

ACADEMIC COUNCIL

**Minutes of Meeting
Wednesday, October 21, 2009****I. Announcements**

- Council received the annual report from the President on the production of plutonium pits at Los Alamos National Laboratory. Production remains below the allowed limits.
- We received a request from Gene Lucas, UCSB's EVC and the chair of SLASIAC, the Systemwide Library and Scholarly Information Advisory Committee, for consultation with UCOLASC on issues related to eScholarship, UC's digital repository for faculty research publications. The request will be forwarded to UCOLASC.
- As members of the President's Task Force on Post-Employment Benefits, Chair Powell, Vice Chair Simmons, and UCFW Chair Shane White are visiting campuses to participate in forums to discuss the fiscal pressures on UC's pension and retiree health programs.
- Chair Powell and Vice Chair Simmons participated in a panel discussion of the budget situation with Senate faculty at UCB. They reported that it was very productive and a valuable opportunity to hear faculty opinion and convey it to administrators at the Office of the President.
- UCSB Chancellor Yang has been elected president of the AAU next year.
- In 2007, the Academic Assembly adopted a resolution opposing RE-89, the Regents' policy restricting the acceptance of funding from the tobacco industry. Recently, the Flight Attendants Medical Research Institute (FAMRI), an organization that administers money from tobacco settlements, has tried to impose on the grants it makes a restriction that the receiving institution must agree not to accept any tobacco funds. The Vice President for Research and nine of the campus Vice Chancellors for Research believe that any compromise would be inappropriate, as it would violate the spirit and direct language of the Assembly resolution; the principle of not restricting research funding must be upheld.
- AVC Kelman, whose office is coordinating the UC Commission on the Future, will attend every Academic Council meeting while the Commission is meeting to brief Council and answer any questions.

II. Consent Calendar

ACTION: The consent calendar was approved.

III. Approval of the Agenda.

ACTION: The agenda was approved.

IV. Differential Fees by Major

DISCUSSION: Council discussed the failures of process illustrated in placement of differential fees on the Regents' agenda prior to Senate comment, as well as the lack of data supporting this idea. Specifically, Council members objected to: 1) the process; 2) lack of supporting data and thoughtful analysis; 3) lack of sound reasons for applying it to particular majors; 4) the potential

negative impact on students and enrollment in majors; 5) concern about access for economically disadvantaged students; 6) lack of clarity regarding the use of the additional fees; 7) the impact of differential fees in addition to a large general fee increase; 8) *de facto* undermining of the “one University” model without debate on the fundamental issues raised by such a policy change; and 9) the pre-emption of the role of the UC Commission on the Future. A Council member noted that the Advisory Group on Budget Strategies decided that differential fees are worth further study, but this did not occur before the item was placed on the Regents’ agenda. Although it has since been removed from the Regents’ agenda, Council decided ask committees and divisions to submit feedback to the Senate office so that a letter can be drafted for consideration at the December Council meeting.

V. Budget Messaging

ISSUE: UCFW submitted a draft letter requesting the president to communicate to the legislature directly and compellingly the consequences of inadequate funding on access and affordability.

DISCUSSION: Council made several suggestions to improve and expand the letter, and asked UCFW to modify it and resubmit it for approval via email. The suggestions included: that the Senate ought to take ownership of the issue, with the president, and proactively engage faculty in an advocacy effort; the letter should emphasize UC provides affordable access to a research environment; and it should emphasize the negative impact on education of state budgetary decisions on higher education in general. A member noted that faculty can make common cause with the students by emphasizing the budget cuts’ impact on access and affordability. Members made suggestions for conducting a public relations campaign, including highlighting what UC does for the state of California and why the state needs quality higher education institutions, documenting the negative impact on education of state budgetary decisions in cooperation with the CSU and the CCCs, and hosting policy “bootcamps” for legislators and their staff members.

ACTION: With a unanimous vote, Council charged the chair and vice chair of the Academic Council to organize a faculty advocacy effort to convey the impact of inadequate funding on access and affordability to a research university and requested that they incorporate Senate colleagues at the CCCs and CSU to the extent possible.

VI. Consultation with the Office of the President – Senior Managers

- **Mark Yudof, President**
- **Larry Pitts, Interim Provost**
- **Nathan Brostrom, Interim Executive Vice President, Business Operations**
- **Marsha Kelman, Associate Vice President**

President Yudof

- UC Commission on the Future. President Yudof stated that the Commission is dealing with difficult issues, and asked faculty to engage in the process and to think deeply about the issues. He noted that it is a long-range process and that all suggestions will be vetted by the Academic Senate.
- Non-resident enrollment. President Yudof noted that Berkeley is proposing increasing non-resident enrollment. While opinion is divided, 80% of faculty who answered a poll supported increasing non-resident enrollment. But a strong minority of faculty feels that this would be a betrayal of the mission of the University and of the Master Plan.

AVP Kelman

- AVP Kelman, whose office is coordinating the UC Commission on the Future, stated that the composition of the Working Groups is being finalized this week; they are trying to balance the working groups with representation from campuses, etc. She noted that every committee, with the possible exception of the Funding Strategies Working Group, is majority faculty. They are large, averaging 20 people per working group. She also noted that draft documents on issues that the Working Group co-chairs believe should be considered are posted on the website. Anyone can send email a suggestion via the Commission web page and it will be routed to the appropriate Working Group. Members of the Commission are traveling to each campus for a “listening tour” to get feedback about the scope of the Working Groups. She stated that the format of the visits has been left to the campuses to determine. Several division chairs stated that communication about these events has been minimal, and that at some campuses, participation has been limited to invited representatives. A co-chair of a Working Group stated that some Working Groups have requested additional meetings with specific groups that have expertise or interest in the Working Group subject, in addition to attending a public forum.

Q&A

Comment: Faculty are puzzled about how proposed incremental solutions to budget gaps, such as differential fees, should be considered in light of the work of the UC Commission on the Future.

A: President Yudof responded that in general, he has asked the Commission to address the more controversial issues. But at the same time, there is an immediate need to raise fees, and that can not go before the Commission. The Commission will consider various fee alternatives, which will be reviewed by BOARS, UCPB, and other Senate entities. President Yudof stated that he personally thinks that differential fees may be useful but that he would not support them if the faculty do not. President Yudof expressed concern about increasing non-resident students and stated that he does not believe that the Virginia or Michigan models are good for UC. He also noted that there should be a defensible educational purpose for increasing non-residents, and that it should not be done solely for financial reasons.

Comment: BOARS chair Sylvia Hurtado commented that last year BOARS sent a letter to the President regarding their position opposing a large increase in non-resident students.

A: President Yudof responded that he liked BOARS’ approach because it was holistic, and encouraged BOARS to work to reframe the issue at Berkeley. He noted that a modest increase in non-residents may be fine, but the proposed increase is 25% of admits and 20% of the overall student body.

Comment: You recently issued a white paper on the federal role in higher education. What is the relation between that piece and your earlier proposal to the Carnegie Foundation?

A: President Yudof responded that the Carnegie Foundation proposal was a request for \$40 billion for construction for higher education. The white paper focuses on operating costs, not capital expenses. It is a “think piece.” It begins with the analysis that states are collectively failing public higher education. The Obama administration’s objective for higher enrollments can not be achieved without additional investment. The paper contains two main suggestions—a surcharge on

Pell grants for operational needs, and an add-on to Pell grants to improve research infrastructure. The more research universities perform and the more low-income students they enroll, the more money they get. This would provide incentives for behavior expected from universities. The paper also proposes a “maintenance of effort” provision, which requires states to maintain the same level of funding for universities that are awarded these additional monies. This is key to the success of the proposal. It would prohibit states from replacing state funding with federal funding, and from further disinvesting in their educational institutions. This proposal obviously would benefit UC, since it enrolls more low-income students than any other public research university in the nation. However, until Congress completes health reform, it will not tackle any other major proposals. President Yudof also stated that contrary to some reports, this approach does not mean that he is giving up on procuring funds from the state; he is probing all sources. President Yudof recommended a column by Bob Herbert in the October 3rd issue of the *New York Times* characterizing the funding problems at UC Berkeley.

Comment. I recently saw a transcript of a frank discussion that you had with the student newspapers. Could you repeat some of the highlights?

A: President Yudof responded that he had two excellent meetings with editors of the student newspapers, who asked well-informed questions. For instance, a UCSC student asked about the funding formula governing the proportion of funds distributed to campuses. President Yudof stated that the Office of the President is examining the income streams, which historically have not been transparent. He has charged interim EVP Brostrom with creating a rational and transparent way to make budgetary allocations, and to do so for the 2010-11 academic year. However, he added that he does not believe that this will result in dramatic swings in distribution, and he feels a moral obligation to ensure that Merced succeeds. President Yudof noted that he was asked if UC would lead the way in proposing a new tax system. He stated that such a role is too political, and probably not legal, for the University to play, even though he is in favor of reforming the political structure. The University can not use public resources for advocacy.

Q. To what extent could the University reduce the enrollment of California residents? I am concerned about increasing non-resident students while decreasing resident enrollment.

A: President Yudof stated that he is concerned that if the University reduces enrollment, it will lose political support. He will follow the plan of reducing enrollment by 10,000 students over four years to mitigate the University’s current over-enrollment (which was created when the state reneged on the Compact, while the University met its commitment). President Yudof also stated that he fears that enrollment reductions will fall more heavily on under-represented and low-income students. He noted that the UC Commission on the Future’s Size and Shape Working Group will examine this issue.

Comment: Some faculty are wondering why the University is not waiting until the state emerges from the budget crisis to address questions that the UC Commission on the Future is asking.

A: President Yudof responded that the University’s funding predicament has been in the making for 25 years, and is reflective of a national trend of disinvestment in public higher education. The Commission is asking hard questions about adapting to these budget realities and being the best within these funding constraints. He noted that the recommendations can not be a “wish list,” but must grapple with setting priorities in order to maintain access, affordability and quality. He stated

that he especially needs the faculty, as well as other members of the University community, to think creatively about these issues together.

Comment. As a divisional chair, I sometimes am put in the position of being an apologist for the Office of the President. For instance, the item on differential fees that was to have been on the Regents' agenda was not first vetted through the Senate, and was an underdeveloped proposal. This created a distraction when we have many serious issues to discuss.

A: President Yudof stated that he appreciated this feedback; meeting with the faculty Senate provides a good forum for direct conversation. He noted that Senate representatives can be placed in the cross-hairs over issues of consultation and stated that he will try to avoid putting them in this position, especially at a time when angst is high. Interim Provost Pitts added that he should have sent the differential fees proposal to Council and noted that it was done clumsily.

Comment: For the first time, the cost of training a graduate student at UC is now more than the cost of hiring a post-doctoral fellow, who generally are more productive than graduate students. I foresee that this gap will worsen as fees increase.

A: Interim Provost Pitts stated that while graduate student fees come out of grants, they are returned to the University, and that the Office of the President will try to ameliorate the situation by addressing the distribution of the fees.

Comment: Because the quality of information from the state about the budget is poor, decisions on campuses can not be made and it paralyzes operations. For instance, we can not allocate money for new or replacement faculty hires. It would be tremendously useful if UCOP could mitigate some of that uncertainty by generating a set of revenue projections to give the campuses more guidance.

A: Interim EVP Brostrom stated that because state revenues are 60-65% based on personal income tax, its economy is incredibly volatile. But he noted that there are good, third-party sources for budgetary information such as the state Legislative Analyst Office, UCLA's Anderson School, and the Center for the Continuing Study of the California Economy in Palo Alto.

Comment: Media coverage makes UCOP look defensive, rather than leading with a vision. The relationship with Sacramento appears to be adversarial. How can the Senate help?

A: President Yudof stated that the University can not ignore challenges, and admitted this is defensive. However, in the next few weeks, UCOP is going to ask for support for a plan to stabilize the budget and the University and get the University back on track. People believe the conspiracy theories because it is a time of great angst and because it is easier to be angry at the president of the University than at Sacramento or the process. The Senate can help by supporting the budget plan. Reach out to a broad segment of the faculty and disseminate information about the budget. He noted that the UCOP website got 25,000 hits on the YouTube video of his speech at the Board of Regents.

Comment: It would be enormously beneficial if you visited the campuses to explain the situation. While there will be protests, and disagreements, having the opportunity to see you counter such challenges is crucial. You need to speak to the silent, supportive majority. To a large extent, union activism has pushed you into isolation.

A: President Yudof stated that as faculty representatives, you should not be placed in the position of defending Mark Yudof; but you must defend the institution and stand up for the shared governance that has benefited this university for so long. If you were consulted about decisions, say so. Provide facts. You need to provide facts, say that you have been consulted if you have, etc.

Comment: We have to accept the challenge to lead on these issues. We have to make clear to our colleagues that the administration is responsive to faculty requests, even when we do not agree or “win” on an issue. We also must communicate that if the president fails, the institution will be in trouble. We need to work together to protect the institution that we have.

Comment: The Commission on the Future is an opportunity to describe how the budget has impacted UC. It can highlight the shared governance system.

A: President Yudof noted that there was little coverage in the press of the first Commission meeting.

VII. General Discussion

A Council member noted that a consensus emerged in faculty comments about a communications strategy, specifically, that it is crucial for the president to have direct contact with the rank and file faculty. He urged the Chair and Vice Chair to impress upon the president the need to do this through the Senate.

VIII. UC and the American Diploma Project

ISSUE: UC joined an initiative that seeks to align high school coursework with college readiness. One proposal under consideration is to use the Early Assessment Program (EAP) test as a statewide standard for college readiness. The EAP, administered to 11th graders, was developed by CSU to decrease remediation in writing and mathematics courses at CSU. BOARS is concerned that the EAP does not ensure readiness for UC coursework, and that it may channel students, particularly unrepresented minority students, into courses that do not satisfy a-g requirements, and it may provide disincentives for high schools to offer courses that prepare students for UC.

DISCUSSION: BOARS’ chair stated that the EAP provides few advantages over the California Standards Test that already is administered, and it addresses none of the critical thinking skills required by the ICAS competency standards. She stated that it would be better for the segments to examine the interrelationship of all of the college readiness indicators before adding to them. She also noted that the EAP has been administered for only two years, and there is no assessment data on its effectiveness. A Council member stated that CSU and CCC are working on several projects that may impact UC preparatory education and that UC and the faculty Senate should pay more attention to such initiatives as a CSU/CCC common course identification numbering project, and a CSU lower division transfer protocol that aims to define common standards for coursework.

ACTION: Council unanimously opposed a premature endorsement of the EAP, and asked that the issue be addressed by ICAS.

IX. Faculty Delegations to Regents’ Meetings

ISSUE: The idea to have different delegations of Senate faculty attend Regents’ meetings on a regular basis in order to directly convey faculty perspectives emerged from the Senate retreats.

DISCUSSION: Berkeley Division Chair Kutz stated that the idea recognizes that faculty are not merely one constituency among many stakeholders, and proposed that the Regents meet with faculty representatives for an exchange at a separate time, not during a public comment period. Chair Powell noted that this could require an amendment to the Standing Orders of the Regents, which requires the faculty to communicate to the Regents through the president. While Council members generally were supportive of the idea, they felt that the details of its implementation require further discussion. Suggestions included that faculty be invited to join Regents for lunch or to present the campus strategic plan with their Chancellors. Vice Chair Simmons and UCB Chair Kutz will discuss the idea further, and will develop a proposal for Council's review.

X. Special Committee on Remote and Online Instruction and Residency

ISSUE: The Special Committee on Remote and Online Instruction and Residency issued its report. Its chair, Bruce Schumm, briefed Council on its contents.

DISCUSSION: Bruce Schumm, chair of the Special Committee, reported that the committee examined remote and online instruction within and outside of the university, and academic studies on the pedagogical and fiscal effects of online instruction. It concluded that the University may be missing a way to enhance quality and increase access, fiscal questions aside. The committee did not conduct its own research, but relied on existing studies, and on the efforts of Academic Planning, Programs and Coordination, which has done preliminary work in developing a pilot program on online instruction. The Special Committee made eight recommendations, including that the Academic Senate should embrace grassroots efforts to promote remote and online instruction of UC quality, and that the existing Senate oversight framework is adequate for evaluating online courses. The committee did request that UCR&J review the language of SR 610 regarding residency and its application to students who enroll in online courses. A member stated that this report will be beneficial both to APPC's pilot program and to the Education and Curriculum Working Group of the UC Commission on the Future.

ACTION: Council approved (with one abstention) simultaneously sending the report for systemwide review and forwarding it to the Academic Planning Council and the Education and Curriculum Working Group of the UC Commission on the Future.

XI. Graduate Student Fee Increases

ISSUE: CCGA submitted a letter opposing increases in graduate student fees due to their impact on graduate academic students, research faculty, and the research mission of the University, and offering solutions that could mitigate the financial burden.

DISCUSSION: CCGA chair Chehab reported that the graduate student fee mid-year increase is only 1.5% (vs. an 8.5% increase in undergraduate fees). However, CCGA expects that fee increases will persist, and while it opposes increases, it offered ideas to mitigate any future fee increases. A member stated that cutting support for graduate students at a research university is counter-productive.

ACTION: Council unanimously endorsed CCGA's letter and approved forwarding to Interim Provost Pitts and President Yudof.

XII. Intellectual Property Issue/Patent Acknowledgement Form

ISSUE: A recent lawsuit against Stanford University, *Stanford v. Roche*, has highlighted the fact that UC's current patent acknowledgment form is inadequate. Vice President Steve Beckwith has asked Council for advice on proposed changes to the patent acknowledgment.

DISCUSSION: Council did not have time to discuss this issue.

ACTION: Council will request that UCORP and the divisional CORs and CAFs respond to Vice President Beckwith's proposal; the issue will be discussed at the December Council meeting.

XIII. UC EAP Budget Models

ISSUE: UCOP has proposed three budget models for the UC Education Abroad Program (UCEAP) for 2010-11: A) retaining the current level of funding of \$3.7M in General Fund support; B) reducing support to \$1.1M in General Fund; and C) eliminating all General Fund support.

DISCUSSION: UCIE Chair Lobo stated that his committee preferred Option A, as Options B and C would irreparably damage the program. UCPB's Chair stated that his committee opined on the issue, and rejected all three options. He noted that Option C is unacceptable and discards all prior efforts to restructure EAP. Additionally, all three options ignore prior Senate advice that the transition will take 3-5 years. He reiterated the Senate's position that EAP is an academic program and should be treated like other academic programs. Council members stated that all academic programs are subject to cuts in these budgetary times, and that EAP is no exception. Council took no action.

XIV. Senate Priorities for 2009-10

Council did not have time to discuss this item.

Meeting adjourned at 4:30 p.m.

Attest: Henry Powell, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst