

ACADEMIC COUNCIL

Minutes of Meeting
Monday, December 16, 2009**I. Announcements**

- **Schedule of spring Academic Council meetings.** Chair Powell noted that in February, Council will meet with Regent Gould, the Chair of the Board of Regents and of the UC Commission on the Future, and will elect the Vice Chair for 2010-11. He proposed holding a teleconference in March, and asked for approval to meet with the Chancellors in April, in addition to the regular April meeting; these scheduling issues will be addressed under New Business.
- **Update on ICAS meeting and Master Plan Testimony.** Chair Powell and Vice Chair Simmons met with the Intersegmental Coordinating Committee (ICC), as well as ICAS, and attended the first hearing of the state legislature's Joint Committee on the Master Plan. At the hearing, the chairs of all three segments' faculty Senates testified, as well as the heads of all three segments and representatives of many interest groups. The message was that the Master Plan is not broken—it's broke. Assembly Member Ira Ruskin, who chairs the Joint Committee, also attended the ICAS meeting. He invited ICAS to submit white papers on topics in higher education with the aim of educating the members of the committee from a faculty perspective. He was particularly interested in accountability and standardization of curricula. Assemblymember Ruskin emphasized that university advocates should demonstrate what higher education offers to the citizens of California and what is at risk, rather than highlight parochial needs. ICAS members approved a memo outlining areas of agreement among the three segments on the key elements of the Master Plan. In addition, ICAS approved development of a brochure to be used in joint advocacy efforts. All future ICAS meetings this year will take place in Sacramento, and ICAS will partner with student groups in advocacy efforts.
- **UCORP Seminar Network Paper.** A paper that UCORP members produced last year exploring potential synergies for UC by web-casting and archiving departmental seminars was accepted for publication in *PLoS Biology*.
- **LBNL update.** Acting Director Paul Alivisatos was named Director.
- **Update on UC advocacy efforts.** In addition to the advocacy activities in the summer and fall of 2009 (see [link](#) for summary), UCOP launched a letter-writing campaign encouraging the governor to support UC's 2010-11 budget request via www.UCforCalifornia.org, and submitted ads to student newspapers and distributed messages to Facebook users who indicated a UC affiliation in their profile. More than 3,000 people signed up to be UC e-advocates during this period. In addition, the Senate office intends to send a letter to division chairs asking faculty to volunteer to identify any personal contacts they have in Sacramento with whom are willing to advocate for UC. Chair Powell urged faculty members to work with their campus government relations offices, and to coordinate with students, who are the university's most effective advocates.
- **Furloughs.** President Yudof asked Chair Powell to convey to division chairs, particularly those with medical schools, that the furlough program adopted by the Regents has a definite end date and that any request for extension would require him to return to the

Regents with a proposal. While next year's budget scenario is unknown, the president does not intend to extend the furlough program.

- **Honorary Degree Ceremonies.** Chair Powell and Vice Chair Simmons attended the ceremonies at Berkeley and Davis awarding honorary degrees to Japanese-American students who were prevented from completing their educations due to internment during WWII. The Senate is to be commended for shepherding this initiative. Also, the Council resolution regarding the correct form of the degrees resulted in a compromise with the Berkeley campus.

II. Consent Calendar

1. Approve the November 23, 2009 Council minutes.
2. Cancel January 13, 2010 Assembly meeting.

ACTION: The minutes were approved with minor corrections, and Council voted unanimously to cancel the January Assembly meeting.

III. Approval of the Agenda.

ACTION: The agenda was approved with the following modifications. Items to be discussed as New Business include: 1) Hold March Council meeting as a teleconference; 2) Approve April meeting with Chancellors; 3) Hold Assembly teleconference in February.

IV. Differential Fees by Major

ISSUE: A proposal to charge differential fees for certain undergraduate majors was presented to the Regents for discussion in September. Although it was withdrawn from the November Regents' agenda, Council decided to continue the systemwide review, as it is one of the topics under consideration by the UC Commission on the Future.

DISCUSSION: Some Council members stated that they did not wish to rule out differential fees completely, but that the proposal presented to the Regents was not viable. Others mentioned that there was tempered support among the faculties of business and engineering for differential fees *if* the fees would be returned to the particular department or school that assessed them. Other Council members opposed differential fees in principle and advocated that the equity of all funding streams should be examined. Some divisional chairs expressed concern about the potential for stratification among campuses if differential fees are implemented. Members suggested a change in emphasis in the last paragraph of the draft letter.

ACTION: Council unanimously approved the draft letter with the modification suggested.

V. UC Commission on the Future Working Group Chairs

ISSUE: The Working Group Co-Chairs of the UC Commission on the Future joined Council for a substantive discussion of the issues under consideration.

DISCUSSION:

Size and Shape. Size and Shape Co-Chairs Chancellor George Blumenthal (UCSC) attended in person and Professor Cynthia Brown (UCSB) joined the meeting via telephone. They reported that the Size and Shape Work Group broke into two subgroups—one to examine internal issues, and the other to examine external ones. They will have six meetings, and are in the preliminary stage

of identifying the issues on which to focus. A guiding principle is the imperative to maintain quality. External issues include how UC meets the needs of the state and coordinates with its Master Plan partners; the optimal percentage of graduate students; how to facilitate transfer students; and which segments should be responsible for professional doctorates. Internal issues include the role of OP vis-à-vis campuses and the role of the campuses vis-à-vis each other; ways to use UC's size to leverage its strengths in both academic programs and support systems; and whether to consider unifying calendars across campuses, greater use of summer sessions, and 3-year degrees.

Size and Shape Discussion. A Council member asked if Size and Shape will address the idea of eliminating programs. Chancellor Blumenthal responded that they are discussing the issue of whether all campuses have to be all things and ways to provide programs that are not available at their home campus to students at different campuses. A member asked what it means to maintain "quality." Chancellor Blumenthal noted that given the deadlines and timeframe for considering the issues, the Commission may not be able to answer that question, but it is an important one for several of the Work Groups. He stated that he thinks that the faculty, through the Academic Council, should define "quality." Representatives of the Research Strategies and Education and Curriculum Work Groups added that their committees also are grappling with this issue. A member asked whether the group is considering diversity in its examination of the optimal enrollment mixture. Chancellor Blumenthal affirmed this and stated that its diversity makes UC special and that its global reputation is based on attracting the best graduate students and faculty internationally. A member asked if the Size and Shape and Funding Strategies Work Groups are coordinating, given that enrollment is based on funding. Chancellor Blumenthal said that they are.

Education and Curriculum. Education and Curriculum Co-Chair Professor Keith Williams (UCD) represented this Work Group. He also serves as Chair of UCEP and as a member of the Academic Council. In addition, two members of Council—Professors Joel Michaelsen (UCSB) and Judith Stepan-Norris (UCI)—serve on the Working Group and were present. Education and Curriculum is focusing on five areas: 1) What is "UC educational quality?" Professor Williams noted that defining "quality" is key to evaluating the appropriateness of any recommendations. How is UC similar to and different from other universities? Has quality diminished as a result of budget reductions over the past few years? How can we assess quality in the future? Professor Williams noted that the report of the Undergraduate Educational Effectiveness Task Force may provide the beginnings of a methodology for measuring whether the University is achieving its educational objectives. 2) Alternative modes for delivering education, such as on-line education. 3) Obstacles to shortening time-to-degree. The Working Group is examining both curricular and non-curricular issues, such as advising. 4) Are faculty used efficiently? Subtopics include faculty workload, adequate course offerings, and the mix of ladder-rank faculty, lecturers and graduate students. 5) Curriculum. How can the University enhance the education it is providing, including examining how majors are structured, redundancy of programs, and cross-campus programs.

Education and Curriculum Discussion. A Council member stated that it is crucial to articulate the benefit that undergraduates experience from attending a research institution. President Yudof noted that he has written an article, and Professor Williams stated that UCEP has written a white paper, on this topic. Professor Anil Deolalikar, a faculty member on the Commission, stated that the goal of the newly formed UC Global Health Institute is to offer a Master's program in Global Health with courses taken by students across campuses. The idea is to leverage UC's expertise in the area, which is spread across the system. A Council member stated that many faculty believe that online

education undermines quality, as quality resides in direct faculty contact with students and mentoring. Professor Williams stated that if one can define quality, then one can measure it.

Research Strategies. Research Strategies Co-Chairs Chancellor Harry Yang (UCSB) and Past Academic Council Chair Mary Croughan (UCSF) represented the Work Group in person. Professor Croughan or Chancellor Yang visited all ten campuses to get input. The Work Group has compiled a comprehensive list of issues developed from all sources—public meetings, campus visits, email submissions, etc., and will determine its top priorities and identify which areas require more data at an upcoming meeting. The Work Group is focusing on four major areas: 1) the role of graduate education in UC's mission; 2) infrastructure improvements; 3) opportunities and threats, e.g., how can the University retain top research faculty and graduate students; and 4) principles for guiding industry engagement. The Work Group plans to meet via phone every two weeks, and will consult with undergraduates, staff in offices of research, funding agencies, alumni and business representatives, and young faculty. It also will meet with campus CORs.

Research Strategies Discussion. Council members raised the issue of how to attract graduate students, who support the faculty research agenda. Other issues raised included inequitable and inadequate indirect cost recovery rates, the notion that research is subsidized by education fees, and problems with research administration.

Funding Strategies. Funding Strategies Co-Chair EVC Gene Lucas (UCSB) represented the Work Group by phone. The Work Group is focusing on four areas: 1) Maximizing traditional revenue sources—state and federal funding for general operations and research, and fees. 2) Alternative revenue sources, such as fundraising. 3) Capital outlay, including bonds, private sources and third party development and partnerships. 4) Efficiencies, such as better use of IT and the utilization of best practices. The Work Group has conducted two meetings and has organized the enormous amount of input gathered. They ranked the issues in terms of the greatest potential impact and what can be done expeditiously. They also will review a model developed at OP that forecasts revenue and expenditures in order to do a gap analysis. He stated that the University must not abandon the Master Plan and noted that advocacy to increase state funding must be an important part of the solution.

Funding Strategies Discussion. A Council member stated that the highest priority should be to reestablish competitive faculty salaries. EVC Lucas acknowledged its importance, but stated that the Work Group does not have a solution to this problem. Another member asked whether differential fees are under consideration. EVC Lucas stated that the Funding Strategies Work Group will examine the income differential fees would generate, but that the philosophical issue that it presents should be addressed by Size and Shape and Access and Affordability. A member stated that her campus strictly interprets the federal guidelines for how research dollars can be spent, excluding administrative support, and asked if this issue is under consideration. EVC Lucas said that this issue is being addressed as part of a larger discussion about whether UC is getting a fair share of Indirect Cost Recovery funds. He noted that campuses may be subsidizing research for the federal government. A member stated that there are historical differences on a per student basis for the allocation of core funds. Both Size and Shape and Funding Strategies are examining this issue, and the president has asked a group at UCOP to address it. A Council member asserted that given the continuing downward trend of state funding, the University ought to examine what it would mean to accept no state funding. EVC Lucas stated that this scenario could be considered by using the forecasting model to determine the size of the problem. A Council member asked if

Funding Strategies is examining the costs associated with online education. EVC Lucas said that it is not on their agenda, since they are charged with looking at revenue sources, not costs. Another Council member asked whether Funding Strategies or Size and Shape will examine the growth of campus administration and stated that while UCOP has been cut—perhaps too far—campus administrations have not been reduced. Chancellor Blumenthal responded that the Size and Shape Work Group has not examined this issue, and added that there have been significant reductions of administrative infrastructure on his campus due to the budget crisis. He also stated that the smaller campuses have been negatively affected by reductions at OP because it has increased their administrative workload. Finally, he noted that the Working Groups are unlikely to make recommendations specific to campuses; this evaluation is more appropriately done on the campuses, not centrally. However, the Group can make general statements about what is desirable. EVC Lucas added that the fastest growth category is for staff addressing compliance issues. A final question was whether a study of governance of UCOP's relations to the campuses should be conducted. Chancellor Blumenthal stated that this is on the list of potential items for the Size and Shape Work Group. However, it can not be resolved on the Commission's timeline and he questioned whether the Commission would be the right body to address it. Other areas that could have been addressed by the Commission, but were not, are Advocacy, Governance, and Service.

General Discussion. A Council member urged the Work Group chairs to integrate their knowledge and processes. She noted that there is great overlap among the issues under consideration, and one group's recommendations can have implications for the others; it would be unfortunate if the recommendations conflicted. Professor Brown reiterated the urgent need for someone to organize meetings among the co-chairs. Other divisional chairs shared steps they have taken to facilitate communication between Work Group members and campus Senate committees. Chancellor Blumenthal and Professor Croughan stated that they would be happy to meet with systemwide committees, adding that Senate committees are a great source of ideas and of advice on how to approach issues. AVP Kelman stated that UCOP staff are serving as liaisons to bridge the Work Groups and facilitate dialogue among them.

A Council member noted that Size and Shape appears to be focused on the undergraduate program; it does not address new schools, hospitals, or new buildings, which are huge expenses that should be avoided at a time of budget reduction. Chancellor Blumenthal responded that Size and Shape has discussed new professional schools. Some may be cost-neutral, while others are not, and their establishment must be considered within the framework of the needs of the state and UC's priorities. He added that hospitals are on the list of potential topics, but it would take a great deal of study to understand the relationship between the hospitals and the University.

A Council member stated that the key question is affordability and access to what? UC is different from other institutions in the state of California in that it provides an affordable undergraduate education at a research university. If trade-offs have to be made in the short-term, enrollments could be reduced or fees could be increased, and both of these measures could be reversed when the state recovers fiscally. But once the quality of the faculty is allowed to decline, it is not easy to recover. Maintaining the quality of the research faculty must be at the top of the University's agenda.

A Council member noted that there is a rigorous system for faculty advancement, but the University does not conduct comparable reviews for administrators. Should the Commission address whether more rigorous reviews should be conducted? Chancellor Blumenthal stated that campus practices vary widely on administrative evaluations. The size of administration is a separate issue, and should be addressed by the campuses or UCPB. Another Council member stated that excessive SMG compensation is a political problem for the University across the system, and suggested that the Commission would be a good venue to address it. Chancellor Blumenthal agreed that this has been politically deleterious to the University, but asserted that the Academic Council should take the initiative to address it. Chancellor Yang added that, like faculty compensation, executive compensation is linked to the quality of the University.

VI. General Discussion

A member observed that the Work Groups are just beginning to coalesce and questioned how they will be able to produce draft recommendations by the end of February. A member responded that it is likely that their reports will consist of recommendations formed last year by the administration, as there is not enough time to fully examine the options. A Council member remarked that the Commission's charge is to envision the University for the future, but the Work Groups all seemed focused on developing solutions that could be implemented in the next academic year. It was noted that there is pressure from the legislature for UC to act. A member added that if the University continues to absorb cuts by tightening its belt (which will result in diminishing quality), there is no incentive for the legislature to become a more reliable partner.

VII. BOARS' Report to the Regents on Admissions Tests and UC Principles for Admission Testing

ISSUE: In 2003, The Regents provisionally approved UC's current required testing pattern, pending a report from BOARS about the extent to which the new SAT I aligns with BOARS' January 2002 [testing principles](#). Over the past three years, BOARS and the BOARS Testing Subcommittee consulted the College Board and various testing experts to assess the degree to which these goals are being met. BOARS submitted a draft of its proposed report to the Regents for Council's approval.

DISCUSSION: BOARS' Chair Hurtado reported that in 2003, the Regents asked BOARS to study the University's testing pattern. BOARS judged all of the data against the testing principles approved in 2002, i.e., the test must assess preparation, predict success, aid in establishing eligibility, and aid in selection. Testing will play a diminished role in determining eligibility under the new plan that will go into effect in 2012. Subject tests will no longer be used in the eligibility phase, but can be used in the selection phase (e.g., subject tests are recommended by certain departments, such as engineering). In addition, the applicants' entire file will be reviewed, not just their test scores. BOARS found that test use is consistent with the testing principles and that the New SAT Reasoning and ACT with writing comport better with testing principles than their predecessors. High school GPA plus the tests together have notable predictive power. However, none of the national tests currently satisfy all of the testing principles.

BOARS recommends that the Regents remove the provisional status of the SAT-R. This includes a writing component, which is the most predictive part of the test. BOARS plans to update its testing principles and replicate the 4-year outcomes for the 2006 cohort. The ACT has a greater basis in the high school curriculum, so BOARS recommends increasing the number of California students who take it (only 30% take it currently). Finally, BOARS plans to consider

using comprehensive review, only, for admissions instead of using an index to manage the top 12.5%. University of Washington has done this. Chair Hurtado noted that the Asian Pacific Islander community is upset about the removal of the subject test for eligibility, since they are more likely than other groups to take AP classes and they take a greater number of tests associated with these classes. However, the tests still can be considered in the admissions process. Since campuses prioritize academic talent, these applicants will not be disadvantaged. A member noted that the original rationale for taking the Subject tests was that they included writing, which has greater predictive value. Now that writing is included in the general SAT Reasoning test, the subject tests are not necessary.

ACTION: Council unanimously endorsed BOARS' report for submission to President Yudof and transmission to the Regents.

VIII. Proposed SMG Policies

ISSUE: Council reviewed divisional and committee responses to proposed SMG policies on absence from work (including transition leave), outside professional activities, and termination of appointment, and formulated a position.

DISCUSSION: Council members agreed that SMG members who are on sabbatical leave or are transitioning from an administrative appointment to a faculty appointment should be paid at their faculty salary rate.

ACTION: Council unanimously endorsed the draft letter.

IX. Executive Session

Minutes were not taken for this portion of the meeting.

ACTION: Council unanimously approved asking Academic Personnel to provide updated data on faculty salaries and charging a joint subcommittee of members of UCAP, UCFW and UCPB to consider this data and develop a recommendation regarding the future of the Faculty Salary Plan.

X. University's Patent Policy

ISSUE: A recent lawsuit against Stanford University, *Stanford v. Roche*, highlighted inadequacies in the language of UC's current patent acknowledgment form. Council responded to the proposed changes in October. Wendy Streitz, Director, Research Policy Analysis and Coordination, Office of Research and Graduate Studies and Marty Simpson, Managing Counsel, briefed Council on further developments.

DISCUSSION: Streitz stated that following the court's decision the University can not guarantee that it retains ownership rights for licensing. She stated that the University needs to resolve this for both future and prior inventions which it is actively trying to license, but for which rights have not been assigned. The University's primary concern is the risk of a lawsuit against the university by a third party. A related concern is that if the University can not guarantee ownership, industry may not want to sponsor research. In addition, faculty should be concerned with their own personal liability if they sign competing patent agreements. She noted that the University's patent policy will not change; they are simply proposing an amendment to the acknowledgment.

A Council member suggested distributing possible scenarios along with the request for faculty to sign the amendment. A member asked whether it would apply to graduate students. Streitz noted that it depends on the graduate students' status as an employee and whether they are doing sponsored research. Another member expressed considerable discomfort with the language because it encompasses research done in the past. A member asked whether all faculty will be obliged to sign the new agreement. The General Counsel stated that a decision on this issue has not yet been made. Faculty will be asked to sign it by a certain date. In addition, it will be a condition of accepting sponsored research, under any consulting situation that requires university approval, or if the faculty member receives proprietary information as part of their research. A faculty member warned against linking signature gathering to merit reviews. Streitz emphasized that the revised language does not change the scope of the current agreement or the reach of the policy. That is, it does not reach beyond an individual's employment with UC; it simply assigns the patent for work done at UC to UC.

Streitz stated that the University will outline the pros and cons of the potential impact on the faculty member. When the University owns the property, it vigorously defends the faculty member's ability to share it, to continue to use their own invention in future research, etc. She noted that these values are not shared by industry. Also, it is more financially advantageous to the faculty member for the University to retain the patent, because the University splits royalties with the faculty member and industry typically does not.

XI. Draft Compendium revision

ISSUE: A draft of proposed revisions to the Compendium was presented. Council provided comment and will vote at its January meeting on whether to send the draft for systemwide review.

DISCUSSION: Tony Norman, Chair of the Compendium Subcommittee, stated that the Compendium represents the "rules of the road" for changing academic programs at UC. Much work has been done to update it, but it still needs figures, tables and flowcharts to be useful. He asked Council for initial responses to the revision, particularly the sections on new schools and reconstitutions, prior to sending it for systemwide review. Vice Chair Simmons emphasized that the Compendium is the backbone of shared governance. It empowers Council and systemwide committees; it is the contract between the Senate and the administration. It is important for the divisions to review it. A member of the subcommittee highlighted changes to the Five Year Perspectives. A Council member stated that a rigorous assessment of resources must be an integral part of the review process for new schools. Members also suggested language to apply to anomalous situations, such as designated emphases.

XII. New Business

ISSUE: 1) Hold March Council meeting as a teleconference; 2) Approve April meeting with Chancellors; 3) Hold Assembly teleconference on a date to be determined in February.

ACTION: Council unanimously approved all three items of new business.

Meeting adjourned at 4:30 p.m.

Attest: Henry Powell, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst