

ACADEMIC COUNCIL ANNUAL REPORT 2008-09

TO THE ASSEMBLY OF THE ACADEMIC SENATE: The Academic Council is the executive committee of the Assembly of the Academic Senate and acts on behalf of the Assembly on non-legislative matters. It advises the President on behalf of the Assembly and has the continuing responsibility through its committee structure to investigate and report to the Assembly on matters of Universitywide concern.

During the 2008-09 year, the Academic Council considered more than fifty initiatives, proposals, and reports and successfully brought two pieces of legislation enacted by the Assembly to the Board of Regents for action. Its final recommendations and reports can be found on the [Academic Senate website](#). Matters of particular import for the year include:

ACTION ITEMS BROUGHT TO THE REGENTS FOLLOWING LEGISLATIVE ACTION

Eligibility Reform

After several years of analysis and consultation within BOARS, other Academic Senate committees, the Office of Student Affairs, and systemwide Senate reviews, in June 2008 the Assembly adopted a resolution recommended by Council that asked the President and Regents to change the way UC examines applications for freshman admission. The proposal called for increasing the percentage of graduates from each public high school in California who are guaranteed admission to some UC campus, reducing the percentage of graduates who are guaranteed admission solely on the basis of test scores and grades, while broadening the pool of would-be freshmen entitled to a comprehensive review of their applications for admission to their selected UC campuses. After extensive consultation with Senate leadership during the Fall of 2009, the President recommended to The Regents that they adopt the Assembly's *Proposal to Reform UC's Freshman Eligibility Policy*. In February 2009, The Regents approved the new admissions policy to take effect in Fall 2012. Another round of systemwide reviews produced the final implementation amendments to the Senate Regulations regarding eligibility, which were subsequently adopted by the Academic Council and by the Academic Assembly.

Honorary Degrees to Students Interned in 1942

Responding to a request from Vice President for Student Affairs Judy Sakaki and Regent Leslie Schilling, the Academic Council authorized a joint Senate/Administrative Task Force on Recognizing Students Interned in WWII. Approximately 700 UC students of Japanese descent were forced to withdraw from the University in the spring of 1942 when they and their families were forced to leave the West Coast and be confined in internment camps. Informal suggestions that honorary degrees be offered to these students had not coalesced into more formal proposals due in part to a Regental moratorium on the award of honorary degrees in place since 1972. The Task Force recommended a narrowly tailored amendment of Academic Senate Regulations and one-time suspension of Regents' bylaws to allow the granting of a Special Honorary Degree to students enrolled in Academic Year 1941-1942 who were prevented from completing their education or receiving their degrees due to removal as a result of Executive Order 9066. The recommendations were approved by Council in

April, and the necessary legislation was enacted by the Academic Assembly in June. The Regents approved the granting of these special honorary degrees in July 2009.

BUDGETARY ISSUES

In the second half of the year, the state's fiscal crisis became a primary focus of attention for all components of the University's governance structure. Council participated in a broad ranging series of consultations, organizing systemwide reviews on expedited schedules and offering advice to the President on priorities for the 2009-10 budget, funding for UCRP, amending the Standing Orders of the Regents to provide for emergency fiscal powers, one-time savings from payroll actions, and on the implementation of a furlough program.

Before the extent of the fiscal emergency was apparent, President Yudof submitted a budget for 2009-10 that included the Senate's top budgetary priorities: 1) funds for Year 2 of the faculty salary plan; (2) funds for graduate student support; and (3) restarting contributions to the retirement fund. In February, the Regents voted to restart contributions to UCRP on April 15, 2010. However, as the year progressed, and the state's budget crisis deepened, it became clear that no new funds would be available for faculty salaries or graduate student support, and the Academic Council prioritized support for the restart of contributions to the retirement fund while developing frameworks of principles to guide fiscal choices and academic planning. In May, Council unanimously endorsed UCPB's *Principles to Guide Fiscal Decision-making*, as well as a letter from UCFW requesting that, in the face of a long-term decline in state funding, the President examine alternative models of education and re-envision the future of the University.

Also in May, after an expedited systemwide review, Council commented on and declined to endorse a proposed new Regents' Standing Order 100.4, which provides a framework in which the President may ask the Regents to declare a state of financial emergency, as well as granting him special authority to implement furloughs or salary reductions at individual campuses (per Chancellorial request) or across the UC system. The President incorporated many of the specific concerns conveyed by Council into an amended version of the proposed Standing Order, which the Regents approved in July 2009. While the Standing Order was under revision, Council was asked to comment on three options for implementing a mandatory furlough or salary reduction program. After conducting a systemwide review on an extremely truncated schedule, Council held a special teleconference on July 8 to develop a formal response to the plan. Council's comments included a sharp critique of the review process and of gaps in the information provided for review, but also indicated preference for the furlough option with strong recommendations for improvement. As with the Standing Order, the President incorporated many of Council's recommendations into the furlough plan presented to and approved by the Regents in July. At its regular July meeting, Council called for a Universitywide policy to require that at least six of the furlough days be taken on regular days of instruction. The President did not adopt this recommendation.

FACULTY WELFARE

While Council's top priority officially continues to be the funding of the faculty salary plan, protecting retirement benefits has become increasingly urgent.

The University Committee on Faculty Welfare issued a statement urging the resumption of employee contributions to UCRP. In May, Council endorsed UCFW's *Recommendation to Ensure Adequate Funding of UCRP* by dramatically increasing contributions to the fund. Council also unanimously supported the proposed creation of a new UC Pension Benefits Board.

In addition, UCFW/TFIR issued an Informational Statement on Evaluating UCRP Investment Returns and one on Market Turmoil and Lump Sum Cashouts.

Concluding a multi-year decision making process, President Yudof decided not to outsource UCRP benefits administration due in part to analysis in 2007-08 by UCFW and the Senate's strong opposition.

GRADUATE EDUCATION

In March, Council endorsed a *Policy on In Absentia Registration for Graduate Students*, which maintains the academic relationship with graduate students who are pursuing approved coursework and/or research outside of California by requiring them to register and allowing them to pay reduced fees of 15% (in June, Council endorsed a revision of this policy that would not affect graduate students registered *in absentia* but reflected updated information about the state budgeting process).

In February, Council unanimously endorsed CCGA's recommendations on the ways in which graduate student support funds should be used, and campus administrations held accountable for these uses. Specifically, they recommended that: 1) new funds be used to subsidize fees, stipends and tuition; (2) allocations for graduate student support be incorporated into the permanent budget at each campus; (3) any additional future funds should be used to increase competitive recruitment packages; (4) support for graduate students should come from newly allocated funds and not be redirected from other sources; and (5) graduate deans should report annually to their divisional Graduate Council or Divisional Senate on the expenditure of these funds.

In response to the proliferation of graduate academic certificate programs, Council endorsed CCGA's decision to require that: 1) all new and existing SR735-certificate programs (stand-alone graduate programs with independent admissions processes) be reviewed and approved by CCGA; and (2) all certificate programs not under the purview of SR735 (e.g., those offered in conjunction with a degree program) be reviewed and approved by local Graduate Councils and Divisional Senates.

Following systemwide Senate review, Council endorsed a report on the professional doctorate written by a subcommittee of the UC Task Force on Planning for Professional and Doctoral Education (PPDE). It outlined the principles and processes that should be used to determine when it may be appropriate for the California State University to offer doctorates and when it is appropriate for UC to do so.

UNDERGRADUATE EDUCATION

In January, Council endorsed the President's Blue and Gold Opportunity Program, which guarantees financial aid to cover Education fees and Registration fees for undergraduates whose family incomes

are less than the California median household income of \$60,000 and who qualify for financial aid. The Regents approved the Blue and Gold Opportunity Program in February.

Council endorsed UCEP's recommendation to fund the biannual University of California Undergraduate Experience Survey (UCUES).

Concluding an iterative process that extended over several Council meetings, Council endorsed a statement in July of *Principles for Non-Resident Undergraduate Enrollment* developed by BOARS.

EDUCATION ABROAD PROGRAM (EAP)

Following a systemwide Academic Senate review of a proposed business plan for a reorganized EAP, Council found the proposal insufficiently detailed and potentially devastating to the quality of the academic program and called for the establishment of a Joint Senate-Administrative Task Force to create a new business plan for EAP. The Task Force was convened and issued its report in June, recognizing that EAP is an academic program, incorporating many of the Senate's suggestions, and recommending a governance committee with Senate participation charged with devising a viable budget.

RESEARCH ISSUES

In March and again in April 2009, Council reviewed the process by which the Office of Research and Graduate Studies managed a single RFP for all multicampus research funds, including funds that had been previously committed to specific multicampus research units (MRUs) and programs for designated periods. Council critiqued the RFP process in a letter to Vice President Steven Beckwith. While the Senate has long called for a competitive process for allocating MRU funds, its concerns included the role of the Senate in disestablishing existing MRUs that are not funded, and the establishment of new MRPIs. In April, Council approved further recommendations about the award process.

The Senate commented upon, and the Compendium Committees made recommendations regarding, the QB3 Five-Year Review. Council members stressed that the lessons of the first Cal ISI review regarding review of these unique entities were not incorporated in this review. Council also commented on the DANR review, expressing appreciation for the conduct of the review after nearly a decade of requests and proposing specific questions to be answered in a future review within five years.

Council recommended against supporting a \$5 million centrally-funded shared research computing pilot project due to current budget constraints and competing campus IT priorities; President Yudof did not accept this recommendation.

Council endorsed UCOLASC's proposal that the University actively encourage open access to publications by: 1) promoting national legislation and policies by federal funding agencies that support open access; (2) educating UC faculty about open access issues; (3) promoting open access initiatives at the University; and (4) bargaining with journal publishers for open access to articles by UC authors. Council urged the President to oppose HR 801, the Fair Copyright in Research Works

Act, which would repeal a policy of The National Institutes of Health mandating public access to scientific research funded by that agency within twelve months of publication in a scientific journal, and prevent other federal agencies from adopting similar ones. It endorsed the Federal Research Public Access Act (S. 1373), which would require eleven federal funding agencies to require open access to journal articles resulting from their grants after an embargo of six months.

After systemwide review of a concept paper, Council encouraged UCORP to continue to refine its concept and develop a full proposal for a UC Seminar Network that would provide a platform on which academic departments and research units can broadcast specialized seminars over the web.

GOOGLE SETTLEMENT

Following advocacy by the University Committee on Libraries and Scholarly Communication (UCOLASC) and consultation with the Office of General Counsel, individual Council members signed a statement to federal district court expressing the concerns of academic authors with some provisions of the settlement between Google, the Authors' Guild, and the Association of American Publishers regarding Google's scanning of millions of copyrighted books held by UC and other university libraries.

GOVERNANCE

In December, Council sent systemwide comments to Interim Provost Grey critiquing proposed sanctions for failing to comply with required sexual harassment prevention training. In May, Council sent a letter to Interim Provost Pitts rejecting the removal of supervisory authority as a possible administrative sanction, and declining to endorse the proposed sanctions for non-compliance. It further requested (but has not yet received) a list of all compliance measures required of faculty from Sheryl Vacca, Senior Vice President of Audit and Compliance.

Council approved an amendment to the UC Diversity Statement to include gender and sexual identity in alignment with other UC non-discrimination policies.

The Senate leadership has been pleased with the degree to which President Yudof has consulted with the Academic Senate and with his acceptance of the principles of shared governance. While there has been difficulty in complying with repeated requests by the administration for expedited review and committee assignment requests, we have been consulted on nearly every issue that the University has faced this past year.

PROPOSALS FOR NEW SCHOOLS

The Senate reviewed a proposal for a new School of Nursing at UC Davis. Council recommended the School for approval contingent on a number of concerns being addressed prior to approval by the Regents. Council was concerned about whether the School had a sustainable long-term development strategy.

SENATE TASK FORCES AND SPECIAL COMMITTEES

Senate members participated on the following task forces and special committees:

- Joint Senate/Administrative Task Force on Recognizing Students Interned in WWII. See page one.
- Task Force on Senate Stewardship Reviews of Chancellors. In June, Council unanimously endorsed the recommendations of the Task Force to revise the procedures governing the Senate's stewardship review of Chancellors.
- Special Committee of the Academic Senate on Remote and Online Instruction and Residency. The Special Committee met several times and is in the process of drafting a report.
- Task Force on Academic Senate Membership. Due to a compressed timeline, the Task Force began meeting this year but their charge was extended through the end of the 2009-10 year.
- Joint Senate/Administrative Task Force on Revising the Compendium. In July, the Task Force informed Council of its progress and received an extension of its charge through October 2009.
- Joint Senate-Administrative Task Force on the Education Abroad Program. See page three.

Senate representatives also participated in the Enrollment Management Group; searches for a Provost, the director of LBNL, a Vice President, and two Chancellors; Task Forces on Post-Employment Benefits; and the Advisory Group on Budget Strategies.

REVIEW OF ADMINISTRATIVE PROPOSALS AND INITIATIVES

Council also reviewed the following administrative proposals:

- *Policy on Re-employment of UC Retired Employees.* At their September meeting, the Regents adopted a policy restricting the re-employment of retired UC employees in the Senior Management Group and staff positions. This policy originally was adopted without prior formal Senate review; however, the President stated that he would consider revisions to the policy following Senate review. . Council recommended changes in the policy to clarify its implementation. UCOP made some, but not all, of the changes Council requested, and the Regents approved the revised policy in February.
- The Senate commented extensively on two versions of the draft *Accountability Framework*.

REVIEW OF THE ACADEMIC PERSONNEL MANUAL (APM)

- APM 110-4, 230-17, 230-18, 279-20, 360-80, 520-4, 710-14, 710-38, 710-46; addition of APM 765
- APM 240. Following two systemwide reviews, Council approved modifications to APM 240, removing most academic deans, from Senior Management Group (SMG) policies and developing sections of the APM specifically governing those deans.
- Council declined to add 'Collegiality' to APM 210-1-d.
- Council approved amendments to APM 028, reflecting changes in the conflict of interest codes required of state agencies.

- Council approved the amendment of sections of the APM (015, 036, 140, 160, 230, and 710) to conform to the non-discrimination policy articulated in APM 035, which includes sexual orientation and gender identity.
- Council approved an Appendix to APM 010, governing student academic freedom of scholarly inquiry. To a substantial degree, this proposed revision of the APM is in response to the Academic Assembly's March 2008 request that principles on student academic freedom of inquiry be added to APM-010 as a footnote.

SENATE BYLAWS

- Council recommended the revision of Senate Bylaws 140 and 335 to conform to the University's non-discrimination policy by including sexual orientation and gender identity.
- Council also approved Legislative Ruling 10.08 – Jurisdiction of Privilege and Tenure Committees.
- Council rejected changes to Senate Bylaws 125.A.4, 128, and 130, which would have added the Chair of the University Committee on Academic Freedom (UCAAF) to the Academic Council as a standing member, and would have changed the chair's term from one to two years.

RELATIONS WITH OTHER GOVERNING BODIES

Joint Administrative/Senate Retreat

The Academic Council meets in alternate years with the Chancellors and with the Executive Vice Chancellors to discuss matters of joint concern. This year, Council members met with the Executive Vice Chancellors to discuss: 1) strategic planning and determining budget priorities; and (2) implications for faculty of union representation of academic employees such as graduate students and post-doctoral fellows.

The Regents

The Academic Council Chair and Vice Chair executed their roles as faculty representatives to The Regents throughout the year, acting in an advisory capacity on Regents' Standing Committees, and to the Committee of the Whole. Regent Eddie Island attended the January Council meeting to consult with the Council.

Council sent a letter to the President urging consultation with the Senate prior to agreeing to participate in new, external multi-institution initiatives, such as those on curriculum and preparation.

SENATE POSITIONS ON STATE AND FEDERAL LEGISLATION

- Council endorsed ACA 7
- Council opposed SB 386 on textbook affordability
- Council opposed AB 1455
- Council opposed HR 801, the Fair Copyright in Research Works Act
- Council opposed ACA 24 and SCA 21, which would remove UC's constitutional autonomy. The Academic Assembly issued a Resolution stating our opposition.
- Council endorsed the Federal Research Public Access Act (S. 1373)

ACKNOWLEDGEMENTS

We express our sincere gratitude to all members of the University of California Office of the President for their hard work and productive collaboration with the Academic Senate over the past year. In particular, we thank these senior UC managers who, as consultants to the Academic Council, were vital to our meetings: Mark G. Yudof, President; former Interim Provost and Executive Vice President Robert Grey; Interim Provost and Executive Vice President Lawrence Pitts; and Katherine Lapp, Executive Vice President-Business Operations.

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Henry Powell, Vice Chair

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