



Notes From the Academic Senate Chair Gayle Binion gayle.binion@ucop.edu

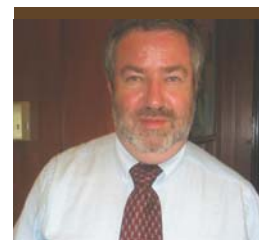
Three important matters were addressed during the past month. These include *CRECNO*, faculty-student sexual liaisons and academic freedom. Each is summarized herein with links to fuller information.

CRECNO. Popularly known as the Racial Privacy Initiative, the ballot proposition titled, Classification by Race, Ethnicity, Color or National Origin, would, if passed, prohibit the collection and/or maintenance of most data on race and ethnicity by the State of California and its subdivisions. The proposition, which would amend Section 32 of the State Constitution, directly includes the University of California. Discussions on the campuses and within ten systemwide Academic Senate committees over a period of nearly one year led to the uniform conclusion that this initiative would be very injurious to the University. Among the casualties of such a policy would be our ability to measure how well we are serving California's diverse student body, as well as our ability to conduct scholarly research where race or ethnicity is involved. While there are open questions about how broadly *CRECNO* might be interpreted by the judiciary with respect to the academic freedom of individual faculty members, those dependent on data currently collected by the State would be directly affected, as those data are likely to disappear. Those seeking grants to conduct such research might find that the U.C. Regents (who are the actual recipients of such funds) would be barred from accepting the funding. Because of these and other concerns the Academic Senate expressed its opposition to *CRECNO* to President Atkinson and asked him to convey our request to the Regents to do the same. UCOP conducted an in-depth study of the matter and reached conclusions similar to those of the Senate. On May 15, the Regents voted (15 to 3, with 1 abstention) to oppose *CRECNO*. My [letter](#) to President Atkinson and [materials related to the Regents' item](#) on the matter may be accessed online. Unless a gubernatorial recall election is authorized, which would move up the date, *CRECNO* will appear on the March 2004 ballot. The Senate is expecting to engage in public education on this matter.

APM 015. The second major policy development of the past month is the endorsement by the Academic Assembly of a policy on Faculty-Student sexual liaisons. At our Assembly meeting on May 28th, after much spirited debate, the Assembly voted (33 for, 12 against, with 3 abstentions) to recommend to the

UCRP Contributions: Is the Holiday Over?

Since 1990, neither UC nor its employees have been required to make contributions to the University of California Retirement Plan (UCRP). Previous contributions, and the extraordinarily favorable investment returns in the period 1982-2000, created a large surplus in UCRP, eliminating the need for contributions as well as permitting a number of improvements in retirement benefits. The elimination of employer contributions played a critical role in getting UC through the difficult budget period of the early nineties.



Professor Robert Anderson,
Chair, UCRP Task Force on
Investments & Retirement

The bursting of the stock market bubble in 2000, and the continued negative stock market returns since then, have effectively used up the surplus. Measured by current market value, UCRP assets are essentially in balance with the actuarial accrued liability. There are, however, two pieces of good news. First, the pension benefits UC employees and retirees have accrued are safe. Second, unlike many public and private pension plans, UCRP has no deficit that needs to be made up. However, we need to realize that a contribution holiday, especially one as long as UC has enjoyed, is a rare and fortunate event, and it is unrealistic to expect it to last forever.

To avoid large swings in the size of contributions, the Regents use a smoothing process to value UCRP assets. Under this procedure, investment gains and losses in any year are gradually realized over the following five-year period. Since the losses over the last three years are still being averaged in, the smoothed value of UCRP plan assets still shows a healthy surplus. However, barring substantial gains in the stock market, this smoothed surplus will be steadily eroded by the continued realization of losses that have already occurred. The surplus is further eroded in any year in which investment returns are below about 10.5%, about 3% return being needed to cover the lack of current contributions and 7.5% the actuarial assumed rate of return on plan assets. Thus, it seems likely that contributions will need to be restarted within the next five years, and possibly within two years.

The Regents have not adopted a policy on when to restart contributions, or on how to share the burden of contributions between employer and employees. Finding the money to fund the employer portion of the contributions will be a huge challenge for UC. In 1990, employee contributions to UCRP (in the range of 2-4% of salary) were "redirected" to the Defined Contribution Plan (DCP), and many employees now have substantial accumulations. When employee contributions are required, they would first come by "re-redirecting" future DCP contributions back to UCRP; this would not result in a change in take-home pay. However, if the required employee contributions

Continued on page 2

UPDATES AND EVENTS

Items From the May 28 Assembly of the Academic Senate:

Revision of [Senate Regulation 418](#): Adopted (see Admissions Update, page 2)

[Senate Bylaws Revisions](#): Adopted (see announcement, page 2)

[Proposed Amendment to APM 010 - Academic Freedom](#): Re-committed to the Academic Council

[Proposed Amendment to APM 015 - Faculty-Student Relations](#): Endorsed

[President Atkinson's Briefing to the May 28 Assembly](#)

Senate Task Force on Course Descriptions: [Full report now available](#)

Regents' Dinner Honoring Senate Leadership: [President Atkinson's Address](#)

Applications now being taken for Study Center Directorships in 14 Host Countries: see the [Education Abroad website](#) for details.

Notes continued from page one

President and the Regents an [amendment to APM 015](#) prohibiting faculty from engaging in such relationships with students for whom they bear academic (instructional, evaluative, or supervisory) responsibility, or should “reasonably expect” to do so in the future. The discussion of the matter elicited very reasonable concerns on both sides and, while many Assembly members recognized that this is not a “perfect” policy, on balance, a strong majority believed it was an appropriate action for the Senate to take.

APM 010. Finally, a matter still under discussion is a proposed revision of APM 010 - Statement on Academic Freedom. At President Atkinson’s request, Professor Robert Post drafted this statement, which was reviewed by the campuses as well as 7 committees of the Senate and the Academic Council. There was very strong support for the new formulation, but there was also much wordsmithing that was suggested and at least one campus requesting an amendment. A slightly [revised version of this statement](#) was brought jointly to the Assembly meeting on May 28th by Gary Watson, Chair of the University Committee on Academic Freedom, and Robert Post. With time running quite short, and people leaving to catch flights, a motion was made to send the matter back to Academic Council and for further review by the campuses of the most recently revised document. It is expected that the Academic Council will hold further discussions of this matter and bring it back to the Assembly within a few months.

Your input and suggestions are, as always, welcomed by me and the systemwide Senate office. As this is the last newsletter that will be published under my chairship of the Academic Senate, I also wish to convey to all of my colleagues at UC what an enormous honor and pleasure (not to mention challenge!) it has been to serve in this position.

Academic Senate
University of California
1111 Franklin St., 12th Flr.
Oakland, CA 94607

THE SENATE SOURCE

is published bi-monthly during the academic year (September–June), for UC faculty by the University of California Systemwide Senate.

Gayle Binion, 2002-03
Systemwide Academic Senate

Brenda Foust, Lead Editor
Betty Marton, Co-Editor

Contributing Writer:

Professor Robert Anderson

Your comments are welcome.

Send to: senatenews@ucop.edu

UCRP continued from page one

rose above the amount currently being contributed to the DCP, this would result in a reduction in take-home pay. It might be possible for an employee to forestall the reduction in take-home pay by drawing on his/her DCP accumulation to cover these contributions. The University Committee on Faculty Welfare is actively studying these options.

Robert Anderson is Professor of Economics and Mathematics at Berkeley.

FORUM ON ACADEMIC FREEDOM

The University Committee on Academic Freedom is sponsoring a Senate forum on academic freedom issues and history. Topics and invited speakers for the all-day event are: “Academic Freedom: Its History and Evolution Within the UC System” - UC Berkeley law professor Robert Post; “Corporate and Economic Pressures on Academic Freedom” - Lisa Bero, professor of pharmacology at UC San Francisco; “Academic Freedom and Science Research Policy: A Personal View” - M.C.R. Greenwood, Chancellor, University of California, Santa Cruz; and “The Patriot Act and the University” - Cynthia Vroom, UCOP Office of General Counsel. Forum participants will represent systemwide committees on Affirmative Action and Diversity, Academic Personnel, Research Policy, Privilege & Tenure, Educational Policy, and Academic Freedom. Proceedings of the forum will be featured “In the Spotlight” on the Academic Senate website later in the summer.

ADMISSIONS UPDATE

Students who apply for fall 2006 admission will be the first to come under the new admissions test protocol, “Core-Plus-Two,” which was developed by the Board of Admissions and Relations with Schools (BOARS) and approved by the Assembly of the Academic Senate at its meeting on May 28. UC applicants will be required to take one “core” examination (either the new SAT or ACT), plus two different subject area tests of their choice. The core SAT and ACT exams will include mathematics and a writing component. Because of the enhanced nature of the core exams, the number of required supplemental subject matter tests is being reduced from three to two. BOARS has also developed a plan for accepting the scores of the newly designed core exams during a two-year transition period. In 2008, BOARS will present an evaluation of the exams to the Academic Assembly.

REVISED SENATE BYLAWS

At its May 28 meeting, the Assembly of the Academic Senate adopted a set of [revisions of the systemwide Senate Bylaws](#) that will create internal conformity among the bylaws, update them to be consistent with current practice, and increase procedural efficiency. Approved were two categories of revisions: amendments to bylaws that apply to the operations of the Assembly, which will go into effect immediately; and changes to bylaws pertaining to the standing committees of the Assembly, which, in order to allow transition time for new membership terms, will be effective as of September 1, 2004. The process of revising divisional senate bylaws will begin this fall.

Under Senate Review

Unless otherwise noted, send comments to your [Divisional Chair](#) or relevant [Divisional Committee](#). Response date for general review follows listing.

- Proposal to Grant “Equivalent” Status to Cooperative Extension Specialists
- Proposal for the Establishment of an MRU: Bioengineering Institute of California
- UCORP Resolution on government designation: “Sensitive but Unclassified Technical Information” (SUTI)
- [Proposed Amendment to APM 010 \(Academic Freedom\)](#) - re-committed to Academic Council for further review

Click [here](#) for a comprehensive list of items currently under review.