UNIVERSITY OF CALIFORNIA   ACADEMIC SENATE
                              ACADEMIC COUNCIL

                              Minutes of Meeting
                          Wednesday, April 27, 2011

I.   **Announcements**
     ▪ **Daniel Simmons, Academic Council Chair**
     1. **Report on Budget Group meeting**. The Provost's Budget Group meets via telephone
        monthly to be briefed on budgetary developments such as the President's five-year budget
        plan, rebenching, and the funding streams initiative. At the last meeting, cuts to multi-
        campus research and other centrally funded academic programs were discussed. Monies
        saved through these cuts will be distributed to the campuses and campuses may opt to
        continue funding the programs, but are not required to do so.
     2. **ICAS Lobby Day**. Chair Simmons reported that the Intersegmental Committee of
        Academic Senates held its annual lobby day in Sacramento, meeting with Republican and
        Democratic legislators. One legislator who serves on the Education Committee said that
        UC should base its planning on an all-cuts budget scenario. The legislature does not want
        UC to cut enrollment or raise tuition; it is still focused on eliminating "waste." Simmons
        reported that Democratic members of the Senate Budget Committee are visiting districts to
        discuss the budget and that faculty should make an effort to attend and speak during the
        public comment period to dramatize how budget cuts are affecting education.
     3. **TFIR talking points on governor's proposal on pensions**. Public employee pensions are
        under threat. Republican legislators want to trade pension "reform" for budget
        compromises. The Governor recently issued a press release suggesting he would support a
        cap on pension payouts; this would harm faculty recruitment and retention. TFIR has
        written talking points to provide information to the government relations office on
        pensions, which is included in the agenda packet.
     4. **CCGA letter to Graduate Councils on Review of New PDFs**. Chair Simmons requested
        that this item be discussed during item IV – Reports from Standing Committees.

II.   **Approval of the Agenda**

**ACTION: The agenda was approved, moving item number 4 under Announcements (CCGA
letter to Graduate Councils on Review of New PDFs) and item VI (CCGA's Guidelines for
Self-Supporting Programs) to item IV, Reports from the Standing Committees. It also moved
item X, Online Education to follow item V, Consultation with Senior Managers.**

III.   **Consent Calendar**
       1. **Approve March draft Council minutes**
       2. **Endorse UCFW letter to Human Resources on consultation on UCRP new tier
          documentation**
       3. **Endorse proposed revisions to SR 480, Language Credit for Native Languages Other
          than English**

ACTION: The consent calendar was approved with a minor change to the minutes.

IV.   Reports from Standing Committees

CCGA. CCGA chair Jim Carmody reported that it has worked closely with Academic Affairs to revise the draft policy on self-supporting programs (SSPs), and that the draft policy reflects the principles articulated in CCGA's review guidelines for SSPs that were endorsed by Council in March. CCGA has also drafted guidelines for the review of existing graduate programs that wish to convert to self-supporting status. Chair Carmody stated that CCGA determined that conversions are not simply name changes; rather, they involve disestablishment of state supported programs and creation of new programs; proponents need to establish quality, experience and market needs. . A member asked whether it would helpful for UCPB or UCORP to review the guidelines before they are distributed further. Chair Carmody responded that while the subject matter is in CCGA's purview, it would be helpful to have other committees explore the issues. A member objected to the provision that a statement of recent application and admission data may substitute for any required assessment of student demand. He noted that if programs charge significantly more than they have in the past, it may affect demand. A member asked whether it is possible that an existing program may be disestablished without a new program being approved. Chair Carmody stated that while it is possible, the case for a new program would be strengthened if the request for disestablishment makes the plan clear. He noted that CCGA will not consider a proposal for an SSP for two years after the disestablishment of a similar program unless the intention to create an SSP was indicated in the proposal to disestablish. A member made a substitute motion to table the recommendation and refer it back to CCGA for revision and consultation with other committees.

ACTION: Council tabled the motion to approve CCGA's guidelines for reviewing the conversion of state-supported graduate programs to self-supporting status until its May meeting (unanimous).

Chair Carmody submitted CCGA's draft guidelines for the review of new proposals to charge professional degree supplemental tuition (PDST). He noted that CCGA recently disseminated to the divisions letters of intent from programs that wish to institute a fee. A member asked why CCGA directed the Graduate Divisions not to discuss whether the program is professional. Chair Carmody noted that the distinction between professional and non-professional programs is not always clear and that CCGA would prefer that divisions examine the substance of the program. A member noted that given that fee levels will not be reviewed for three years, it is important that the reviews be done thoroughly, in consultation with students and faculty.

ACTION: Council endorsed CCGA's guidelines for the review of new proposals to charge professional degree supplemental tuition. The Guidelines will be forwarded to divisional Senates and will be sent to the provost with a request that he disseminate it to Graduate Deans and EVCs.

UCAP. Chair Ahmet Palazoglu reported that UCAP is working on improving faculty diversity with the President's Council on Climate and Inclusion by reviewing current faculty recruitment practices. The committee is considering the use of online student evaluations in the review process and may issue guidelines to the campuses on this subject. They are also considering the use of alternative titles that emphasize teaching, which vary across campuses. UCAP continues to

monitor changing faculty roles. The committee plans to review the role of peer review in merit cases.

UCAAD. Chair Francis Lu stated that UCAAD has resumed work on the 2007 Faculty Salary Equity Study under the guidance of former UCAAD Chair Pauline Yahr. UCAAD hopes to complete it soon. UCAAD also is cooperating with Vice Provost for Academic Personnel Susan Carlson to undertake a major revision of the 2002 UCOP Affirmative Action Guidelines for Faculty Recruitment and Retention. The committee continues to discuss the implementation of the diversity revisions to APM sections 210, 240 and 245, as practices currently vary across campuses. UCAAD reviewed UCOP's September 2010 Diversity and Accountability Sub-Report to the Regents, as well as activities of the Faculty Diversity Working Group of the President's Advisory Council on Campus Climate, Culture and Inclusion.

UCEP. UCEP Chair David Kay stated that his committee is looking at several broad issues, including the effect of the budget on educational programs and online education. UCEP endorsed a document written by former UCEP Chair Keith Williams defining UC quality to be used as a baseline for evaluating and comparing online and traditional courses. His committee also is examining the rules governing the circumstances under which online courses are offered for degree credit. He noted that courses offered through the UC Sacramento Center, UCDC, and EAP raise related issues of articulation and credit. A systemwide course must first be approved at the divisional level and then is sent to UCEP, which stamps it as a systemwide course and ensures that quarters and semesters are translated; UCEP typically defers to divisional Senate determinations on a course's merits. Senate Regulation 544 requires that if a systemwide course is approved, the divisions must list it in their catalogues, but this does not occur consistently and students often can not easily find the information. The seamless transfer of units is a problem. While the volume of these instances is relatively low, if enrollment in online courses increases, there will have to be better, more streamlined communication among the registrars.

Chair Kay noted that included in today's agenda is UCEP's response to a draft privacy policy for inclusion in the Student Code of Conduct jointly developed by Student Affairs and the Office of General Counsel that would prohibit making recordings and photographs in a private location without a person's explicit consent.

ACTION: **Council approved forwarding UCEP's comments on the draft privacy policy to Student Affairs.**

UCORP. UCORP Chair Phokion Kolaitis reported that in addition to the MRU guidelines that Council endorsed in March, UCORP has been examining the recommendations of the Research Strategies Work Group of the UC Commission on the Future that were not put forward in the Commission's final report. He was happy to report that UCORP had a more productive relationship with the Office of Research and Graduate Studies this year. The committee was concerned, however, that leadership in external communications was not interested in enhancing the profile of research.

UCFW. UCFW's Vice Chair reported that the committee is currently examining the Mortgage Origination Program and welcomed hearing reports of any problems. Chair Simmons noted that

Council members heard an update from UCFW Chair Joel Dimsdale at the April Academic Assembly meeting, as well as from UCPB Chair Jim Chalfant, so there is no need to repeat those updates.

V.   Consultation with the Office of the President – Senior Managers
- **Mark Yudof, President**
- **Lawrence Pitts, Provost and Executive Vice President**
- **Nathan Brostrom, Executive Vice President, Business Operations**

President Yudof. President Yudof reported encouraging news about negotiations with the governor on funding the employer portion of the retirement plan. In the current proposal, UC will get an IOU from the state, which commits them to future funding. The governor also stated publicly that UC creates wealth and raised the specter of high tuition levels if the legislature refuses to provide adequate funding. This was helpful in raising the profile of UC's budgetary importance and needs. However, the budget stalemate continues and he expects that it will continue for a long time. At the May Regents' meeting, EVP Brostrom and VP Lenz will present several different long-term budget scenarios and funding options and will demonstrate how the University has responsibly handled the cuts to date. There will be no changes to UC's proposed 2011-12 budget until the state puts forward a real budget. President Yudof reported that he has spent a lot of time on advocacy and is working closely with the leadership of CSU and the CCCs. He noted that CSU supported UC on the pension issue.

EVP Brostrom. EVP Brostrom commented that all of the five-year budget scenarios include tuition increases of 8% or higher. Therefore, the University will need to expand its financial aid programs, especially for families with incomes from $90K to $120K. He stated that they have been looking at sources to augment financial aid and would like input from UCPB. At the May Regents' meeting, we also will ask the Regents to approve UCOP's budget, which makes further cuts in administration and cuts many centrally funded research programs.

Q&A

Q: Our faculty constituency has questions about the change in the funding model of the online pilot project. Does the change in funding model substantively change the project?
A: President Yudof responded that external funders are not interested in funding projects at elite institutions; they are focused on increasing access by offering open-access to courses and course materials—essentially, offering the course for free. He stated that he did not want to partner with private companies like other universities have done. Since faculty members had already spent time and effort in developing proposals and are very enthusiastic, he made the decision to fund the project with a low-interest loan. As revenue comes in, it will be applied to the loan. Provost Pitts added that the loan makes conservative assumptions and that on a quarterly basis, measurable milestones will be evaluated and the project will be shut down if necessary.
Q: In the new project plan, many, many non-UC students would be allowed to take the courses; non-UC students would have to take them in order for the project to break even.
A: The plan always included non-UC students. Under the new model, a campus would retain the tuition, but the cost of TAs would be covered centrally. The credits that non-UC students earn would be eligible for transfer. Provost Pitts stated that the overall aims program did not change,

only the funding model did. He added that a handful of already approved online courses will be part of the evaluation and that he hopes that the new ones could be approved expeditiously.
Comment. The Council endorsed the pilot project with the understanding that existing resources would not be used; many faculty feel misled and that there has been a breach of trust. Under the current funding plan, a loan will have to be repaid and this could have an impact on existing programs. There seems to be a disconnect between providing a UC-quality education and providing courses aimed at community college students. The plan contemplates courses being offered in Summer 2011 and in 2011-12. But no Committee on Courses has seen a request for approval yet. I fear that any delays will be portrayed as a result of a recalcitrant Senate. I also fear that some faculty will want to stop the project because the plan overreaches. Faculty are hearing different stories from the proponents. Some versions of the project are grandiose; we're unsure what the model is, and faculty feel that the project lacks credibility. There is a communication and perception problem.
A: President Yudof responded that the shift in funding is a result of the fact that foundations are not focusing on this segment of the online market. The focus remains, as originally conceptualized, on offering core undergraduate courses taken in the first two years of college and making them available to non-enrolled students who aim to attend UC.
Q: How will non-UC students be selected to take an online course?
A: President Yudof responded that this has not been determined. He added that he "would like to strike a blow for access and make courses available to those who may have the talent and be eligible for transfer." He noted that this project has been more fluid than he would have preferred. The process of perfecting it has taken place publicly, over a period of 20 months, and included some statements of "irrational exuberance." This is not a case of lack of transparency; it's too much transparency.
Comment. We need better communication about this project for our constituencies. We need to be assured that there are exit strategies and that checks and balances will be put in place. If the terms haven't changed other than the funding, UCOP ought to clarify this. The comment that the funds could be used for something else needs to be countered. It also should be made clear that there will be a rigorous review. Faculty view the lack of investment by foundations as a vote of no confidence; the project leaders should address this.
Comment. This is being implemented in the context of a budget crisis in which scarce funds are being used.
A: President Yudof stated that he views it as an investment. It may fail, but it could produce a substantial revenue stream. It is part of a program in which UC is loaning money to the campuses for infrastructure like IT systems and other purposes, which ultimately will save money. Because of the budget crisis, he noted, he is looking for opportunities to enhance the financial position of the University. He argued that it is worth a try if done carefully. If UC does not do it, others will and that course will be precluded.
Q: What is the control group in the evaluation of the online project? An online astronomy course that is fully resourced may fare better than a traditional course that must be taught with one fewer teaching assistant due to budget cuts. If we throw money at courses, they will be successful. And how will you evaluate if it is "UC quality" with non-UC students?
A: President Yudof responded that the online project evaluation will raise issues of how we assess both online and traditional courses.
Comment. Many of the new initiatives come through divisional Senate offices. We are experiencing increasing workloads under budget cuts. Senates will have to review course approval

and we are concerned about meeting the deadlines. The Senate also is being asked to review more self-supporting programs and to do it more quickly.

Comment. We should evaluate whether the online pilot project could be a way to increase the efficacy of transfer. Currently, we simply accept the judgment of community college faculty that a student is adequately prepared for UC. But if a non-UC student performs well in a UC-approved course with a UC instructor, we can better guarantee the quality of the transfer student. Online courses also could be useful in increasing major-based transfer decisions, which BOARS is beginning to explore.

Comment. The pilot project offers us an opportunity to experiment. If we can demonstrate that it works, we can offer a UC education to a more diverse population.

Comment. On another topic, UCORP is concerned about the diminishing role of research in UC's external advocacy efforts. Joining efforts with CSU makes research less visible.

A: President Yudof responded that the University must make the case for why research is important to education, to Californians without children, and to the state economy. I always tout research. Campus news offices do a great job of getting UC research into the newspaper. That said, the legislature is less interested in research than in the undergraduate program.

Q: What is a compelling argument for faculty to use in convincing legislators who do not support more taxes of the value of UC?

A: Tell them about the dire consequences for their district; talk about local jobs.

VI.   Online Pilot Project

ISSUE: The University recently announced that it would fund the online pilot project through a loan of up to $6.9 million. In addition, Council just received a project plan document for the pilot. Council discussed these developments.

DISCUSSION: Chair Simmons noted that he, Vice Chair Anderson and the chairs of UCEP and UCPB will be meeting with the leadership of the online education project in mid-May to discuss unresolved implementation issues. A member advocated that the Council should issue a statement about the change in the funding model and presented a draft letter. Another member expressed concern that the goals of the project seem to change depending on who is speaking, and that some of the statements significantly overreach the approved plan. A member agreed that the goals of the project are not clear. A member stated that the model puts UC in competition with the community colleges, even though UC can not compete on cost. It is worrisome that the budget model is dependent on the enrollment of large numbers of non-UC students. A member countered that access to higher education at all levels is so tight due to the budget crisis, that there is a potential market. The project potentially could facilitate transfer for some students. BOARS plans to discuss this. A member stated that on the positive side, the courses will be high-quality, and UC's standards will be applied to evaluating the project. She stated that ensuring quality of the courses is not the problem. Rather, the problem is in the statements of the project leaders on scaling up to non-UC students, such as creating a transfer curriculum. Such grandiose statements only undermine the support of the faculty. Also, the initial goal of the project should be to provide UC students a better education, not to be a revenue generator. A member inquired about intellectual property rights. Also, who controls future offerings of the course--the faculty member who developed it, the department, or the central online project administration? A member commented that there is little money in the budget for the faculty to teach on overload or to hire lecturers. A member stated that if the course enrollment is limited to UC students, UC will not get the additional revenue that is supposed to fund the pilot. But if enrollment is expanded to non-UC students, where will the faculty and graduate student resources come from? A member

commented, as with any self-supporting program, there is a risk that existing, state-supported programs will be cannibalized. A member stated that Senate committees should be regularly briefed on the project. The Senate should identify the realistic goals and purpose of the project. It should caution that no program or curriculum has been submitted for Senate review and no series of courses will guarantee non-UC students eligibility for admission. Moreover, no courses have been submitted to campus Committees on Courses for approval. It is completely unrealistic that online courses will be available in Summer or Fall 2011. We should make clear that Council is supportive of exploring innovative pedagogical approaches and to using online courses to increase access, if and when the pilot is shown to be a success. A member suggested conducting a formal review of the project plan. However, given that the academic year is coming to a close, Chair Simmons suggested that divisional chairs circulate it among relevant committees for informal review and send responses prior to the May Council meeting; a formal review can be done in the fall.

ACTION: Council voted to immediately send a letter to the President expressing concerns with the new funding model for the online pilot project. It also voted to circulate the online pilot project plan to appropriate committees for comment by May 18 to be used as a basis for a more thorough critique of the project's direction.

VII.   "Powell Committee" Implementation Task Force Draft
ISSUE: The Implementation Task Force charged with developing an actionable plan grounded in the report of the "Powell Committee" has completed a draft of the section on undergraduate enrollment and requested Council feedback and comment.
DISCUSSION: Implementation Task Force chair Jim Chalfant asked Council for approval to distribute an excerpt of the draft report on undergraduate enrollment planning to the joint Senate-administrative committee on rebenching, with the caveat that the Council has endorsed neither the excerpt, nor the report. The aim is to inform the work of the rebenching committee in developing models for allocating state funding per student, which is proceeding rapidly; the committee hopes to propose a plan by next December. A member supported the motion, but expressed concern about endorsing an enrollment plan for undergraduates without considering a plan for graduate students, since they are interrelated. He also cautioned that because the parameters of the model are free, it may not adequately address the two most negative features about the current funding scheme—that it is not transparent, and treats students at different campuses differently. A member argued that if the excerpt is distributed to the rebenching committee, it constitutes implicit endorsement. It will be difficult for the Senate to abandon the idea if Council decides not to endorse the report. A member agreed that premature and implicit endorsement is highly irregular. A member stated that if the Senate representatives do not try to shape the rebenching conversation, the outcome could be undesirable. A member suggested that the task force should consider differential undergraduate funding since undergraduates from low income, low-API schools are more expensive to educate from outreach through support. Another member suggested including incentives to ensure that there is adequate funding for core courses so that students can move through in four years. Task Force Chair Chalfant also asked Council to approve in principle the excerpt from the draft report of the Implementation Task Force, as a framework for allocating state funds for undergraduate education. He stated that his aim was to ensure that Council approves of the approach that the Implementation Task Force is taking. Some members expressed discomfort with voting on this motion.

MOTION 1: The Academic Council unanimously endorsed distributing the excerpt on undergraduate enrollment in the draft report of the Implementation Task Force to the Rebenching Committee, to inform the latter group's discussions of possible models for allocating state funding.

MOTION 2: The Academic Council approves in principle the excerpt from the draft report of the Implementation Task Force, as a framework for allocating state funds for undergraduate education (15 in favor, 1 opposed, 2 abstentions).

VII.   Proposed Changes to Senate Regulations

ISSUE: UCR&J issued five legislative rulings: (1) that SR 610 does not provide a clear definition for "in residence" for the purpose of determining degree credit and recommends that the Assembly adopt clarifying legislation if it wishes to permit degree credit for academic work completed without relation to location on the degree granting campus; (2) that Graduate Councils and CCGA have jurisdiction over curricula in professional schools with the exception of the curricula of specified first professional degree programs; (3) that departments may not disqualify students who are already enrolled in a major if they continue to meet the scholarship standards for enrollment in the University but may set higher requirements for admission to the major; (4) that holding a part-time position as an associate dean does not disqualify a Senate member from serving as a representative to the Assembly; and (5) that chief academic officers who are ex officio members of Faculty Executive Councils have voting rights.

DISCUSSION: (1) UCEP's chair stated that residency does not require physical presence on a campus as long as the course is approved by a campus Committee on Courses and taught by a UC-approved instructor. UCEP proposed modifying the language of the Senate Regulation 610 to formalize the UCR&J ruling. A member objected to UCEP's proposed resolution. Another member suggested that instead of sending the ruling back to UCR&J, Council should let the ruling stand and more fully consider UCEP's draft revision of SR 610 at the May meeting. If it is approved, it can be sent for systemwide review in the fall. (2) This ruling clarifies CCGA retains plenary authority over approving first professional degree programs, but that oversight of the programs rests with the faculty of those programs. For other degree programs in a professional school, the authority rests with the Academic Senate. (3) This ruling states that departments can not change degree requirements to create higher standards for graduation (e.g., grade point) for declared majors as an enrollment management tool. It stemmed from the action of a department that is overwhelmed with majors. A member suggested that the department should implement a GPA requirement for entrance into the major in order to control numbers of majors. (4) This ruling clarifies that an Associate Dean may serve as a representative to the Academic Assembly. (5) This ruling states that chief academic officers who are ex officio members of faculty executive committees are allowed voting rights. An ex officio member can be a voting or non-voting member of a committee. Senate Bylaw 35.C.3 provides that unless otherwise specified, ex officio members of Senate committees may vote.

ACTION: Council did not comment on any of the five legislative rulings. They will be reported to the June Academic Assembly as information.

VIII.   UCOPE White Paper on Funding for English Language Support Services

ISSUE: UCOPE authored a white paper on the importance of funding for English language support services and requested Council's endorsement.

DISCUSSION: Robin Scarcella, UCOPE's ESL Advisory Committee Chair, joined the meeting by telephone to present the white paper. A member asked why the University should privilege this program over others in considering budget cuts. She responded that the program serves language minority students, which is central to UC's mission. She argued that UC students should not be required to take community college, Extension, or summer school classes to support their academic success. She noted that the University is recruiting international students, which entails the responsibility of ensuring that they are successful. If the University does not do so, it will get a bad reputation among international students. Recruiting international graduate students into teaching positions and not providing them with English language support services is bad for the undergraduates they teach, as well. Moreover, the cost of the programs is quite modest in comparison to their benefits. Chair Scarcella emphasized that the University does not offer remedial English language support. A member stated that while the program is admirable, he is reluctant to endorse funding for a specific program. An alternative is to forward the white paper to the divisions for consideration in their discussions of budgetary allocations. A member objected to having Council distribute the white paper, as that would be a quasi-endorsement. Another member spoke in favor of distributing it, as it would reinforce that the programs are not remedial, that they are appropriately and effectively provided on the campuses, and that they should not be outsourced. A member asked how much money is spent on these programs. Chair Scarcella did not have that data available, but noted that UCLA's program generates its own funding. A member noted that language support aids diversity of the student body. Another member said the program appears to be a cost-effective way to retain students. A member argued that this is not a systemwide issue, but a campus one, and that the opinion of the divisional Senates should be sought, rather than Council's opinion. Several members agreed that Council should not second-guess campus decisions, and that each campus is addressing the issue in its own way.

MOTION: Endorse white paper; disseminate to Senate divisions; and forward to the provost with a request that he disseminate it to Deans and EVCs.

ACTION: Council declined to endorse the motion (7 in favor, 10 opposed, 2 abstentions).

IX.	**Senate Membership Task Force**
ISSUE: The Senate Membership Task Force examined the essential principles underlying Academic Senate membership and assessed the degree to which current practices reflect those principles. It recommended: not extending the list of titles that confer membership in the Senate; reviewing the duties and responsibilities of non-Senate academic appointees and reclassifying them when needed within the divisions; retaining the historical separation of curricular authority for undergraduate and professional school education; and revising the list of administrative titles that automatically confer Senate membership. The Task Force report was reviewed systemwide. Council discussed the review responses.

DISCUSSION: Council did not have enough time for a substantive discussion of this issue. Chair Simmons suggested that the conversation may be advanced if the chairs of the divisions with medical schools and the chairs of the divisions with agriculture and natural resources units could convene, and include the chair of UCFW, to specify how Senate membership would address the issues facing non-Senate faculty, and whether other administrative solutions could be crafted to

address the issues. The two working groups could report back to Council in May. A member objected that Council should not ignore the recommendations of the Senate Membership Task Force and convene yet another group. A member argued that the key questions are in what ways non-Senate faculty are disenfranchised and what are the appropriate remedies. He noted that it is not clear that membership in the Senate will fix the problems because the issues go far beyond membership in the Senate. Chair Simmons stated that there is not a need to formally constitute working groups. He merely asks the divisional chairs of those campuses and the chair of UCFW to have a conversation about the issues raised by the Task Force report and be prepared to provide guidance on the recommendations of the Senate Membership Task Force from the perspective of the campuses with the greatest numbers of non-Senate faculty.

X.   Online Pilot Project
By unanimous consent of the Council, this item was moved to item VI.

XI.   New Business
Council did not discuss any new business.

Meeting adjourned at 4:30 p.m.
Attest: Daniel Simmons, Academic Council Chair
Minutes prepared by Clare Sheridan, Senior Policy Analyst