

## MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

April 11, 2012

## MINUTES OF TELECONFERENCE

**I. ROLL CALL OF MEMBERS**

Pursuant to the call, the Assembly of the Academic Senate met via teleconference on Wednesday, April 11, 2012. Academic Senate Chair Robert Anderson presided and called the meeting to order at 10:00 am. Senate Executive Director Martha Winnacker called the roll of Assembly members and confirmed that there was a quorum. Attendance is listed in Appendix A of these minutes.

**II. MINUTES**

**ACTION: The Assembly approved the minutes of the February 15, 2012 meeting as noticed.**

**III. ANNOUNCEMENTS BY THE CHAIR**

Chair Anderson stated that the Reynoso report on the pepper spray incident at Davis will be posted on UC Davis web site today at noon. A press conference will be held at 3:30 at Davis, and also will be broadcast on the web.

Voting on the Memorial to the Regents is underway; please vote. The faculty voice may influence the Regents and the public. Currently, the Regents seem to be divided on whether to support the Governor's revised ballot measure.

The Senate's Blue Ribbon Panel on UCOE has been constituted and consists of an impressive team of experts on online learning.

The National Association of Scholars (NAS) just issued a report asserting that UC is corrupted by liberal political bias that is causing student achievement to decline. They assert that the cause is bias in faculty hiring. The connection between liberal bias and the decline of student achievement is not documented. An alternative view is that individuals who want to improve welfare of society are more likely to go into the lower-earning teaching profession. Yesterday, Vice Chair Powell participated in KQED's Forum radio program on this topic. Other participants included the Chair of the College Republicans, who said he had never been disadvantaged for presenting his political views and a faculty member from George Mason University, known as a politically conservative institution, who denounced the report for its methodological failings. The NAS has requested that the Regents put the report on their May meeting agenda. President Yudof has responded that University faculty and teaching are rigorously reviewed; that student achievement is not declining; that the University values many points of view; and that the Senate will respond to the report directly. He did not address the request for time on the Regents agenda.

**IV. ANNOUNCEMENTS BY THE PROVOST**

Provost Pitts stated that a draft of a budget "framework" or agreement with the state is in

progress. If approved, the University's base budget would be augmented in two ways. First, the state will allocate \$90M that the University can use as part of the employer contribution to UCRP, and second, the lease-revenue debt on University buildings will revert to the University and the debt service payments will be added to the University's base budget. The University would restructure the debt, paying a lower interest rate and extend the maturity, then use the monies freed up for other purposes. Debt service on general obligation bonds also would be passed through the University and these funds would be added to its base budget, but the debt would not revert to the University. The state would commit to a 6% annual increase to the base budget going forward. In exchange, the University would commit to meeting the following accountability metrics: 1) UC will guarantee that its 5-year graduation rate will not fall below 80% and that its 3-year graduation rate for transfer students will not fall below 79% (these are the current rates). UC will also pledge that it will accept no fewer transfer students than it already does. Provost Pitts commented that the latter requirement will be easy to meet, but that some campus administrations are nervous that they will not be able to meet the first two metrics, since graduation rates are a lagging indicator, and future rates may decline as a consequence of budget reductions. He stated that the state would reduce UC's budget increase by 1% for each failure to meet the metrics. He also noted that the metrics can be renegotiated in 3 years. In addition, there is discussion of committing to no tuition increase in 2012-13 if the state agrees to "buy out" a 6% increase (\$125 M) planned for September. The buyout would be contingent on the governor's tax measure passing. If it does not pass, UC will be cut by an additional \$200 M. The president is asking the Regents to adopt a multi-year plan to raise tuition to meet any shortfall in state funding. Some Regents expressed reluctance to do this. The president will make sure that any agreement with the governor is also supported by the legislature.

Provost Pitts stated that the Reynoso report on the pepper spray incident at Davis will be released today. The Robinson/Edley draft report on procedures for and policies in relation to demonstrations will be issued soon. There will be time for comment, and then policies will be sent out for review in the fall. The aim is to create a set of general expectations systemwide for campus responses to demonstrations without being too prescriptive. For example, a policy might require that each campus create a structure for planning for demonstrations, but not explicitly prescribe that structure. There may be some systemwide requirements, such as common training for police officers.

**Q:** Cuts to the community colleges may reduce the number of transfer students eligible for UC. Have you discussed this in regard to the framework?

**A:** Provost Pitts affirmed that this issue has been raised. He noted that this year, the number of applicants decreased, but the campuses felt it was a rich pool, so they do not anticipate a reduction in the number of enrollees.

**Q:** What does the future budget situation for the University look like?

**A:** Provost Pitts replied that he is not optimistic. The debt that the state owes to K-12 due to Proposition 98 is enormous and will consume a large chunk of any new revenues.

**Q:** What is the administration's current view of charging differential tuition?

**A:** Provost Pitts replied that this has not been part of current discussions. Chair Anderson added that the Senate is opposed to differential tuition by campus. Unless tuition rose to close to \$20K, it would not be effective. He noted that the Memorial to the Regents is an opportunity for faculty to be advocates for the university.

## **V. SPECIAL ORDERS**

### **A. 2012-13 Assembly Meeting Schedule [Information]**

In accordance with Senate Bylaw 110.A.3.b., the following dates for the 2012-2013 Assembly meetings were set in consultation with the President of the Senate and the Academic Council: December 12, 2012; February 13, 2013; April 10, 2013; and June 12, 2013.

## **VI. REPORTS ON SPECIAL COMMITTEES [NONE]**

## **VII. REPORTS OF STANDING COMMITTEES**

### **A. Academic Council [ACTION]**

#### **1. Nomination and election of the Vice Chair of the 2012-13 Assembly.**

In accordance with Senate Bylaw 110.A.1, the Assembly elects a Vice Chair who is a Senate member from a Division other than that of the incoming Chair, to assume office the following September. The Academic Council submits a nomination. Further nominations may be made by the Assembly members from the floor, and on written petition by twenty-five Senate members. In the following year the Vice Chair becomes Chair of the Assembly and the Academic Council. Chair Anderson said he was pleased to introduce Bill Jacob, Professor of Mathematics at UCSB, and the current chair of BOARS, as the Council's nominee to become Vice Chair of the Assembly on September 1, 2012. He invited additional nominations from the floor and hearing none, he invited Professor Jacob to make a statement of his candidacy.

After Chair Jacob made a brief statement, he left the room and several colleagues spoke in support of his candidacy, noting that he has showed exceptional leadership of BOARS and as a colleague on the Academic Council.

**ACION: Assembly voted unanimously to elect Bill Jacob vice chair of the 2012-13 Academic Council.**

#### **2. Ratification of the 2012 Oliver Johnson awardees**

Chair Anderson stated that the Oliver Johnson Award for Distinguished Service is offered every other year to a Senate member for distinguished lifetime service to the Senate. Each division was invited to submit nominations to the University Committee on Committees in January, and, as provided in the conditions of the award, UCOC selects two finalists for consideration by Council. Council's choice is then brought to the Assembly for ratification.

This year, both finalists presented such significant records of service and contributions to the Senate that Council decided to honor both Professor John Oakley of Davis and Professor Sandra Weiss of San Francisco. Both have held a series of important roles in their divisions; both have been Chairs of the Assembly and have served in additional systemwide leadership roles.

**ACTION: Assembly ratified the selection of Professors John Oakley and Sandra Weiss**

**as the 2012 recipients of the Oliver Johnson Award to the Academic Senate.**

**3. Report on Academic Council Special Committee on Agriculture and Natural Resources [INFORMATION]**

**▪ Linda Bisson, ACSCANR Member and Davis Division Chair**

Linda Bisson reported that the Academic Council Special Committee on Agriculture and Natural Resources (ACSCANR) aims to ensure that the Senate will have greater input into the academic mission of ACSCANR activities and enhance shared governance. The committee was convened by Council, and the membership comprises the divisional chair (or vice chair) of the three ANR campuses, representatives of CCGA, UCPB and UCORP, and two at-large members appointed by UCOC. ACSCANR successfully petitioned ANR Vice President Barbara Allen-Diaz to appoint two ACSCANR members to ANR's Program Council, an entity which advises VP Allen-Diaz and had input on major decisions, including reviewing grant applications for research funds allocated by ANR. A member asked whether ANR undergoes regular reviews. Professor Bisson replied that the division has been reviewed, although irregularly, and UCORP and UCPB expressed concern about the adequacy of the review. Through ACSCANR representation on the Program Council, the Senate will have more influence on how reviews are conducted.

**4. Issues related to Senate Membership [DISCUSSION]**

Chair Anderson reported that the San Francisco division has announced that it intends to treat Health Sciences Clinical Professors and Adjunct Professors at the rank of Associate Professor or higher as Senate members beginning on July 1, 2012. He stated that he has asked UCR&J for a Legislative Ruling on both the procedural questions raised by this unilateral action (whether the division has the authority to do this) and on the substantive questions raised by the division's re-interpretation of the Standing Orders of the Regents (SORs), including whether the SORs require, allow or prohibit Senate membership for these titles.. He has asked a subgroup of Council to write a charge to establish a working group to address the issues raised by the Division. The draft charge will be considered by UCFW this week and subsequently by Council. Chair Anderson invited UCSF division chair Robert Newcomer to address the Assembly regarding this issue.

Chair Newcomer stated that 42% of UCSF faculty are in the Health Sciences Clinical or Adjunct series and work 100% time. He argued that it is unacceptable to deny so many faculty access to the rights and privileges of Senate membership. He noted that the division's position is strongly supported by the campus administration and legal counsel. He noted that a number of inequities could be remedied by changes in Senate bylaws, but the fundamental issue is that we do not treat our colleagues with the respect that their work warrants. He stated that there is enough ambiguity in the interpretation of the SORs that it may need to be resolved by the Regents. Members commented that they are sympathetic to UCSF's concerns and would like to find a way to address them. A member pointed out that there are other series to which clinical faculty can be appointed, such as the "in residence" and "professor of clinical X" series. Would it be possible to move faculty into those titles? Chair Anderson added that the Senate Membership Task Force recommended that this be done on a case-by-case basis. He noted that the research and service expectations for those in health science titles are lower than for those in Professor of Clinical X. For this reason, many people in health sciences titles, whose duties are primarily teaching and clinical, would have significant difficulty achieving merits. A member commented that UC is a research

institution and if research is not a significant part of a job description, then people in these titles should not be Senate members. Chair Anderson noted that Lecturers with Security of Employment are Senate members, and are similar to health sciences clinical professors in that research is desirable, but not required. A member stated that at UCSD, the medical center faculty want to be able to vote in their departments on personnel matters, but are not asking to be involved in the Senate at the divisional or systemwide levels. A member raised the procedural concern that the report of the Senate Membership Task Force was reviewed last year, and the divisional chairs of the campuses with medical centers agreed to further discuss how to address these issues. Instead, UCSF brought the issue to the center of the agenda by acting unilaterally; this is a bad precedent for the workings of the Senate. A member replied that he agrees that it is unfortunate that it was done this way, but it is equally unfortunate that this problem has existed for so long without being resolved; it must be addressed. A member opined that this raises similar questions about the status of Unit 18 lecturers.

### **VIII. UNIVERSITY AND FACULTY WELFARE REPORT [INFORMATION]**

Chair Anderson said he asked UCFW Chair Bill Parker (UCI) to provide updates on the following items.

- A. Negotiated Salary Plan Task Force.** Chair Parker stated that APM 688, which would have allowed the establishment of a negotiated salary plan for general campus faculty similar to the Health Sciences Compensation Plan, was proposed and reviewed, and the Senate expressed strong objections and urged the administration to withdraw it. Provost Pitts then issued a letter stating that it would be established as a pilot program on four campuses. The Senate leadership objected and it was withdrawn and instead a small group of four Senate representatives and four administrators was convened to attempt to reconcile the differences between the Senate and administration. The group aims to produce recommendations by June 15. It would be inappropriate to comment on the substance of these ongoing discussions. A member asked why the administration is continuing to push this idea when the Senate rejected it. Chair Parker replied that several EVCs strongly feel that it would be a useful tool for recruitment and retention. A member noted that comment was mixed on this issue, but those in favor of the idea felt that there could be better ways of conceptualizing and implementing it.
- B. Faculty Salaries Task Force.** Chair Anderson reported that the Faculty Salaries Task Force has recommended allocating a potential salary increase of 3% a year in a way that would improve the salary scales vis-a-vis UC's competitors. The proposal is currently under systemwide review and Council will discuss it later this month. Early responses indicate general sympathy with the approach, as well as anxiety that it would be an unfunded mandate and would require campuses to cut programs in order to implement it. He asked UCFW Chair Parker, who served on the Task Force, to provide further details.

Chair Parker stated that the Task Force was appointed a year ago, charged with developing a recommendation for salary increases this year, and made those recommendations last June. It was also charged with developing a multi-year plan,

which is the report currently under review. The Task Force arrived at consensus on a number of principles (see section 3.0 for items of unanimous agreement). He commented that Vice Provost Carlson should be credited for chairing the Task Force effectively. The June recommendations called for this year's 3% increase to be provided to all "meritorious" faculty (defined as a positive merit review or satisfactory review at Steps V, IX and Associate Professor). Senate representatives had argued for applying it only to the on-scale salary component, but administrators thought it should be applied to off-scale, as well, and they prevailed. The report currently under review recommends that future salary increases should be determined by two methodologies. The first recommendation, or "Step I," would establish a new minimum for the systemwide scales calculated by taking the median of the nine general campus averages for each rank and step. This is an attempt to reinvigorate the integrity of the step system. The second recommendation, or "Step II," would move faculty members' salaries at the time of advancement or a satisfactory review at Steps V, IX and Associate Professor, at a minimum, to the average of their peers at the new rank and step on their campus. UC Irvine has been using this method successfully for several years. He noted that campuses may establish salaries above the minimum. A member expressed doubt that everyone can be above the median. A member asked how this would affect someone who advances to Step IX in July and is not reviewed again for four years. Chair Anderson replied that if implemented, a faculty member who receives a positive merit review as of July 1 would receive an increase effective next October. Those who were reviewed a year ago would be the last people to benefit. A member commented that fairness to cohorts must be addressed. A member asked how the plan would affect health sciences faculty. Chair Parker responded that health sciences faculty do benefit from this plan. If the scales are increased, this would raise the X and X' components in the HSCP, which are UCRP covered compensation. Those faculty whose X component is state-funded would likely have an increase in salary, as well.

**IX. PETITIONS OF STUDENTS [NONE]**

**X. UNFINISHED BUSINESS [NONE]**

**XI. NEW BUSINESS**

The meeting adjourned at 11:55 am.

Attest: Robert Anderson, Academic Senate Chair

Minutes Prepared by: Clare Sheridan, Academic Senate Analyst

Attachments: Appendix A – Assembly Attendance Record, Meeting of April 11, 2012

## Appendix A – 2011-2012 Assembly Attendance Record, Meeting of April 11, 2012

### **President of the University:**

Mark G. Yudof (absent)

### **Academic Council Members:**

Robert Anderson, Chair  
Robert Powell, Vice Chair  
Robert Jacobson, Chair, UCB  
Linda Bisson, Chair, UCD  
Craig Martens, Chair, UCI  
Andrew Leuchter, Chair, UCLA  
Susan Amussen, Chair UCM  
Ameae Walker, Vice Chair (alt. for Mary Gauvain), UCR  
Joel Sobel, Chair, UCSD  
Robert Newcomer, Chair, UCSF  
Henning Bohn, Chair, UCSB  
Susan Gilman, Chair, UCSC (absent)  
William Jacob, Chair, BOARS  
Rachael Goodhue, Chair, CCGA  
Margaret Conkey, Chair, UCAAD (absent)  
Katja Lindenberg, Chair, UCAP  
Jose Wudka, Chair, UCEP  
William Parker, Chair, UCFW  
John Crawford, Chair, UCORP  
James Chalfant, Chair, UCPB

### **Berkeley (6)**

Philip Stark (alt. for Steven Beissinger)  
Christina Maslach (alt. for Daniel Boyarin)  
Ralph Catalano (absent)  
Allen Goldstein  
Jeffrey Perloff  
Patricia Zambryski

### **Davis (6)**

Trish Berger (absent)  
Theodore DeJong (absent)  
Richard Grotjahn  
Joseph Kiskis  
Krishnan Nambiar  
Saul Schaefer (absent)

### **Irvine (4)**

Christopher Leslie  
Craig Walsh (alt. for Tahseen Mozaffar)  
Carrie Noland  
Charles Zender

### **Los Angeles (8)**

Malcolm Gordon  
Jennifer Krull  
Timothy Lane (absent)  
Alan Laub  
Susanne Lohmann  
Joseph Nagy  
Monica Smith  
Ninez Ponce (alt. for Richard Steinberg)

### **Merced (1)**

Robin DeLugan (alt. for Wolfgang Rogge)

### **Riverside (2)**

Jodie Holt  
Thomas Morton

### **San Diego (5)**

John Hildebrand  
Douglas Magde  
Lorraine Pillus  
Peter Wagner  
Eric Watkins

### **San Francisco (3)**

Farid Chehab  
David Gardner  
Steven Morin (alternate for Wendy Max)

### **Santa Barbara (3 -1 TBA)**

Rolf Christoffersen (alt. for John Foran)  
Vicki Scott

### **Santa Cruz (2)**

June Gordon (alt. for Marilyn Walker)  
Joseph Konopelski

### **Secretary/Parliamentarian**

Jean Olson