseminated further. The problem

with benchmarking is that knowledge is contextual and skills cannot be evaluated outside of context.

**ACTION: Council unanimously endorsed UCEP's proposal and white paper and CCGA's memo and approved forwarding them to WASC's president.**

#### **IX. Executive Session**

*Minutes were not taken for this portion of the meeting.*

#### **X. Update on inquiries into police actions during campus protests**

**DISCUSSION:** Division chairs briefed Council on the progress of inquiries into police action at Davis and Berkeley and systemwide policing protocols, as well as updates on the campus protests.

#### **XI. Preliminary discussion of systemwide review of UCAAD's Salary Equity Study**

**DISCUSSION:** Council discussed initial responses to the Salary Equity Study done under the auspices of UCAAD. It will engage in a full discussion at its January 2012 meeting. At the Senate's request, the administration submitted initial comments and will have a formal response by the holidays. Many of the comments we have received are critical of the study's methodology. UCAAD Chair Conkey noted that the study does not posit a mechanism by which the disparities have occurred. A possible response to this critique is to ask a panel of three qualified faculty to analyze the methodology question. A member suggested that the CAPs could address the issue on a case by case basis over the next three-year cycle of merit views by comparing women's salaries to those of similarly qualified male faculty in their department. However, in some departments, there is no benchmark (e.g., in departments with few faculty). Each campus could establish mechanisms to correct such inequities. A member noted that systemwide policy already provides for career equity reviews. But some faculty may be reluctant to ask for a review and the onus should not be on individual faculty members if the problem is systemwide; there must be a broader solution. A member spoke in favor of establishing a blue ribbon commission with experts in the field to extend the study. A member noted that many of the criticisms come from faculty members with expertise in methodology, but who may know little about discrimination. A division chair stated that his campus has addressed this problem by asking the task force that performed a similar study to outline procedures to flag files of individuals who may have been affected and provide the CAP and EVC with guidelines on what to do. Chair Conkey encouraged campuses to share best practices.

#### **XII. New Business.**

##### **A. Self-identification of LGBT applicants.**

**ISSUE:** Recently, the state legislature passed a law requesting that UC provide an opportunity for students, staff, and faculty to report their sexual orientation and gender identity on all forms requesting demographic data. The CCC Senate had previously adopted a resolution supporting the option of self-identification on official forms. BOARS was asked its opinion of providing an opportunity for voluntary self-identification on the undergraduate admissions application.

**DISCUSSION:** BOARS Chair Jacob stated that while BOARS supports the right of students to self-identify, it declined to support adding this option to the application for admission, since applications are often overseen by parents and responding to this question could create complications in family dynamics at a sensitive time. He reported that a developmental psychologist on the committee strongly recommended against collecting this information prior to enrollment. Instead, BOARS recommends collecting this data once students arrive on campus. He noted that the new bill refers to students, not applicants. A member stated that the LGBT community fought long to have their family status be included on the U.S. census and that it is an affirming message to include this core characteristic, along with ethnicity and religion. However, he recognizes the concerns regarding minors who are applying to college and need their family's financial support. A member noted that youth are treated differently from adults in human subject regulations; BOARS' conclusion is consistent with this approach. UCAAD's chair stated that she would like the opportunity for UCAAD to discuss this issue before Council makes a statement. Council agreed to revisit the issue in January.

**B. BOARS resolution on programs or policies that guarantee admission to UC.**

**ISSUE:** Non-resident applications have significantly increased this year due to major recruitment efforts by some campuses. BOARS' resolution affirms UC's existing admissions policies vis-à-vis non-residents. Admission guarantees are for entering freshman California residents and transfer applicants from the California Community Colleges, only.

**ACTION:** Council unanimously endorsed BOARS' resolution affirming existing UC policy on admissions guarantees.

**C. UC's patent acknowledgement.**

**ISSUE:** To what extent, if any, should the Senate be involved in recommending consequences for faculty who do not sign the University's revised patent acknowledgement.

**DISCUSSION:** Council members stated that this is the administration's responsibility. The appropriate Senate committees should respond to the administration's proposals.

**ACTION:** Council unanimously authorized Chair Anderson to convey to Provost Pitts that Senate committees are willing to provide feedback regarding potential consequences for non-compliance, but declined to propose any sanctions.

**D. Blue Ribbon Panel on the Evaluation of the Online Instruction Pilot Project (OIPP)**

**ISSUE:** UCOC has proposed a slate of nominees to serve on Council's Blue Ribbon Task Force on the evaluation of the OIPP.

**ACTION:** Council unanimously agreed to appoint the nominees suggested by UCOC to serve on Council's Blue Ribbon Task Force to review the evaluation of the Online Instruction Pilot Program.

Meeting adjourned at 4:30 p.m.

Attest: Robert Anderson, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst

