

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

ACADEMIC COUNCIL

**Minutes of Meeting
Wednesday May 23, 2007**

I. Chair’s Announcements

Chair Oakley welcomed Council members and the three alternates attending today’s meeting. He reminded them that today the new Executive Vice President for Business Operations, Katherine Lapp, would be attending Council for the first time as part of Council’s regular consultation with senior management, and that Charles Robinson, General Counsel and Vice President for Legal Affairs, would also be a joining the meeting later for a discussion of his plans for the future of the Office of General Counsel. Chair Oakley then briefed Council members on the May Regents meeting, noting in particular that the Senate Budget Overview that he presented with UCPB Chair Newfield was well-received. He also updated Council on recent activities of the Academic Council Special Committee on the National Labs (ACSCONL).

II. Approval of the Agenda

ACTION: The agenda was approved as noticed.

III. Consent Calendar

ACTION: The Minutes of the March 28, 2007, and April 25, 2007, meetings were approved with technical changes.

ACTION: With minor corrections, the list of “Grand Challenges for the University in the Area of Information Technology,” drafted by the University Committee on Information Technology and Telecommunications Policy, was approved for posting on the Senate website.

ACTION: These items on the consent calendar were approved as noticed:

1. Minutes of April 18, 2007.
2. Request for Divisional Coordination of UC Transfer Preparation Pathways Implementation.
3. Appointment of Professor Peter Berck as Secretary / Parliamentarian.

IV. Proposed Academic Council Policy on Fiscal Impact Statements

ISSUE: A Council work group has drafted a proposed procedure for providing Council with analyses of the budgetary impact of proposed policies that are submitted to the Council for systemwide review. Council Chair Oakley has submitted an amended version of the proposal for consideration that will not require Assembly approval.

DISCUSSION: Chair Oakley suggested that the proposed procedure and template would benefit from preliminary input from the standing committees before Council takes final action at its June meeting.

ACTION: Council agreed to send the draft Academic Council Policy on Fiscal Impact Statements to all standing committees for review. Responses will be requested in time for the June 27, 2007, Council meeting.

V. Creation of a Senate Task Force on Faculty Compensation Determination and Comparison

ISSUE: In April, the Academic Council approved a UCFW request to establish a Senate body to evaluate the broader questions related to compensation methodology that have come to light following the 2005 Mercer Total Remuneration Report.

ACTION: UCFW, in consultation with UCAP and UCPB, will draft a charge for the Senate Task Force on Faculty Compensation Determination and Comparison, which will be considered by the Council at its June 27 meeting.

VI. Indirect Cost Recovery (ICR)

ISSUE: UCORP has been studying ICR and its allocation at the campus level, and foresees the investigation continuing into next year. UCORP wishes to solicit insights from Council members to help this effort be more successful than previous investigations, since neither UCPB's 2003 report nor the Office of Research's 2002 primer has reached a wide audience or effected any change.

ACTION: This item was deferred to the June 27, 2007, meeting, at which time a draft document from UCORP on ICR will be ready for discussion.

VII. Proposed Policy on Stewardship of Electronic Information

ISSUE: At its January 2007 meeting, Council approved the proposed Policy on Stewardship of Electronic Information on the conditions that UCOP address Council's stated concerns and that Council be given an opportunity to comment on and review the revised policy prior to its final issuance by the President. Associate Vice President Kristine Hafner has submitted a revised version for Council's consideration.

DISCUSSION: It was noted that this was a re-drafting of the proposal rather than a revision. One member called attention to the fact that the "Policy Statement" of the last version was missing from this version and that without that explicit statement, the rest of the document consists largely of advisory statements rather than actual requirements or regulations.

ACTION: UCPB Chair Newfield will draft a memo recommending changes to the revised policy on Stewardship of Electronic Information.

VIII. Consultation with Senior Management

- **Robert C. Dynes, President**
- **Wyatt R. Hume, Provost and Executive Vice President, Academic and Health Affairs**
- **Katherine N. Lapp, Executive Vice President-Business Operations**

Provost Hume

New position of Vice President for Research and Graduate Studies. The support from the Academic Council for creating this position is appreciated. This is an important step in making the research functions at the Office of the President more effective through consolidation. Preliminary work has been done to put together a search committee and we will move expeditiously to get the position filled.

Academic Planning. The presentation that was given to The Regents this month can also be given to Council, if so desired. Strategically, it is important for all parties to understand the overall context and principles of the academic planning project. The Regents were happy to hear this summary of the first year's efforts, which have centered on gaining trust in the process and in each other. At this point OP has enough useful budget information to plan for the coming budget cycle, which the Provost and EVP Lapp have been working on together. The budget priorities coming out of our discussion are: faculty salaries, graduate support, the student-faculty ratio, promoting work across disciplines, promoting diversity, and providing service to the state (e.g., in the area of K-12 education). These priorities are consistent with those of The Regents, although there will be some changes in nuance. Plans for next year are ambitious and include visits to all campuses in the fall and the completion of enrollment planning through 2020 by next spring, in addition to meeting academic planning goals in the course of the normal budget process.

Faculty Salaries. The joint work group on faculty salary scales has designed principles for reforming the scales and proposed technical steps toward that goal that include proposed changes to the APM and a revised scale. The plan is now to make changes to the scales in two steps -- one this fall and one next fall. Challenges remain in the areas of new hires and the salary sag of faculty in the middle of the scale. The overall goal is to put many more faculty back on the scale. The hope is that this goal can be accomplished in two to three years, but it is a complex process since not all faculty or all campuses can be treated the same. The Academic Council will continue its key participation in the process.

Non-Resident Tuition. A summary was given to The Regents of measures implemented so far to ease tuition for foreign academic graduate students. There has not been full agreement on eliminating NRT entirely, which is the Senate's position and which would require a legislative change. Working around the current legislative framework, chancellors have been instructed to return NRT revenue back to its source, and OP is offering \$10 million in matching funds for campus support.

President Dynes

UC Budget Update. Despite a downturn in state revenue, proposed UC funding has been maintained, which will provide about \$200 million above the original level of the Compact. Funding for academic preparation and the labor centers is not in the budget and will be negotiated later in the budget process. Support for the research initiatives and parts of the capital budget are also still under negotiation.

Lawrence Livermore National Lab. UC and its industry partners were chosen in the competition for management of LLNL. Now work has to be done on the details of oversight.

The May Regents' Meeting. The presentation of the Senate budget overview stimulated a good discussion on restoring the state's investment in UC. The Provost's presentation on academic planning was also well received.

Academic Planning. With the goal of becoming more efficient and effective as a system, the President and the Regents will be looking at how OP's responsibilities and those of the campuses are structured. There is a need to enhance OP's ability to respond quickly to requests for information from the university as a whole.

Compensation Issues. With the compensation audits completed, it is apparent that policies were not followed, although for the most part this was done out of ignorance. As a result of these compensation-related concerns and inquiries, the President has promised that UC would lead the nation in public disclosure of compensation practices, and that the quality and integrity of the university would be maintained.

Faculty Salaries. The plan is, over the next 3 to 4 years, to bring most faculty back on to scale and to raise salaries by 26%. The faculty salary scale and the merit review process are important assets of UC, which will be maintained by taking these steps.

Vice President for International Affairs. UC is gaining a heightened international profile that includes collaborative programs and research initiatives with Mexico, Canada, India, and China. UC's international strategy means working at the highest levels with other countries. Having a Vice President for International Affairs will greatly enhance these interactions.

AFSCME. A resolution has been reached in wage negotiations with AFSCME. The debate has revolved around how the raises should be distributed among the campuses. A compromise was agreed upon for now, and bargaining will resume in the fall when it is hoped an equitable distribution plan will be resolved. As a result of this agreement, capital funding for UCSC is back in the university budget.

Executive Vice President Lapp

EVP Lapp was introduced to Council members. She briefly remarked on attending a Regents' meeting for the first time, and on the talent and commitment of the staff at OP. A major goal is to work jointly with the Provost's office to develop a long-term budget plan.

Questions and Comments

New VP for International Affairs

Comment: Creating these new vice president positions -- for research and for international affairs -- puts the cart before the horse. A full diagnosis and a vision for change should be developed before hiring someone and expecting that person to "fix

things.” The UC Education Abroad Program, for example, should be an integral part of portfolio of a VP for international affairs, but we are still in the middle of evaluating serious problems connected with that program.

Response: EAP needs to be an integral part of our international strategy, although that is not reflected in the draft VP job description. It is likely that The Regents will support this position and that it will move forward quickly.

Comment: It seems the report on international education, which has a major focus on EAP, should be finalized and those issues resolved before the new VP is recruited.

Response: The outcome of the report won’t change the need for a VP for international affairs and there is a sense of urgency to get this done.

Q: Why is this a vice president rather than a vice provost position?

A: A vice president represents UC externally; a vice provost works more internally and supports the provost.

Faculty salary scale

Comment: A four year period to implement the faculty salary scale changes is too long: it will cause more bickering and the changes may end up being a wash. A delay is worrisome also because of the possibility of an external review. Real clarity is needed about the use of COLAs and other sources funding to raise the scale, and COLAs should not be in competition with the planned raises.

Q: Why change the APM to remove restrictions on off-scale salaries altogether?

A: The APM change is debatable and this question needs to be worked out.

Q: How is the first part of the plan determined? How is the right salary level determined?

A: We are working to have a single salary band at each level applicable uniformly to all campuses.

Other

Comment: A UCFW subgroup has prepared an analysis showing that the methodology used by Mercer Human Resource Consultants seriously overvalues the UC defined benefit plan and undervalues its defined contribution plan. UCFW will be seeking outside verification of its analysis and would like to know if that could be done by the UC actuary.

Response: It is troubling that UCRP is assumed to be an unusually good benefit for everyone working at UC. UCRP is good for older employees, since a defined benefit plan is more valuable later in one’s career, but is not particularly good for newer employees. We look forward to seeing the UCFW report.

Q: Why is academic preparation always used as a political football, since it’s not a lot of money that is at stake?

A: We met with doubts about our academic preparation programs, so we assessed them and issued a substantive report that showed most of the programs were effective. The money was originally a line item in the budget but then it was removed just before the January budget came out.

Management contracts for the national labs (with input from General Counsel and Vice President – Legal Affairs, Charles Robinson)

Council members asked what the strategy will be to deal with the realization that the LANS LLC agreement with the DOE is not necessarily a seven-year contract, but could be a 20-year commitment for UC. They also expressed concern that the terms of this contract had not been properly communicated to or understood by the UC community.

President Dynes replied that if the NNSA started a program with which UC did not agree, UC would need to negotiate its release from the contract. UC's ability to withdraw from its previous contracts with the DOE was unique. The new contracts are drawn according to a standard template and do not give UC the right to terminate.

Vice President Robinson explained that there are avenues for withdrawing from the contracts, which would likely necessitate finding a substitute to work with the current industry partners in the LLC. With regard to proper consultation and conveying information, he noted the need to determine first whether the right process is in place and then whether or not is being followed.

IX. Consultation with Charles Robinson, General Counsel and Vice President for Legal Affairs

The Office of the General Counsel (OGC) provides legal representation, advice, research, training, and opinions to the Board of Regents, administration, faculty and staff, and others acting on behalf of UC. The General Counsel reports jointly to the Board of Regents and the President. Vice President Robinson offered these remarks to Council about his goals and objectives for the OGC.

A service philosophy. For the OGC to properly support the academic and business objectives of the university as a whole requires a service orientation. The Office must be accessible and responsive and deliver quality services, keeping in mind that our clients have other options. The best arrangement is to work as a strategic partner with our clients, which best enables us to think creatively and overcome challenges. Strategic capability is the main benefit of having resident counsel who can participate in developing strategic goals. Our basic approach for giving advice is first to figure out where discretion is possible and then offer projections and advice and let the client make the decisions. I find that what is most useful to clients is to actually advise – to offer one's thoughts – rather than simply to lay out facts. Good advice is often a form of risk management since there is rarely a bright line between what should or should not be done. It is the responsibility of the lawyer to avoid legal jeopardy for the client, but the message of counsel can offer options that can be weighed against specific goals. Certain levels of risk mean working at a commensurately high level in the organization. We represent the corporate entity, not any single individual. In assessing each case, we must determine whether an individual has authorization for using the services and whether he or she is acting in the interests of the UC.

Goals and objectives of the office:

Strategic planning. A more formal strategic planning process will be fully developed before the end of the year that will align with the strategies of our clients.

Housekeeping within the Oakland office. This effort will address management structure and the office budget. The current structure of specialty groups will be re-organized into fewer groups, each with a deputy who reports to me and is responsible for budget, staff oversight, quality of service, and strategic thinking and planning. The office budget is currently running at large deficit. We are now negotiating to get a zero-base budget and then will start to address serious inequities among our paralegals and lawyers. An incentive compensation plan will be set up with back-end evaluation and client feedback. Other integrated goals include cost containment and filling in service gaps to become fully established as the resident counsel. (In each of the past three years, UC has spent between \$50 and \$70 million on outside counsel.) Enhanced service coverage would include these areas: human resources and benefits; copyright, intellectual property, patents, and a greater focus on public-private partnerships and international activities and relationships.

Funding. A formula is now being developed by which the campuses will provide support for OGC services.

Discussion: In response to members' questions regarding specific issues, VP Robinson said the OGC would be reviewing UC's contract with TALX, and the retirement benefits of UC faculty who are employees of outside institutes, and would be developing answers to questions relating to the terms of the national labs contracts. OGC will be working with University Affairs to research, develop, and present possible policy choices regarding privacy and security in relation to mental health issues on the campuses. VP Robinson agreed with the notion, as suggested by a Council member, that faculty and student legal expertise could be used to a greater degree.

X. General Discussion of Consultation with Senior Management

[See items VIII and IX.]

XI. Proposed Amendments to Senate Regulation 636

ISSUE: Last June, Council charged UCEP and UCOEP to draft appropriate regulation changes addressing the cap on the size of the Entry Level Writing Requirement (ELWR) classes. UCOPE has submitted a proposed amendment to SR 636, streamlining the regulation and removing references to the names of specific standardized tests. UCEP's response, however, does not endorse a change to Senate Regulation 636, but does reiterate its previous recommendation that campuses should make smaller ELWR class sections a priority but UCEP recommends that a systemwide mandate should not be issued until the question of resources for the class size limit is resolved.

DISCUSSION:

Council Chair Oakley made these points: UCEP's past position on this issue was that a system-wide policy to cap the size of writing classes would be an educationally effective measure. In order to ensure fair funding among all the campuses, the Provost asked the

Senate to propose the cap as a curriculum requirement, hence the charge to UCEP and UCOPE to draft regulation language. It seems, though, that UCOPE and UCEP now disagree.

UCEP Chair Weiss replied that UCEP was not expressing opposition to the proposed regulation change, but was endorsing the committee's position of last year: that is, to implement the cap only if there is no obvious fiscal impact on other programs. He noted, though, that the current membership of UCEP did not find compelling the argument for capping classes at 20 students, but nonetheless agreed that a uniform policy would be appropriate.

Member discussion points:

- The regulation change should be descriptive rather than prescriptive and avoid using an actual number.
- The proposal implies that divisions are incapable of making decisions about pedagogical effectiveness. This seems like a simplistic solution to what might be a complex problem.
- The larger issue is maintaining a consistency of Senate positions; a turnover of committee members should not also mean changed opinions. Senate decisions should not be seen as arbitrary and determined by the make up of body.
- The proposal is potentially too costly for some campuses.
- The amount of money is not considerable, especially in view of the need for writing remediation. Writing is a system-wide requirement so it is appropriate to have a system-wide standard for writing-class size.

ACTION: In a vote of 15 to 3, the Council favored sending the proposed amendments to SR 636 out for systemwide review. A response date of November 1, 2007, will be requested.

XII. Transition of ACSCONL to ACSCOLI

- John Oakley, Academic Council Chair

ISSUE: In April, the Council endorsed a proposal for establishing a successor committee to the Academic Council Special Committee on the National Labs (ACSCONL). The successor committee will be called the Academic Council Special Committee on Lab Issues (ACSCOLI). Council will determine a start date for ACSCOLI.

REPORT: In order to allow for consultation with UCOC on the new committee's membership, the proposed roster of members will be brought to Council for approval in June. The suggested transition date of July 1, 2007, will allow for one more meeting of ASCSONL in June. This start date will also to allow for the new committee to be up and running well before September 30, 2007, which is the date by which the transition to an LLC management of LLNL has to be completed.

ACSCONL has recently received a request for nominees to sit on a panel reviewing weapons science and engineering. Council member may forward names if they wish to add to ACSCONL's nominations.

ACTION: By unanimous consent, Council approved July 1, 2007, as the date on which ACSCOLI will succeed ACSCONL. Council will approve ACSCOLI membership at the June 27, 2007, meeting.

ACTION: Members may provide suggestions to add to the list of nominees that ACSCONL will submit for the upcoming review of weapons science and engineering.

XIII. UCOP Consultants to Systemwide Standing Committees

▪ Michael T. Brown, Academic Council Vice Chair

ISSUE: The Systemwide Senate's Operating Policies specify that consultants and guests to Standing and Special Committees of the Assembly must be approved by the Chair of the Academic Council (Section II and IV). Council Vice Chair Brown wishes to present his plans for next year regarding the approval procedure and as well as expectations concerning the relationship between UCOP Consultants and Senate Committees.

REPORT: Vice Chair Brown pointed out the distinction between a committee consultant and a guest: a guest is invited to a meeting for a specific time and topic, whereas a regular consultant receives agendas and comes to meetings on a regular basis without a special invitation. He announced his intention that next year committees would not have as consultants any manager at the level of Vice President or above. He pointed out that committee chairs interact with senior managers at Council meetings and may request approval for any guest to attend a meeting for discussion of specific issues. However, administrators at the vice president level are decision-makers, so it has to be clear that they may act only on advice from the Council or the Assembly, not a Committee.

DISCUSSION:

Council members raised these objections to and questions about the plan:

- A major drawback to this approach is that even though major policy issues should be and are discussed with Council, discussions with committees allow senior management to hear the real nuances and detailed concerns of Senate members. This plan will cut out that level of communication.
- Vice President Hershman has been a regular consultant to UCPB for decades and the committee engages in a productive and detailed dialogue with him. Particularly now, when the budget function at OP is in transition, it is important to continue close contact with the person or people who make decisions and have the greatest access to information.
- It's hard to understand the basis of this plan. Has there been some incident that is the behind this planned change of practice?
- UCFW has had two vice presidents as consultants who have left or are leaving OP. The committee will need to have their replacements as consultants.

- This change should be made only after serious reflection, since it will remove an effective means of high-level consultancy with the Senate.
- Because of OP personnel changes, UCAP has lost its VP consultants recently, and has had no direct discussions with the Provost. That level of consultancy needs to be re-established, not limited.
- Decreasing access by committees to senior management would increase the burden on the Chair and Vice Chair to attend committee meetings so as to provide an alternate channel of high-level communication.
- It is troubling that reins are being placed on committees. UCORP has the current Vice Provost for Research as a consultant. His position will be replaced by a vice president, and UCORP needs to continue that regular interaction.
- There is a distinction between representing the Senate and workaday communication with senior management. Senate committee members are capable of making that distinction and UCOP management is too – or, if need be, they can be educated about who speaks for the Senate. Faculty participation in the Senate is an ongoing concern, and nothing should be done that would lessen the productivity and spirit of the Senate.
- The effective functioning of the Senate depends on that of the committees. A meeting with the committee chairs should be held and the outcome reported back to this body for further discussion.
- There is sometimes the problem of administrators going directly to a committee and then saying they have consulted with the Senate. It may need to be clarified that the Senate's authority comes through its officers, but it's equally important that committees feel empowered.

Vice Chair Brown responded, by saying that these concerns would be discussed with the committee chairs.

XIV. UCPB Issues

1. UCPB Memo on Lab Governance

ISSUE: At its March 28th meeting, Council discussed UCPB's memo of March 21, which requested that the Senate: 1) prepare an explanation of the LLC contracts for members of the Academic Senate; and 2) propose appropriate revised Standing Orders and Regental Policies concerning UC's relationship with lab-management LLCs. Council Chair Oakley announced at the April 18th Council meeting that an agreement had been reached with the President to work cooperatively on a summary of LLC operating agreements for release to the faculty once the agreements become public. Based on the preliminary Council discussion, UCPB has submitted a revised memo, dated April 24, 2007.

REPORT: UCPB Chair Newfield clarified that UCPB sees the first recommendation as still relevant and that the committee's intention in making it was to ensure that this sort of information be effectively and timely disseminated to Senate membership at large. The memo means also to establish a framework based on a tradition of faculty sentiment on labs issues, and should include as well the point that faculty are on record as opposing weapons manufacture. It would be appropriate for the senate committee on the labs to analyze the LLC contracts and develop a statement that would inform senate membership

on their salient points, e.g., on intellectual property and academic freedom. The second recommendation has no substantive content, but would express the wish of the Senate to have direct input in formulating new orders of governance.

DISCUSSION: Chair Oakley clarified that most of the prime contract between the DOE and the LLC has been available online, but that the core operating agreements are separate contracts that are not yet public. He noted that even though there is a current regental standing order providing a labs reporting line to the UC president, there are ambiguities surrounding the governance of the labs on which Council may wish to provide input. One member thought it would be good to have on record an updated overview of the faculty sentiment on the labs that could even provide leverage in further discussions once the details of the operating agreements are made public.

ACTION: Chair Oakley will continue working with University Counsel to draft a review document of the LLC core operating agreements, which will be posted on the ACSCONL website.

2. Senate Effectiveness and OP Relations

ISSUE: At the Council's March 28th Academic Council meeting, members briefly discussed concerns raised by UCPB that lack of responsiveness on the part of OP and lack of access to timely and accurate data have, in the case of some issues, neutralized or hampered progress. UCPB would also like to open a discussion of intra-Senate communications and Senate effectiveness, and has submitted a set of discussion points on this topic. This item was deferred at both the March and April Council meetings.

DISCUSSION: In a discussion that was very brief due to lack of time members noted that there is room for improved circulation of information among Senate bodies, and the need for better access to data. A small work group model was suggested that would be more effective and entail more direct reporting to parent groups than larger groups that are dominated by administrators.

ACTION: Council will address this item again at its next meeting when adequate time and member attendance will provide for a fuller discussion.

XV. Draft Proposal on Relationships Between Vendors and Clinicians

ACTION: For lack of time this item was deferred to the June 27, 2007, meeting.

XVI. Open Access Policy

ACTION: For lack of time this item was deferred to the June 27, 2007, meeting.

XVII. June 13, 2007 Assembly Meeting

ACTION: By unanimous consent, Council agreed to cancel the June 13, 2007, meeting of the Assembly.

XVIII. New Business:

Council members briefly discussed of the need for periodic reviews of UC senior management positions.

ACTION: Council agreed to include “Stewardship Review” as an item on the June 27, 2007, Academic Council agenda.

XIX. BOARS UC Freshman Eligibility Reform

ACTION: For lack of time, this item was deferred to the July Council meeting.

XX. Position Description for the Vice President – International Affairs

ISSUE: At its February 28, 2007, meeting, the Academic Council considered a proposal to reclassify and change the title of the current Director of International Strategy Development to the Vice President for International Policy. The Academic Council opposed the proposal and requested a new proposal that would include an articulated job description, a position review, and an open search, as well as a rationalization of the new position with regard to EAP and other international programs. Provost Hume has now submitted a revised draft of the Vice President-International Affairs position description for Council’s review. Council deferred action on this matter at the April meeting.

ACTION: CCGA, UCEP, and UCPB will take the lead in reviewing the position description, and will submit comments to Council for consideration at the June 27, 2007, meeting.

Meeting adjourned: 4:30 p.m.

Attest: John B. Oakley, Chair

Minutes prepared by: Brenda Foust, Policy Analyst