MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

JUNE 6, 2012
MINUTES OF MEETING

I.   ROLL CALL OF MEMBERS

Pursuant to the call, the Assembly of the Academic Senate met via teleconference on Wednesday, June 6, 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 April 11, 2012 meeting as noticed.

III.   ANNOUNCEMENTS BY THE CHAIR

    A. **Report on the Memorial to the Regents.** Chair Anderson reported that the faculty voted overwhelmingly (93%) in favor of a Memorial calling on the Regents to support specific ballot measures and legislation to increase state revenues and/or prioritize funding for higher education. The president will convey the results to the Regents at their July meeting. While there is no specific provision for higher education in the governor's ballot measure (Proposition 30), the revenues raised would free up general funds that would otherwise be allocated to K-12 under the provisions of Proposition 98. Chair Powell noted that UC fared relatively well vis-à-vis other agencies in the governor's budget proposal. However, if Proposition 30 does not pass, the University will be subject to a $250M cut in the current fiscal year. If Proposition 30 passes, the University will be substantially better off than if it fails.

    B. **Apportionment of Representatives to the 2012-13 Assembly.** Chair Anderson reported the number of representatives per campus to the 2012-13 Assembly.

IV.   ANNOUNCEMENTS BY THE PRESIDENT

President Yudof reported that he is in favor of the governor's ballot measure to enhance revenue and hopes to get the Board of Regents to endorse it. He noted that despite the financial turmoil, UC has a good record of faculty retention, the number of Nobel laureates and other honorees have increased and the University of California is still a great university.

President Yudof reported that the Berkeley Chancellor search is progressing. However, it is challenging, given the compensation that UC can offer. During the recent chancellor search at UCSD, we treated the current salary as a base and provided a 5% increase over that using non-state funds. I may consider creating endowments on campuses for this purpose. One of the candidates for chancellor at UCSD would have had to have taken a $135K pay cut to come to UC. That's not competitive and makes it difficult to recruit.

Q: Can you describe the progress on online education?
A: Faculty are developing 25 core courses through UCOE. One of the main benefits of UCOE is the development of a common platform. Frankly, the campuses are doing more on online education than OP.

Q: What is your view of the Thirty Meter Telescope?
A: I am very supportive of the TMT. It is a great project that will serve our top-notch astronomers. Securing NSF participation is critical because our foreign government partners want to see US involvement.

Q: The University has undertaken rebenching, which predated the state audit. It is our single best response to criticism of UC for increasing the non-resident student population. Why are we moving so slowly?
A: We are doing everything we can internally. This is a major effort to address the quality issue.

Q: What is your view of the Birgeneau proposal to establish a campus board of directors?
A: We just discussed this at the Council of Chancellors meeting. In its present form, I can not support it. The positive aspect of the proposal is that such a group would know the campus well. But campus boards will not solve our three major problems: tuition, expenditures, and compensation. There may be ways to delegate authority to the campuses through advisory boards. However, Florida did this and it resulted in lawsuits filed against the Board of Regents by the campus boards. Having multiple local boards does not serve the Community College system well, either.

Q: What is your view of the future of ANR?
A: I am a big supporter of ANR. I know that some of my colleagues think it is funded too amply. While I am not opposed to carefully examining budgets, I spend a lot of time throughout the state, and ANR's presence and significance in the state is enormous. UC's agricultural advisory commission has been a very good ally. Its members have access to Republican legislators and advocate for the University.
Comment: The amount of the tax going to the Agricultural Experiment Stations off the top has grown substantially. Although ANR made significant progress on budget transparency, the broader University community still does not know enough. The Senate would like to help ANR make the case that they are essential to the state.

V.   SPECIAL ORDERS [NONE]

VI.   REPORTS ON SPECIAL COMMITTEES [NONE]

VII.   REPORTS OF STANDING COMMITTEES

A.   UCP&T Proposed Revision to Senate Bylaw 337.

Chair Anderson clarified that this particular bylaw section does not apply to disciplinary cases; there is a separate procedure. Because dismissal can be a consequence of a disciplinary hearing, there is a need to clarify that early termination is a result of incompetence to carry out one's duties.

ACTION: The Assembly unanimously approved the proposed amendment to Senate Bylaw 337.

B.   BOARS Proposal on Transfer

BOARS Chair William Jacob reported that the proposed revisions to Senate Regulation 476 are a result of two years of work by BOARS. BOARS proposes adding two additional pathways to transfer admission to the existing pathway: (1) Completion of a UC Transfer Curriculum (in the relevant major) and (2) completion of an approved Associate Degree for Transfer (in the relevant major) from a California Community College. Last year, BOARS reviewed current transfer policies with the admissions directors and monitored the progress of SB 1440, which requires CSU to admit students who have completed an AA or AS transfer degree with a 2.4 GPA or better to at least one campus and to guarantee 60 semester

units of credit in the student's major toward a BA. CSU and CCC have agreed upon model curricula for 300 degrees for transfer. UC is not required to accept transfer degrees, but BOARS decided to guarantee review of applications of students who complete transfer degrees and who meet a GPA determined by the campus to which they apply. He emphasized that the UC Transfer Curricula will be defined by departments. In response to the systemwide review of the proposed revisions to SR 476, BOARS will modify the Implementation Guidelines by adding the phrase, "choosing applicants with a high likelihood of timely graduation." This will resolve the problem of transfer students who do not take difficult courses such as Calculus II in order to keep their GPAs high, but who then are unprepared for UC-level work. Each department at every campus will discuss what they value in their transfer applicants and will collaborate with their admissions departments through their admissions committees to determine the appropriate mix of courses required of transfer degree applicants. They can choose to require only the completion of IGETC, or they can choose to require a transfer curriculum. This revision satisfied UCSD, which had objected to the original version. The current version of the proposal is broad enough to accommodate all the needs and perspectives of varied departments. Chair Anderson said that a UC Transfer curriculum gives us the opportunity to require different course preparation than CSU. If we do not set our own criteria, students will apply with an AA degree based on CSU's criteria. A member asked if they expect the change to increase applications significantly. Chair Jacob replied that there is no way to estimate its impact. However, if it causes a flood of applications, campuses can increase the minimum GPA. The intent is to produce better prepared applicants. However, he expects that the vast majority of transfer students will qualify under the original pathway.

MOTION: A member suggested the following amendment: "The minimum acceptable grade point average will be set by each division and must be at least 2.4 and can not exceed 3.0." Chair Jacob accepted the amendment and the motion carried by voice vote.

ACTION: The Assembly unanimously approved the proposed revisions to Senate Regulation 476 as amended, above.

> C.   **Academic Council [ACTION]**
>   1. **Nomination and election of the 2012-13 UCOC Vice Chair**

Chair Anderson clarified that Professor Sutter is currently vice chair of UCOC and will automatically become chair. However, the Assembly must vote to elect the 2012-13 vice chair.

ACTION: The Assembly voted unanimously to elect Professor Martha Conklin, UC Merced, to serve as 2012-13 UCOC vice chair.

> 2.   Discussion of University Committee on Computing and Communications
>   ▪ **Robert Anderson, Academic Council Chair**
>   ▪ **Anthony Joseph, UCCC Member and past Chair**

Chair Anderson stated his concern that UCCC has not been functioning well, stemming from its broad mandate to examine computing. He noted that it was established at a time when computing was rare and the internet did not exist. It was beginning to take on an important role, but was not ubiquitous. Now computing has become a substantial part of other committees' mandates. For example, UC Online Education is appropriately in UCEP's purview. UCORP and UCPB often engage issues of technology. Second, the committee has been sparsely attended and some divisions have even declined to appoint members. Third, the committee's actions have been limited and it has not taken on systemwide technology issues that could be in its portfolio. For these reasons, the Academic Council recommended that UCCC be abolished, and UCOC agreed, on the condition that the specific parts of UCCC's mandate be reassigned in the bylaws to other committees.

Professor Anthony Joseph, a former UCCC chair, spoke on behalf of UCCC. He stated that the committee is passionate about their role in oversight of information technology. He noted that in his five years of service on UCCC the committee discussed IT security, policies for online social discourse, and best practices for IT. He stated that the committee's role is more important than ever because of numerous systemwide IT initiatives, such as the shared computing pilot project, which it strongly opposed. He said that moving UCCC issues to other committees is problematic, as they are already overwhelmed and may lack expertise. The UCOP IT Leadership Council addresses some issues, but their focus is on administrative computing, not research, and those administrative decisions impact faculty and therefore should have faculty input. He also noted that the ITLC has not consulted with UCCC until recently. He also addressed the issue of poor participation in UCCC by noting that the lack of empowerment led to a lack of participation. However, this is an opportunity to revisit the UCCC's bylaw and strengthen the committee's role.

Several Assembly members spoke in support of maintaining the committee in order to have systemwide Senate input on IT matters. We may lose the opportunity to have input by disbanding the committee. Chair Anderson noted that there is active Senate involvement on the privacy and security committee, but not by UCCC, nor has UCCC taken the initiative to lead on other key issues. A member commented that it is important to have Senate representation early in policy deliberations. Many committees comment from their own perspectives, but a single committee may not understand the whole picture.

A member questioned the extent to which we need a separate committee since technology pervades the University. For example, the subject of online education is largely being led by UCEP, with input from UCPB and BOARS. The issue is broader than just technical computing issues. Also, the Senate convenes special committees when particular expertise is required. For example, it recently established a Blue Ribbon Panel to assess the evaluation of UCOE comprising experts in the field of evaluation. A member noted that UCM does not have a computing committee, so their research committee reviewed the shared services pilot program. What does UCCC do that can not be done by other committees? Professor Anthony replied that the difference is in the speed of innovation in computing. UCCC attempts to forecast computing infrastructure needs for the future.

Members suggested restructuring the committee membership, rewriting its bylaw, and having ex officio membership from the other standing committees on UCCC. Professor Anthony replied that UCCC would welcome that.

ACTION: Assembly referred the item to Council with instructions to consider the formation of an information technology committee as an alternative to UCCC. The motion carried by voice vote.

3. Academic Graduate Student Support **[DISCUSSION]**
   - **Rachael Goodhue, Chair, Academic Council Task Force on Competitiveness in Academic Graduate Student Support**

Rachael Goodhue, Chair of CCG and of the Academic Council Task Force on Competitiveness in Academic Graduate Student Support (CAGSS), stated that the Chair of the Finance Committee of the Board of Regents asked the Senate to work with the administration on a report on academic graduate student support. The Academic Council formed a Task Force to develop a report, along with the report of the joint Senate-Administrative Work Group on Graduate Student Issues, which will be presented to the Regents in July. CAGSS is composed of three members of CCGA, UCORP and UCPB and three graduate student representatives.

CAGSS worked with UCOP to analyze data regarding admissions, applications, enrollment, and employment of graduate students and collected stories of problems regarding graduate support at the grass-roots. It identified three key issues: net stipends, increasing tuition, and non-residential

supplemental tuition. Stipends are unattractive compared to other institutions. The larger the net stipend gap, the lower the percentage of enrollments. On average, UC's net stipend is $2,169 below students' top non-UC institution. This affects UC's yield, our competitiveness in attracting the students we admitted. Are net stipends for continuing students adequate? Increasing tuition affects net stipend funds. In addition, as the cost of a graduate student employee rises, it is less desirable for faculty to hire a GSR as opposed to a post-doc. GSR employment has remained constant, while post-doc employment has grown over the past couple of years by 4%. Non-Resident Supplemental Tuition (NRST) can distort admissions decision, as it is far more expensive to admit an international student if faculty or departmental funds are used to support that student through tuition support. A survey of 27 AAU-member public institutions showed that only two charge NRST to research grants. The Task Force recommends: (1) Affirming the Senate's 2006 Memorial to the Regents on non-resident tuition. At that time, the Regents took two steps to mitigate the effects of NRT by freezing it at 2007-08 levels and exempting international students from paying it for three years after advancement to candidacy. The Task Force suggests leveling the playing field by requiring international students to pay only one year of NRT, as we do for domestic non-residents. In this way, programs would be able to make admissions decisions based on merit. (2) Ending the practice of charging NRT to research grants. (3) Eliminating systemwide time limits on employment. (4) Allocating additional resources for net stipends. It would cost relatively little to equalize the treatment of international and domestic non-residents (approximately $15M).

4. Discussion with Administrators by Invitation of the Academic Council

a. Robinson-Edley Report on Campus Responses to Protests

- **Charles Robinson, Vice President and General Counsel**
- **Christopher Edley, Berkeley Law Dean and Special Advisor to the President**

VP Robinson stated that the report jointly authored by himself and Dean Edley focuses on protestors who are members of the University community with grievances that administrators can address. They recognize that there may be cases in which anarchists or non-affiliates have grievances that are not well-articulated and that the report does not address such circumstances. Rather than performing a fact finding function which is being done in other ways, the report aims to make recommendations for the future. They began with a broad outreach effort, meeting with various constituencies on all nine undergraduate campuses, as well as with experts in campus policing. The draft report was published and discussed at the May Regents meeting. Once comments responding to the draft are incorporated, the report will be published in final form in July.

The report highlights the importance of thinking about civil disobedience, protests, policing, prevention, and response to protests in the context of academic values. It recognizes civil disobedience as a legitimate type of protest. While there may be consequences to civil disobedience, they should be measured and commensurate to the threat to the academic mission of the university. The applicability of general policing to the campus context is debatable and the University community's purpose and values must be reflected in the way the University handles protests. The University must focus on preventing disruptive protests in the first place and respond to the underlying issues motivating the protest. There should be vehicle to engage substantively and effectively on those issues so that protest is not viewed as a first resort. Relationship building in advance of protests is an important theme, as well as communication not only with the leaders of the protest, but with the university as a whole. The use of force should be a last resort. The report also delineated the range of police responses that are available. The force response continuum depends upon circumstance and context so we did not try to prescribe details. While the report recommends strongly against the use of pepper spray, it is not proscribed because there are circumstances in which it may be the most appropriate non-lethal use of force.

Campuses are already doing much of what the report recommends; every chancellor has learned from these incidents and has changed policies. One question raised was who is in charge during a major incident. The report recommends that administrators be accountable and be in charge with appropriate deference to the experience of the police with respect to the tactics chosen. Chancellors are ultimately responsible, but should delegate a senior administrator who preferably is a member of the faculty and who has credibility among the students and faculty.

Q: In the past the police have used force when it is not appropriate. The report does not provide guidance on when it is appropriate. Also, it is essential that students be warned if administrators decide to use the student discipline process as an alternative to the use of force by police. The draft report does not require prior warning. Student disciplinary hearings sometimes are conducted without attention to rights and do not work in cases of sexual assault.
A: The report proposes that each campus create guidelines on the use of force and forward them to OP. We think it is better to use the student disciplinary process than to bring charges through the District Attorney's office. Thank you for the suggestion on prior warning.

Q: Would you consider using a civilian security force and depend on city police forces when needed?
A: We considered this option, but the campuses are substantial communities of over 60,000 people. There will be times when they need protection. Also, it is important that the police officers are accountable to the chancellor, not the mayor. We can train them in ways that reflect academic values. Finally, campus police deal with situations that require sworn officers, such as enforcing restraining orders.

Comment: I commend the recommendation that avenues of communication need to be improved. The administration at my campus insists that avenues of communication already exist, such as ombudsmen and public comment time at the Regents. I would like to see more substantive proposals about the responsibility of administrators and the use of mediators.

Comment: The recommendation for post-event review by a few people at UCOP is inadequate. The review should be under the control of student/faculty boards.
A: The evidence shows that civilian review boards do not work well. A state law (Police Officer's Bill of Rights) also is a barrier to external review of events. Many jurisdictions have adopted an "auditor model" of accountability, which is what the report proposes by UCOP review. Any such review must be independent of campus leadership.

Q: To what extent have student leaders contributed to the report?
A: VP Robinson replied that they met with the student leadership several times and asked student organizations to submit comments on the draft. The UCSA has endorsed the report and the incoming student Regent, Jonathan Stein, wants it implemented immediately. The report will also be reviewed systemwide.

Comment: The report states that mass arrests incite violence and recommends that this practice be eliminated. But orderly mass arrests are possible and have historically been part of protests. It is police procedures and conduct that has changed, not civil disobedience.

b. Update on State Budget

▪ Patrick Lenz, Vice President, Budget and Capital Resources

Vice President Lenz reported that his office has been working with the Department of Finance, but the budget process is unclear. Several issues remain unresolved, including how they will treat tuition or a potential tuition buyout ($124M). VP Lenz' office has proposed a multi-year budget and transferring the lease revenue debt service to UC so that the University could refinance it under better terms in order to

free up $80M. The governor has recommended that the Cal Grant standard be brought down to Pell Grant standard beginning in 2013-14. It would garner the state $43M in savings, half of which would come from UC. It would increase the average student debt load from $17K to $30K unless UC was able to buy out the difference. If the revenue measure on the ballot does not pass, then it would be difficult for the University to address any shortfall and it may have to abandon the Blue and Gold program. However, prior to the May budget revise, the state Assembly rejected every proposal on Cal Grants, making a statement about the priority of financial aid.

Q: Have you revisited enrollment?
A: The number of unfunded students is anywhere between 24,000 and 36,000, depending on how you count, due to the recent budget cuts. We CSU has cut enrollment, but we can't get consensus from the campuses to reduce student enrollment. We need to be more strategic.

Q: What is the long-term outlook on the legislature contributing to retirement funds?
A: There has been a lot of progress in this area. When Governor Schwarzenegger's budget provided $20M for UCRP, the legislature not only removed the funds, it put into statute a provision that precluded any general funds from going into UCRP. We got that reversed and the legislature has admitted that they have a fiduciary obligation because they made contributions prior to 1990, if not a legal obligation, and that this obligation is the same as for CSU and other state employees. $52M is allocated in this year's budget and it is imperative to protect it because it establishes a precedent.

VIII. UNIVERSITY AND FACULTY WELFARE REPORT [NONE]

IX. PETITIONS OF STUDENTS [NONE]

X. UNFINISHED BUSINESS [NONE]

XI. NEW BUSINESS

The meeting adjourned at 4:00 p.m.

Attest: Robert Anderson, Academic Senate Chair
Minutes Prepared by: Clare Sheridan, Academic Senate Analyst

Attachments: Appendix A – Assembly Attendance Record, Meeting of June 6, 2012

Appendix A – 2011-2012 Assembly Attendance Record, Meeting of June 6, 2012

President of the University:
Mark G. Yudof

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
Irving Hendrick (alt. for Mary Gauvain), UCR
T. Guy Masters (alt. for Joel Sobel, Chair, UCSD)
Farid Chehab (alt. for Robert Newcomer, Chair, UCSF)
Henning Bohn, Chair, UCSB
Susan Gilman, Chair, UCSC
William Jacob, Chair, BOARS
Rachael Goodhue, Chair, CCGA
Margaret Conkey, Chair, UCAAD
Katja Lindenberg, Chair, UCAP
Jose Wudka, Chair, UCEP
William Parker, Chair, UCFW
John Crawford, Chair, UCORP
James Chalfant, Chair, UCPB

Berkeley (6)
Steven Beissinger
Harsha Ram (alt. for Daniel Boyarin)
Paula Fass (alt. for Ralph Catalano)
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)
David Kay (alt. for Christopher Leslie)
Tahseen Mozaffar
Carrie Noland
Charles Zender

Los Angeles (8)
Malcolm Gordon (absent)
Ninez Ponce (alt. for Jennifer Krull)
Timothy Lane (absent)
Alan Laub (absent)
David Lopez (alt. for Susanne Lohmann)
Joseph Nagy
Monica Smith
Richard Steinberg

Merced (1)
Robin DeLugan (alt. for Wolfgang Rogge)

Riverside (2)
Jodie Holt
Bahram Mobasher (alt. for Thomas Morton)

San Diego (5)
John Hildebrand
Judith Varner (alt. for Douglas Magde)
Gershon Shafir (alt. for Lorraine Pillus)
Peter Wagner
Eric Watkins

San Francisco (3)
Norman Oppenheimer (alt. for David Gardner)
Wendy Max (absent)

Santa Barbara (3 -1 TBA)
John Foran (absent)
Vicki Scott

Santa Cruz (2)
Marilyn Walker
Joseph Konopelski

Secretary/Parliamentarian
Jean Olson