

**ACADEMIC COUNCIL**

**Minutes of Meeting**

**April 29 and 30, 2009**

**I. Announcements**

▪ **Mary Croughan, Academic Council Chair**

1. Agenda items for next Council meeting are due by 5/15/09.
2. Chair Croughan and Vice Chair Powell represented the Academic Senate twice this month in Sacramento. The first meeting, on April 13, was sponsored by ICAS and sent the important message that higher education is united in having positive effects on the California economy, as well as the need for more funding. On April 20<sup>th</sup>, they met with legislative aides in their capacity as faculty representatives to the Regents, along with the Student Regent-designate (Jesse Bernal), the Staff Regent (Bill Johansen), and the Staff Regent-designate (Ed Abeyeta). They discussed: 1) the restart of contributions to UCRP; 2) rescinding the language in the Education Code that prohibits state funding for UCRP; and 3) the faculty salary gap. It was very powerful to have a Student Regent-designate advocating for faculty and staff compensation.
3. UCRP: During the closed door budget negotiations in February, a new section was added to the Education Code that states: "It is the intent of the Legislature that no new General Fund augmentation be made available for contributions to the UCRP." It was added to a large bill on "education finance" that otherwise deals entirely with K-14. UC staff, and even the governor's staff, learned of the provision after it had been enacted. The University's legislative relations staff has told us that the language is not binding and that the University will work to rescind it and to reinstate state contributions to UCRP.
4. Chair Croughan provided a summary of the *Hong v. Regents* case, which deals with the free speech protection of faculty members when addressing administrative issues.
5. The May 13, 2009 Assembly meeting is canceled.

**II. Consent Calendar**

1. **Approve the March 25, 2009 minutes**
2. **Approve the reapportionment of Assembly representatives for 2009-10.**
3. **Approve the distribution of a memo requesting information on remote and online instruction.**
4. **Approve letter opposing AB 1455.**

**ACTION: Council unanimously approved the consent calendar.**

**III. Agenda**

**ACTION: The agenda was approved with modifications in the order of the items addressed.**

#### **IV. Update on the Creative Budget Strategies Task Force**

**DISCUSSION:** Having Senate members on the Task Force has been important in shaping the discussions, particularly with regard to developing planning principles and to ensuring effective communication strategies. The budget principles being developed are very important because each campus will implement policies differently, and the principles will serve as a guide.

#### **V. Undergraduate Educational Effectiveness Task Force**

**PRESENTATION:** Professor Clair Brown, Chair of the systemwide Undergraduate Educational Effectiveness Task Force, presented a summary of UEETF's draft report. She described how campuses can develop and assess learning goals at the department level to improve undergraduate education. The Task Force recommends that assessment should be faculty-driven and done at the departmental and campus levels. Campuses can learn from each other. The involvement of the Academic Senate is critical to this effort. While assessment will be integrated with accreditation efforts, the aim is to increase educational effectiveness. To accomplish this aim, learning goals must be embedded in the coursework required for each major. For example, creativity and problem-solving, which are critical thinking skills for engineers, are not reflected on the Collegiate Learning Assessment exam. The exam and others like it do not test the skills necessary for success in engineering. Learning goals must be embedded in the context of the major.

**DISCUSSION:** A member asked how the Provost's office can assist the three campuses undergoing WASC review (UCM, UCR, UCLA). Divisional chairs at UCR and UCB shared how they have implemented learning outcomes and program reviews. The key is that the process improves education and is not designed to meet external mandates. A member asked whether it would be better to have disciplines across the UC system adopt similar goals, instead of "reinventing the wheel" at the departmental level. Professor Brown noted that different departments have different emphases, and therefore need to establish learning goals that are appropriately mapped to their curricula. But departments can benefit from sharing their ideas and processes. She noted that the Task Force's fourth recommendation addresses communication across campuses and disciplines. Another member asked how to evaluate what the students already know versus what they learn. Chair Brown responded that the Task Force does not believe that the "value-added" approach to assessment asks the right question. She noted that no valid, scientific measurement exists to do this. Rather, the question should be what do employers, students and parents want the student to get out of college? Educational effectiveness should be measured by whether students know what they need to know to be productive members of society upon graduating. Accountability efforts simply should describe what campuses are doing and their plans to improve.

#### **VI. Joint Meeting with the Executive Vice Chancellors**

The biennial joint meeting between the Academic Council and the EVCs addressed two topics: (1) strategic planning and determining budget priorities; and (2) faculty issues associated with union representation of academic employees. On the first topic, UCSB Senate Chair Joel Michaelsen and UCSB EVC Gene Lucas described their campus' Coordinating Committee on Budget Strategies, which meets every other week and was formed in response to budget cuts in 2003. It includes faculty experts, as well as representatives from the Senate, the student body, and the Business Office. The committee uses established planning principles for budget reductions and sets targets based on these priorities. Budget cut targets are forwarded to the Vice

Chancellors, and each Vice Chancellor has the authority to decide how to distribute the cuts, with some oversight (they must report to the Coordinating Committee to ensure that their strategies do not adversely affect another segment of campus). UCPB Chair Pat Conrad and EVC Lucas, who both serve on the Creative Budget Strategies Task Force, then presented two sets of budget planning principles developed by UCPB and the Task Force, respectively. The similarities and differences between the two sets of principles were discussed. Going around the room, each EVC and division chair then described how they are making budgetary decisions, and how they are communicating information about the process of budgetary decision making with the campus community.

UCI EVC Mike Gottfredson and UCFW Chair Helen Henry then made a presentation on the implications of union representation of graduate students and post-doctoral fellows. They discussed questions such as how to ensure that issues of academic judgment are taken into consideration in bargaining agreements and how to ensure that faculty understand their obligations as managers in this new relationship. The addition of a labor expert to the restructured Office of Academic Personnel was seen as a positive step towards ensuring that faculty and academic concerns are addressed in future labor union negotiations with graduate students and post-doctoral fellows.

## **VII. General Discussion**

### **VIII. Textbook Affordability**

**ISSUE:** Multiple bills on textbook affordability have been introduced in the legislature, some of which would place onerous reporting requirements on the faculty. Senate officers are working with the University's legislative office in Sacramento to address affordability concerns and to support more reasonable legislative initiatives. In addition, in response to AB 2477, UCOP conducted an audit of campuses to ascertain what actions they have undertaken to promote affordability.

**DISCUSSION:** Vice Chair Powell noted that the focus on textbook affordability is providing UC with opportunities for enhanced cooperation with the other higher education segments. Foothill-De Anza Community College is taking the lead in a consortium promoting Open Educational Resources, which is in discussions with UC Press to produce more affordable textbooks in digital form that are aligned with articulation agreements. They also are participating in a feasibility study examining sustainable approaches to using open textbooks.

**ACTION:** Council unanimously approved the positions articulated in the attached memo on multiple textbook affordability bills and approved sending a request to faculty to adopt best practices promoting affordability. Best practices already being used by faculty will be solicited from the Academic Senate Executive Directors on each campus.

### **IX. Total Remuneration Study**

**DISCUSSION:** Chair Henry summarized the preliminary findings and methodology employed in the cash compensation portion of the 2009 Total Remuneration Study. She noted that Hewitt, the consulting firm contracted to conduct the study, has been very responsive to UCFW's requests for modifications. Unlike the prior study done by Mercer, it includes common benefits that are offered by other universities (such as dependent tuition assistance), but not by UC. It is

based on salary data from October 2007, encompassing Year 1 of the Faculty Salary Plan. The results of this study are preliminary at this point. The final results will be used for policy analysis and development. The President plans to use the study to help convince the state to restart contributions to UCRP and to support Year 2 of the faculty salary plan.

#### **X. Faculty Compliance Issues**

**ISSUE:** Interim Provost Pitts has responded to the Senate's systemwide review of proposed sanctions for non-compliance with the sexual harassment prevention training required of all supervisors. In response to Senate concerns, several measures were eliminated from the proposed list. Interim Provost Pitts has asked whether the Senate wishes to take a formal position on the remaining options. The proposed sanctions also would apply to faculty who fail to complete conflict of interest and ethics training.

**DISCUSSION:** Chair Croughan will ask chief compliance and audit officer Sheryl Vacca for a list of the compliance measures that are now required of faculty. She suggested convening a task force of faculty with work force compliance expertise to examine whether the burden of compliance measures can be minimized. A member suggested inviting Sheryl Vacca to make a presentation on the topic to Council, and then Council should decide whether to convene a task force. Several members suggested that Council also should respond to Interim Provost Pitts' letter, stating that the removal of supervisory responsibilities is an inappropriate response to the failure to comply with the required sexual harassment prevention training because it penalizes the graduate students and post-doctoral fellows associated with the faculty member. The sanction also could become a privilege and tenure issue, as it interferes with a faculty member's ability to conduct research. A member argued that Council should not endorse any of the other measures, given the varied opinions in the systemwide responses.

**ACTION: Council unanimously voted: (1) to invite Sheryl Vacca to Council; and (2) to send a letter to Provost Pitts rejecting the removal of supervisory authority as a possible administrative sanction, and declining to endorse the remaining suggestions.**

#### **XI. Consultation with the Office of the President – Senior Managers**

- **Mark Yudof, President**
- **Larry Pitts, Interim Provost**
- **Katherine Lapp, Executive Vice President, Business Operations**

##### President Yudof

- President Yudof will announce his nominees for Chancellor of UCD and UCSF on Friday.
- He reported that he met with the media yesterday prior to the Regents' meeting. He discussed: (1) incentive pay, most of which was obligated to coaches and physicians before he arrived; (2) fee increases of 9.3%, which are offset by increased aid and tax cuts through the federal stimulus bill (the stimulus bill increased Pell Grants by \$600 and gave a tax credit of \$2,500 to families with incomes of \$180,000 or less). Other categories of financial aid, such as Cal Grants, are also increasing. About 81% of UC students with family incomes under \$180K will not see an increase in the total cost of education due to these changes; (3) the Accountability Report, which includes 131

variables; and (4) the proposed policy on furloughs and salary reductions that will be presented for discussion at the Regents May meeting.

- The provision that was placed in the Education Code prohibiting future funding of UCRP is not binding. If UC gets enough votes to fund UCRP, it will have enough votes to rescind the rider.
- The University is in the process of bringing 14 EAP students back from Mexico in response to swine flu, because the Director of the UC Mexico Center decided to suspend its operations.

#### Interim Provost Pitts

- The Academic Planning Council will be reconvened. One of its tasks will be to evaluate the Master Plan (next year is its 50<sup>th</sup> anniversary).
- The joint Senate-administrative EAP Task Force is meeting and forming recommendations.

#### Q&A

**Q:** Last week at UCB you suggested that we reconsider the way we deliver education in response to a long-term decline in funding.

**A:** President Yudof responded that this effort must be led by the faculty. The University needs to examine ways to deliver quality education with a less expensive funding model. It must be described, analyzed and implemented by the faculty. It is difficult to do so; it is a very labor intensive model. Because UC is a research university, faculty teach fewer courses and have a lower teaching workload. Should the University make better use of technology? Revamp the way it does advising? Consider three year degrees? Eliminate majors? Consider educational models from around the world? President Yudof asked the Senate to form a committee to begin to examine this issue. Provost Pitts added that he has asked that campus budget task forces examine alternatives.

**Q:** If the legislature refuses to fund UCRP, will the University use funds from its operating budget?

**A:** President Yudof responded that the University cannot afford to make a substantial employer contribution out of its operating budget. If the legislature does not contribute, UC will have to restructure the liabilities and benefits of UCRP, e.g., change the vesting periods and benefits for new employees.

**Q:** It is possible that Riverside County Public Health Department may require UC Riverside to cease operating in response to a swine flu outbreak. What will happen then?

**A:** President Yudof responded that the campus administration and faculty will decide how to handle such an event.

Comment by Provost Pitts: UC Davis has developed an extensive protocol for emergencies. Every campus has an emergency preparedness plan that is submitted annually to Risk Management.

**Q:** Are any legal strategies available by which the University could compel the state to fund UCRP before resorting to altering the system?

**A:** President Yudof stated that he does not think this would be a successful legal strategy. The University cannot compel the state to spend money. He encouraged faculty members to write letters to their local representatives as individual citizens. He plans to address this issue with the legislature after the May election.

**Q:** Graduate students will not be protected from the increase in fees through increased financial aid and tax breaks. The fee increase in effect becomes a tax on faculty grants, which underwrite graduate student fees. Would you consider waiving the fee increase for graduate students?

**A:** President Yudof responded that he would not consider waiving the graduate student fee increase. He noted that he allocated \$10 million of the budget for graduate students and if he allocates additional resources to graduate students, other areas will suffer. In addition, UC has no ability to control federal support for financial aid and graduate students may benefit from additional federal research funds in the economic stimulus package.

**Q:** At some campuses, medical school deans have implemented “voluntary” salary cuts for faculty members. This appears to be contrary to the proposed policy on furloughs and salary reductions.

**A:** President Yudof asked to see this information in writing. He emphasized that the chancellors and campus administrations must abide by the process and framework for budget cuts, that they must make such cuts in a fair way, and that there must be appropriate faculty consultation.

## **XII. Principles for Budget Planning and Determining UC’s Future**

**ISSUE:** UCPB and UCFW have each written documents to assist in determining priorities in the context of the current budget crisis and the long-term trend in reduced state support for the University. UCPB focuses on principles to guide fiscal decision-making in the immediate crisis, and UCFW maintains that a dialogue about the future shape of UC should inform budget discussions; they outline some choices to be considered.

**DISCUSSION:** Regarding the UCPB document, Council members objected to: (1) that salary cuts should be a last resort (there may be trade-offs and more important priorities, such as hiring new assistant professors); and (2) that decisions should mainly be made at the systemwide level, given the very different circumstances of the campuses. UCPB’s chair explained the nuances of the committee’s reasoning and agreed to modifications of the phrasing of those items. In addition, a member suggested adding two recommendations: (1) that any salary cuts deemed necessary should be implemented on a progressive scale; and (2) that cuts in supplemental compensation to senior executives be made prior to any salary cuts or furloughs.

The UCFW document aims to start a conversation about the way the University operates and to advance a vision of the future of a UC education. Members suggested some clarifications to the letter, and one member disagreed that UC should dramatically curtail capital spending, and recommended adding a qualifying phrase that recognizes the need to maintain existing infrastructure. Chair Croughan noted that in his remarks, President Yudof supported a faculty-driven conversation about developing a model of educational delivery for the future. He placed this responsibility squarely in the purview of the Academic Senate. Members discussed creating a task force for this purpose. UCFW will include the idea in their letter, and a charge will be written and placed on next month’s Council agenda. A member stated that this is a great opportunity for the Senate to take on an important role.

**ACTION: Council endorsed a revised version of UCPB’s budget planning principles.**

**ACION: Council unanimously endorsed sending UCFW’s letter with revisions.**

**The revised versions of both letters will be sent to Council for review and email vote.**

## **XIII. Executive Session – Individual Deferred Compensation Plans**

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

**ACTION: Council approved forwarding UCFW's draft letter on this subject to the President with a request for him to forward it to the Regents (18 in favor, 1 opposed).**

#### **XIV. Task Force on Recognizing Students Interned During WWII**

**ISSUE:** The Task Force on Recognizing Students Interned in WWII considered a variety of policy options for recognizing students of Japanese descent who were removed or excluded from the University of California during World War II under Executive Order 9066. The Task Force recommends the granting of a special honorary degree to this population. However, a Regents' bylaw restricting the number of honorary degrees would have to be suspended or amended. The bylaw restricting the award of honorary degrees would not be lifted for any other person or group of persons.

**DISCUSSION:** There are both legislative and judicial findings declaring the internment to be an injustice. The Civil Liberties Act of 1988 recognized that the internment was an injustice. The Ninth Circuit Court of Appeals also concluded that the convictions of Fred Korematsu and Gordon Hirabayashi should be set aside. Between 500 and 700 students, mainly at UCB and UCD, were affected. The granting of honorary degrees requires consultation with the Senate. In 1972, the Regents imposed a moratorium on honorary degrees, and Regents' bylaws limit the number of honorary degrees that can be conferred by any one campus on an annual basis. The Task Force explored a range of options. It unanimously recommended that UC grant a special honorary degree to students who were enrolled at the University in 1941-42 and were affected by Executive Order 9066. The degree will not be a bachelor degree, but a special degree, *Inter Silvas Academi Restituere Iustitiam* (to restore justice to the groves of the academy). The location in the regulations and its wording is intended to make clear that this is a limited circumstance, applied to a specific class of individuals. If Council approves it, the Academic Assembly will consider it in June and, if approved, the Regents will consider it in July. If a person is deceased, it will be awarded *in memoriam* to a family member. UCEP's chair stated that he supports the proposal.

**ACTION: Council unanimously approved the amendment of Academic Senate Regulations to allow for the granting of a Special Honorary Degree for students enrolled in Academic Year 1941-1942 who were prevented from completing their education or receiving their degrees due to removal under Executive Order 9066.**

#### **XV. Principles for Non-Resident Undergraduate Enrollment**

**ISSUE:** In February 2008, UCOP began assigning separate enrollment targets to campuses for state-supported and non-resident undergraduates, allowing campuses to determine the appropriate level of non-resident enrollment. Some campuses are considering increasing non-resident enrollments as a strategy to raise revenues and mitigate budget shortfalls. In response, BOARS has developed principles to guide decisions regarding the enrollment of undergraduate non-residents.

**DISCUSSION:** Campuses now either have to generate the funds to meet their non-resident enrollment targets, or make up the shortfalls themselves. BOARS specifically did not take a position regarding the appropriate ratio of residents to non-residents. That conversation will occur within the Enrollment Management Council. UC has the highest proportion of state

residents of all top-tier public institutions. It is important for the Senate to create guidelines, and also to be involved in setting non-resident enrollment targets. Council members discussed using this document as a way to advocate with the state for greater funding, and whether to retain the recommendations with budgetary implications. A member recommended sending it for systemwide review, both to give divisions the opportunity to opine, and to give the document the imprimatur of the entire Senate. Another member spoke in support of this and also suggested sending the draft version to the Task Force on Creative Budget Strategies and the Enrollment Management Council.

**ACTION: Council voted to send it the principles for expedited systemwide review and to send the draft to Provost Pitts, the Advisory Group on Budget Strategies, and to the Enrollment Management Council (approved with 1 abstention).**

#### **XVI. UCORP Recommendations on the MRPI Application Review Process**

**ISSUE:** UCORP has drafted a letter requesting clarifications about the remaining steps in the MRPI application review process, and recommending procedures for future RFPs.

**DISCUSSION:** UCORP's chair noted that in many ways the letter is now redundant and stated that he no longer wished to forward it to Vice Provost Beckwith, but asked the Council to endorse the recommendations and maintain it in the Senate files. Several members questioned this approach, and noted that many of the suggestions in the letter could be incorporated into this year's process. Several members expressed concern that the letter seems to suggest halting the process. A motion was made to forward UCORP's letter, along with a cover letter stating that while Council does not wish to stop the process at this point, it does have concerns and suggestions for the process going forward.

**ACTION: Council unanimously endorsed forwarding UCORP's recommendations with a clarifying cover letter.**

#### **XVII. Stewardship Review for Chancellors**

**ISSUE:** The current process for Chancellor reviews was endorsed by the Academic Senate in 2000, but implementation is not consistent across campuses and the process needs to be revisited in light of several impending Chancellor reviews.

**ACTION: Council unanimously approved a minor modification of the current Senate document outlining stewardship reviews. It will discuss via teleconference forming a Task Force to reexamine the process.**

#### **XVIII. UCAF Proposal to Add 'Collegiality' to APM 210-1-d**

**ISSUE:** UCAF is requesting that UCPT, UCAP and Academic Council review suggested language to be added to APM 210-1-d clarifying the concept of collegiality and its legitimate and illegitimate uses in merit and promotion reviews.

**DISCUSSION:** At two campuses, merit and promotion cases were approved by CAP but denied by the administrations based on collegiality issues for the candidate. UCAP and UCPB previously stated that because the definition of collegiality is vague, it should not be included in the APM. UCAF has now offered a more precise definition. Members noted that collegiality is difficult to measure, and that there are other provisions in the APM and in the Faculty Code of Conduct that can address many issues of collegiality. UCAP's chair stated that introducing



collegiality as a category for review could open the door to unintended consequences. He also noted that such situations do not happen frequently. A division chair stated that on a small campus, “collegiality” could be misused. Another division chair stated that CAPs have a difficult job and instead of opening them to criticism for their interpretations of collegiality, Council could require them to report violations of campus conduct to Committees on Privilege and Tenure; they would have a reporting, rather than an adjudicating, role.

**ACTION: Council declined to recommend incorporating UCAF’s proposed language on collegiality into the APM (13 opposed, 2 abstentions).**

**XIX. Senate Membership Task Force**

**ISSUE:** Due to a compressed timeline, the Task Force on Senate Membership will not be able to complete its full charge during this academic year. Some members of the Task Force proposed to change its charge, timeline, and membership.

**DISCUSSION:** A member noted that division chairs and the two original at-large Task Force members (Larry Pitts and Dan Simmons) will no longer be able to serve on the Task Force next year, and nominated Michael Brown to be an at-large member. A member suggested that divisional vice chairs could replace the chairs and serve through this year and next year. Members discussed the merits of dividing the work into two Task Forces, as suggested in the proposed revised charge. Council members decided that this is unnecessarily complex.

**ACTION: Council unanimously approved reconstituting the Task Force, replacing current divisional chairs with incoming chairs and replacing the two at-large members and extending the timeline through the end of the 2009-10 academic year in order to ensure continuity.**

**XX. New Business**

Meeting adjourned at 1:15 p.m.

Attest: Mary S. Croughan, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst