

# UNIVERSITY OF CALIFORNIA

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SAN DIEGO • SAN FRANCISCO • SANTA BARBARA • SANTA CRUZ



## NOTICE OF MEETING REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

Wednesday, April 12, 2006  
10:00 am - 1:00 pm

VIA TELECONFERENCE  
FOR INFORMATION ON HOW TO PARTICIPATE  
PLEASE CALL (510) 987-9458 OR YOUR DIVISIONAL SENATE OFFICE

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## ROLL CALL

2005-06 Assembly Roll Call April 12, 2006

### President of the University:

Robert C. Dynes

### Academic Council Members:

John Oakley, Chair

Michael T. Brown, Vice Chair Pro Tem

Alice Agogino, Chair, UCB

Dan Simmons, Chair, UCD

Kenneth Janda, Chair, UCI

Adrienne Lavine, Chair, UCLA

Roland Winston, Chair UCM

Manuela Martins-Green, Chair, UCR

Jean-Bernard Minster, Chair, UCSD

Deborah Greenspan, Chair, UCSF

Walter Yuen, Chair, UCSB

Faye Crosby, Chair, UCSC

Michael T. Brown, Chair, BOARS

Duncan Lindsey, Chair, CCGA

Anthony Norman, Chair, UCAP

Denise Segura, Chair, UCEP

Raymond Russell, Chair, UCFW

George Sensabaugh, Chair, UCORP

Stan Glantz, Chair, UCPB

### Berkeley (6)

Paula S. Fass

Judith E. Innes

Kyriakos Komvopoulos

Bernard Sadoulet

Herb Strauss

L. Ling-Chi Wang

### Davis (6)

Andrea J. Fascetti

Robert Irwin

Lovell Tu Jarvis

Brian Morrissey

Terence Murphy

Judith Stern

### Irvine (4)

Hoda Anton-Culver

James Earthman

Jodi Quas

Leslie Thompson

### Los Angeles (9)

Philip Bonacich

Dalila Corry

Robert G. Frank, Jr.

Margaret Haberland

Margaret Jacob

Kathleen Komar

Vickie Mays

Jane Valentine

Jaime Villablanca

### Merced (1)

Arnold D. Kim

### Riverside (2)

Joseph W. Childers

Emory Elliot

### San Diego (4)

Igor Grant

David Luft

Thomas O'Neil

Barbara Sawrey

### San Francisco (3)

Dan Bikle

Barbara Gerbert

Lawrence Pitts

### Santa Barbara (3)

Richard Church

Mary Hegarty

Ann M. Plane

### Santa Cruz (2)

George Blumenthal

Quentin Williams

### Secretary/Parliamentarian

Jean Olson

**REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE  
DRAFT MINUTES OF MEETING  
FEBRUARY 8, 2006 VIA TELECONFERENCE  
10:00 A.M. – 1:00 P.M.**

**I. ROLL CALL OF MEMBERS**

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, February 8, 2006 via teleconference. Academic Senate Vice Chair John Oakley presided due to Senate Chair Brunk's attendance today, with President Dynes, at a California State Senate Education Committee information hearing on University of California compensation practices. Vice Chair Oakley welcomed participants and called the meeting to order at 10:00 a.m. The order of business and procedures for discussion and voting via teleconference were reviewed. Vice Chair Oakley then reviewed the electronic "handouts" that were posted on the Academic Senate website in preparation for today's meeting, in addition to the materials enclosed in the Notice of Meeting. Academic Senate Executive Director María Bertero-Barceló called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

**II. MINUTES**

**ACTION:** The Assembly approved the minutes of the November 9, 2005 meeting as noticed.

**III. ANNOUNCEMENTS BY THE PRESIDENT**

- **Robert C. Dynes (absent)**
- **W. Rory Hume, Acting Provost and Senior Vice President, Academic Affairs**

President Dynes' discussion topics were distributed electronically prior to the meeting. In President Dynes' absence, Acting Provost Hume provided a brief report to the Assembly. The Assembly wishes to express appreciation for its advance receipt of the President's written remarks, and for the opportunity to directly interact with Acting Provost Hume, who reported on the following:

Compensation Issues: Acting Provost Hume noted the intensive criticism the University has suffered over the last several months from newspaper stories in the *San Francisco Chronicle*, other California newspapers, and also from faculty and state legislators. President Dynes is taking these concerns seriously, and is addressing the California State Senate Education Committee today regarding the University's errors in not being sufficiently transparent nor reporting the appropriate level of detail concerning compensation of faculty and senior administrators. President Dynes is also making a second point, that the University must continue to stay competitive in salaries for faculty and administrators, and aggressively correct the distorted compensation figures which have been widely reported.

### UC Planning Activities:

*Task Force for Enrollment Growth in Health Sciences:* This group is related to the workforce study undertaken by former Vice President Drake, addressing the future enrollment and planning needs for medicine, nursing, public health, pharmacy, veterinary medicine, and allied health sciences. A final report to President Dynes and the Regents is expected by the end of summer 2006.

*Task Force on Planning for Doctoral and Professional Education:* Last spring, the Office of the President, in collaboration with the Academic Senate, appointed this task force to address the needs of the University in responding to the serious imbalance in the University's undergraduate-to-graduate student enrollment ratio. This group is also studying the financial disincentives that exist for international graduate students to attend UC. Acting Provost Hume noted that the quality of the University's graduate students ranks equally with the quality of its faculty in support of the University's message of unmatched quality and competitiveness. This message is also crucial for the University to gain more state support from the legislature.

*Systemwide Academic Strategic Planning:* Acting Provost Hume has initiated early discussions to gain a better understanding of the academic plans of the ten campuses, leading towards a better understanding between all of the campuses, and with the Office of the President and the Regents, of the University's existing processes. So far, Acting Provost Hume has consulted with the Academic Senate and campus leadership, and received approval from the meeting of the Council of Chancellors to move forward with his plan beginning next month. Acting Provost Hume stressed that he believes the processes currently in place are good, and does not expect another administrative process to be developed. Rather, existing processes are to be strengthened systemwide, and perhaps slightly modified. The Regents wish to gain a better understanding of UC's academic planning for allocating enrollment-growth resources over the long term. The Office of the President wishes to emphasize that the University is strengthened by the different academic processes which exist across the campuses.

### **Questions, Answers and Comments**

**Q:** Are any of the groups that have been formed in response to the compensation issues addressing the compensation caps that the National Institutes of Health (NIH) is placing on investigators?

**A:** This issue is not our current focus, but I am happy to forward this issue to the appropriate group.

**Q:** Please address the attitudes of the Board of Regents toward graduate student funding issues.

**A:** The Regents have a good level of understanding of the graduate student funding crisis, as noted at the January Regents' meeting when some members came close to breaking ranks with the Compact and not voting to increase graduate student fees. Thankfully, the Governor acted to not raise student fees, and the Compact still stands. However, the University must continue to negotiate with the state for more support for graduate students, and additional money to compensate for lost fee revenue.

**Q:** Are there any systemwide coordination or enrollment management activities underway to mitigate competition between the campuses for enrollment and additional funding from the Office of the President?

**A:** The plan for systemwide strategic academic planning was initiated for this purpose. The Office of the President understands the potential impacts and enrollment trajectories for the campuses in a more nuanced way than in the past, is sensitive to campus concerns, and is looking at each campus from this perspective. The academic planning initiative will gain a better understanding and clearer view for the University to better allocate enrollment and resources.

**Comment:** The UC Retirement System (UCRS) and its defined-benefit program are important assets for faculty recruitment and retention, and the planned changes to UCRS have the potential to affect negatively faculty quality of life. More information on these issues should be made available to the Academic Senate and the UC community at large.

**A:** Yes, we notice the need for more communication and take seriously the importance of UCRS for faculty recruitment and retention. Currently, the Regents are discussing potential changes that are necessary for the financial future of UCRS, including the resumption of contributions by UC and UC employees. However, no suggestions are being made to change the nature of the UCRS program, nor changing the support levels of those vested in UCRP. Senate Vice Chair Oakley noted that the University Committee on Faculty Welfare (UCFW) is intensely involved in discussions with the Office of the President on these topics.

**Q:** Regarding the University's compensation issues, especially involving transparency and constraint, the editorial board of the *Los Angeles Times*, and others, note that this is a bigger problem than transparency. Compensation levels for senior management are out of control and will lead to undermining public support by the public, and many people believe that excellent, talented senior managers and chancellors can be recruited to the University without the high salaries and perks that have been reported. Have the Regents and senior management truly recognized the gravity of problem and identified the need for salary constraint?

**A:** The UCLA Chancellor search will test this issue, and that search has not yet concluded. I recognize the concerns for transparency and constraint, yet we must balance those concerns with our very real recruitment problems due to the University's current salary levels.

**Q:** Most of us recognize the University's need to remain competitive in salaries for faculty and senior administrators, but this obscures the fact that faculty salaries are currently ten percent below our competitors' salaries. Regents' Item RE-61(A) plans to raise salaries to market comparability in ten years, but the Compact allows for state funding at the current levels. Is there a really a plan to raise salaries in ten years, or is this empty rhetoric?

**A:** The ten-year plan is not empty rhetoric, and the University will meet its goals laid out in RE-61(A) in the best way we can. Some campuses see a conflict between raising faculty salaries and increasing graduate student support, however we must find ways to increase both simultaneously.

**Q:** Will the Task Force for Enrollment Growth in Health Sciences focus on teaching concerns as well as growth? If not, teaching should be structured into planning for health sciences as well.

**A:** This is a very helpful comment and I will transmit it to the task force.

**Comment:** It is distressing to hear that the Office of the President's principal message on the current compensation issues appears to be a concrete plan for raising senior management salaries, pursuant to RE-61(B). Furthermore, how are other University priorities, central to faculty quality of life such as the faculty-student ratio, and critical faculty and staff salary lags, being assessed and planned for? The first priority for the University should not be raising senior management salaries.

**A:** I will express your sentiments to President Dynes. We are doing all we can at the moment to prioritize faculty and staff salaries as number one, along with graduate student support, libraries, and buildings. This is the highest priority of the President, who is weighing whether faculty salaries or graduate student support take precedence for critical University resources.

**IV. ANNOUNCEMENTS BY THE VICE CHAIR (none)**

- **John Oakley, Vice Chair**

**V. SPECIAL ORDERS (none)**

**VI. REPORTS OF SPECIAL COMMITTEES (none)**

**VII. REPORTS OF STANDING COMMITTEES**

**A. Academic Council**

- **John Oakley, Vice Chair**

**1. Nomination and Election of the Vice Chair of the Assembly for 2006-07 (oral report, action)**

**REPORT:** Vice Chair Oakley announced that pursuant to Senate Bylaw 110, the Academic Council submits a nomination for Vice Chair of the Academic Senate to the Academic Assembly for election. This year, the Academic Council has nominated Michael T. Brown for 2006-07 Senate Vice Chair, and for 2007-08 Senate Chair. Professor Brown, of the Department of Education at UC Santa Barbara, is the current chair of the Board of Admissions and Relations with Schools (BOARS), and has been a member of the Santa Barbara division since 1993.

Vice Chair Oakley reviewed the nomination procedure, and asked for any petitions of the Academic Senate, or nominations from the floor of the Assembly. Hearing none, Vice Chair Oakley requested the nominee to leave the teleconference while discussion commenced.

**DISCUSSION:** Assembly members expressed strong endorsement of the candidate and noted that Professor Brown would make an excellent Vice Chair and Chair of the Academic Senate.

**Motion:** A motion was made and seconded to postpone the election due to a procedural concern that the Assembly did not receive advance copy of the nominee's curriculum vitae or statement of challenges and priorities for the Senate, therefore leaving Assembly members without adequate time to study the nominee's qualifications.

**Discussion:** Following a brief discussion of the motion, members strongly stated that the vice chair nomination procedures, as adopted and made public by the Academic Council this

academic year, were followed and do not include a requirement to notice the Assembly. Furthermore, Assembly members noted a delay in the election would be detrimental to the nominee, and that past Assembly practice has been followed since the Assembly had never received nor asked for the vice chair nominee's curriculum vitae or statement of challenges and priorities in prior years. The motion and second were withdrawn.

**ACTION:** It is the consensus of the Academic Assembly that the Academic Council shall revise the Academic Council procedures for nominating and selecting the Vice Chair of the Academic Senate to provide for advance distribution of information materials on the Academic Council's nominee for Vice Chair, including the nominee's curriculum vitae and statement of challenges and priorities for the Academic Senate.

**ACTION:** The Academic Assembly voted unanimously in favor of electing Michael T. Brown as Vice Chair of the Academic Senate for 2006-07.

## **2. Request for a Memorial to The Regents on Non-Resident Tuition (action)**

**ISSUE:** At its January 25, 2006 meeting, the Academic Council voted to recommend to the Assembly of the Academic Senate that it approve and, in accordance with Senate Bylaw 90, initiate a mail ballot on the following Proposed Memorial to the UC Board of Regents on Non-Resident Tuition. The proposed memorial calls for the elimination of non-resident tuition for academic graduate students, and was submitted to the Academic Council by the UC Davis Division of the Academic Senate.

### **DISCUSSION**

**Motion A:** A motion was made and seconded for the Assembly to initiate a mail ballot of the UC Senate faculty on the Proposed Memorial to the Regents, as noticed on pages 12-13 of the Notice of Meeting. Davis division chair Simmons then introduced the Memorial, explained the process for initiating a faculty vote, as written in Senate Bylaw 90, and stressed that the Assembly is not being asked to endorse the Memorial, but rather to transmit it for a systemwide faculty vote.

**Motion B:** A motion was then made and seconded to adopt the UC Berkeley division's proposed amendment to the Memorial, which was included as an electronic "handout" to the Notice of Meeting on the Academic Senate website. Berkeley division chair Agogino noted that her division has two major concerns: the public duty to California state residents not to equalize all tuition for residents and non-residents; and concerns for income loss and trade-offs required if the Memorial is adopted. The Berkeley division has requested that the phrase "after their first academic year" be added to the "resolved" clause of the Memorial. Senate Vice Chair Oakley ruled, in accordance with the Senate Bylaws and the Sturgis Code of Parliamentary Procedure, that the Berkeley amendment is accepted because it is sufficiently germane as an addition to the pro/con arguments for the Memorial as noticed.

**Discussion – Motion B:** The Davis division noted that the amendment is not a minor change, does not accomplish the Memorial's purpose which is to eliminate non-resident tuition altogether, and would dramatically complicate the voting procedures under Senate Bylaw 90.



Several divisions concurred, and added that the amendment dilutes the Memorial's clear message to the legislature, the Office of the President and the Regents, and the Davis Memorial is important for faculty recruitment and the University's competitiveness for international and domestic non-resident graduate students. Other divisions seemed to agree that the amendment would preserve political capital with the legislature and achieves the Davis Memorial's goals but in a more politically acceptable way.

**Action – Motion B:** Following a roll call vote of the members of the Academic Assembly, Motion B failed.

**Discussion – Motion A:** Davis division Chair Simmons stressed that the proposed Memorial is an important step towards proving that graduate student support must be the University's first priority, and to send a loud and clear message to this effect from all faculty. Other divisions expressed agreement, but one division hesitated about grouping domestic non-resident students with international non-resident students in the same action.

**Action – Motion A:** The Academic Assembly voted in favor of initiating a mail ballot of the UC Senate faculty on the Proposed Memorial to the Regents, as noticed on pages 12-13 in the Notice of Meeting, in accordance with Senate Bylaw 90.

Senate Vice Chair Oakley noted that the Senate Chair can appoint an ad hoc committee to determine further steps in preparing for and initiating the mail ballot.

### **3. Compensation Principles (action)**

**ISSUE:** At its January 25, 2006 meeting, the Academic Council approved the "Compensation Principles Recommended to the University of California." The Academic Council drafted the set of four basic principles and accompanying introductory statement in response to recent events that have caused many to question the personnel practices of the University of California. If approved by the Assembly and then in turn adopted by the University, the recommended Principles would govern the compensation packages of senior administrators and all other employees of the University.

**DISCUSSION:** Vice Chair Oakley explained that the Principles, if adopted by the Assembly, will be communicated to the Regents via a request from the Senate leadership to President Dynes. Vice Chair Oakley then ruled that Amendment #1 and Amendment #2, as posted on the Academic Senate website, are germane to the Principles and are properly before the Academic Assembly for consideration.

**Motion A:** A motion was made and seconded to amend the Principles as reflected in Amendment #1 to the Compensation Principles Recommended to the University of California, submitted by Davis Division Chair Dan Simmons and BOARS Chair Michael T. Brown.

**Motion B:** A motion was made and seconded to postpone further action on the Principles and the two amendments until the April meeting of the Academic Assembly, to allow for more time for consideration.

**Discussion – Motion B:** Davis Division Chair Simmons explained that the contents of Amendment #1 were originally presented to the Academic Council and later removed at the request of the Berkeley Division to allow additional time for consideration. He noted that further delay on these issues would result in the Academic Senate losing credibility with the faculty by its failure to act and take a position on UC compensation issues, and that the Principles need the addition of Amendment #1, which includes specific recommendations, so as not to be a vacuous document. Most other divisions and Assembly members appeared to agree with the Simmons position.

**Action – Motion B:** The motion failed without a roll call vote.

**Motion C:** A motion was made and seconded to accept as a friendly amendment to Motion A, and amend the Principles as reflected in Amendment #2 to the Compensation Principles Recommended to the University of California, submitted by Berkeley Division Chair Alice Agogino.

**Discussion – Motion C:** The Academic Assembly held a brief discussion of Amendment #2 to the Principles, expressing near-unanimous support of Motion C.

**Action – Motion C:** The Academic Assembly voted in favor of Amendment #2 to the Compensation Principles, as submitted by the Berkeley Division of the Academic Senate.

**ACTION:** The Academic Assembly voted to endorse the recommended Compensation Principles, as amended, and forward them to the President of the University for transmittal to the Regents and broad distribution to the UC community and the public.

**B. Board of Admissions and Relations with Schools (BOARS) (none)**

- **Michael T. Brown, Chair**

**C. University Committee on Faculty Welfare (UCFW)**

- **Raymond Russell, Chair**

UCFW Chair Russell provided a brief update to the Assembly on the status of the University's plans to resume employee and employer contributions to the University of California Retirement Program (UCRP) as of July 1, 2007. Ongoing discussion points between UCFW and the Office of the President include the contribution percentages that will be allocated between the University and its employees, the expected impact on different employee populations, and preventing the further erosion of faculty and staff salary levels once contributions are resumed.

**VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)**

**IX. PETITIONS OF STUDENTS (none)**

**X. UNFINISHED BUSINESS (none)**

**XI. NEW BUSINESS (none)**

Meeting adjourned at 1:00 p.m.

Attest: John Oakley, Academic Senate Vice Chair

Minutes Prepared by: Michelle Ruskofsky, Academic Senate Analyst

Distributions:

1. President Robert C. Dynes Discussion Topics for the Meeting of the Assembly of the Academic Senate, Wednesday, February 8, 2006.
2. [Berkeley Division's Proposed Amendment](#) to the Davis-Initiated Memorial on Non-Resident Tuition, submitted by Berkeley Division Chair Alice Agogino.
3. [Statement in Support of the Non-Resident Tuition Memorial](#), submitted by UCPB Chair Stan Glantz.
4. [Suggested Recommendations for the Graduate Student Support Advisory Committee](#), submitted by UCPB Chair Stan Glantz.
5. [Amendment #1 to the Proposed Compensation Principles](#), submitted by Davis Division Chair Dan Simmons and BOARS Chair Michael T. Brown.
6. [Amendment #2 to the Proposed Compensation Principles](#), submitted by Berkeley Division Chair Alice Agogino.

## Appendix A

### 2005-2006 Assembly Attendance Record, Meeting of February 8, 2006

#### President of the University:

Robert C. Dynes (absent)

#### Academic Council Members:

Cliff Brunk, Chair (absent)

John Oakley, Vice Chair

Alice Agogino, Chair, UCB

Dan Simmons, Chair, UCD

Kenneth Janda, Chair, UCI

Adrienne Lavine, Chair, UCLA

Roland Winston, Chair UCM

Manuela Martins-Green, Chair, UCR (attended portion of meeting)

Richard Luben for UCR Chair Martins-Green (attended portion of meeting)

Jean-Bernard Minster, Chair, UCSD

Deborah Greenspan, Chair, UCSF

Walter Yuen, Chair, UCSB

Faye Crosby, Chair, UCSC

Michael Brown, Chair, BOARS

Duncan Lindsey, Chair, CCGA

Anthony Norman, Chair, UCAP

Denise Segura, Chair, UCEP (absent)

Raymond Russell, Chair, UCFW

George Sensabaugh, Chair, UCORP

Stan Glantz, Chair, UCPB

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Judith E. Innes

Kyriakos Komvopoulos

Beatrice Manz (alt.)

Bernard Sadoulet (absent)

Herb Strauss

L. Ling-Chi Wang

#### Davis (6)

Andrea J. Fascetti

Robert Irwin

Lovell Tu Jarvis

Brian Morrissey

Terence Murphy

Judith Stern (absent)

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Hoda Anton-Culver

James Earthman

Jodi Quas

Leslie Thompson (absent)

#### Los Angeles (9)

Philip Bonacich (absent)

Dalila Corry

Robert G. Frank, Jr.

Margaret Haberland

Margaret Jacob (absent)

Kathleen Komar

Vickie Mays

Jane Valentine

Jaime Villablanca

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Arnold D. Kim (absent)

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#### San Diego (4)

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Thomas O'Neil

Barbara Sawrey

#### San Francisco (3)

Dan Bikle

Barbara Gerbert

Lawrence Pitts

#### Santa Barbara (3)

Richard Church

Mary Hegarty

Ann M. Plane

#### Santa Cruz (2)

George Blumenthal

Quentin Williams

#### Secretary/Parliamentarian

Jean Olson

SPECIAL MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

DRAFT MINUTES

MARCH 13, 2006

10:00 am – 2:45 pm

California State University, East Bay

Oakland Professional Development & Conference Center

1000 Broadway, Suite 109, Classroom 2 (OPDCC2)

**I. ROLL CALL OF MEMBERS**

Pursuant to call, the Assembly of the Academic Senate convened on Monday March 13, 2006 for a Special Meeting. Academic Senate Chair Brunk and Academic Senate Vice Chair Oakley presided. The meeting was called to order at 10:00 a.m. Academic Senate Executive Director Maria Bertero-Barceló called the roll of members of the Assembly. Attendance is listed in Appendix A of these proceedings.

**II. BUSINESS STATED IN THIS CALL**

**1. New Proposed Bylaw 110.A.4**

**ACTION:** A motion was made, seconded and passed by a majority vote to postpone agenda item II.1, New Proposed Bylaw 110.A.4, to a later time in the meeting.

**2. Proposed vote of “no confidence” in the current Chair of the Academic Assembly/Council to be communicated to the Regents of the University of California.**

The Assembly Parliamentarian ruled, in accordance with Sturgis (4<sup>th</sup> ed. p.162), that the Vice Chair of the Assembly shall officiate over the meeting for discussion of and action on agenda items II. 1 and II.2

**MOTION A:** A motion was made and seconded to hold a vote of “no confidence” in the current Chair of the Academic Assembly/Council, to be communicated to the Regents of the University of California.

**ACTION:** A motion was made, seconded and passed to move the meeting into closed session.

**ACTION:** By a vote of 18 in favor, 26 opposed, the Assembly refused a request to allow faculty members who were not Assembly representatives to observe the meeting.

**MOTION B:** Moved and seconded to amend Motion A to refer specifically to the proposed resolution contained in Distribution 2, *Academic Assembly Resolution of “No Confidence” in Professor Clifford Brunk as Chair of the Academic Senate of the University of California*. This amendment was accepted.

**MOTION C:** Moved and seconded to limit the language of the proposed resolution in Motion B to the second paragraph of Distribution 2 only.

**MOTION D:** Moved to amend Motion C to retain all language in the proposed Resolution except for the first sentence. This amendment was accepted.

**ACTION:** The Assembly voted unanimously to delete the first sentence of the proposed Resolution (Distribution 2).

**ACTION:** By a vote of 48 in favor; 3 opposed; 2 abstaining, the Assembly approved the following Resolution:

"The Academic Assembly instructs Vice Chair John Oakley to convey the following resolution to the President and request that he transmit it to the Board of Regents of the University of California, the Chancellors, and all other relevant and appropriate parties.

"Resolved: the Assembly of the Academic Senate of the University of California has no confidence that (1) Clifford Brunk is professionally, faithfully, or effectively performing the duties and responsibilities of the Office of Chair of the Academic Senate, and (2) that Clifford Brunk can faithfully represent the views of the University of California Academic Senate."

### **3. Proposed removal of the Chair of Academic Assembly/Council**

**ACTION:** By a vote of 50 in favor, 2 opposed, 2 abstaining, the Academic Assembly approved the removal of the Chair of the Academic Assembly/Council, effective immediately.

**ACTION:** A motion was made, seconded and passed by a 2/3 majority to table Item II.1, the Proposed new Senate Bylaw 110.A.4

### **III. OTHER MATTERS AS AUTHORIZED BY UNANIMOUS CONSENT OF THE VOTING MEMBERS PRESENT**

**ACTION:** By unanimous consent, Assembly members agreed to discuss transition issues and how to convey the actions of today's Assembly meeting to the Regents and to the public.

**MOTION:** Moved and seconded to table the vote of no confidence in the Chair of the Assembly/Council. This motion was withdrawn.

#### Distributions:

1. Parliamentary notes for the Special Meeting of the Assembly on March 13, 2006.
2. Proposed Academic Assembly Resolution of "No Confidence" in Professor Clifford Brunk as Chair of the Academic Senate of the University of California.
3. 3/12/06 e mail Smith/Brunk re: UCR&J Ruling on Removal of Assembly Officers.
4. Materials packet prepared by Clifford Brunk: a) proposed Substitute Bylaw 110.A.4; b)2/13/06 Los Angeles Times editorial; c) 2/7/06 and 2/16/06 emails re: Senate Task Force Report on the AP/Honors bump; d) 2/10/06 email string re: "UCPB views on Items

before Assembly”; e) 2/23/06 email Rhode/Thomas re: “Pending Matters Involving Cliff Brunk.”

Appendix A: Letter from University Counsel David M. Birnbaum to Members of the Academic Council, March 27, 2006, Re: Disclosures Regarding the Senate Assembly Meeting of March 13, 2006

Meeting adjourned at 2:45 p.m.

Attest: John Oakley, Chair, Academic Senate

Prepared by: Brenda Foust, Senior Policy

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
OFFICE OF THE GENERAL COUNSEL



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James E. Holst  
GENERAL COUNSEL

Writer's direct line: (510) 987-9725  
E-mail: david.bimbaum@ucop.edu

March 27, 2006

Members of the Academic Council

Re: Disclosures Regarding the Senate Assembly Meeting of March 13, 2006

Dear Academic Council Members:

I know that many of you have been fielding inquiries from Senate members in connection with the Special Meeting of the Assembly held on March 13, 2006, at which the Assembly voted in favor of two items of business: a motion expressing No Confidence in the Chair of the Academic Senate, Professor Clifford Brunk, and for removal of Professor Brunk from office. Issues have arisen about what information can be shared, given concerns about Professor Brunk's right to privacy. It appears that it would be helpful for the Office of General Counsel to provide you with this statement, which you can share with your Senate colleagues, in order to help address their questions and concerns.

Shortly after the public meeting was convened on March 13, 2006, the Assembly decided to conduct this business in Executive Session. Attendance was then limited to members of the Assembly, the Interim Provost, two staff members, the Assembly Parliamentarian and two representatives from the Office of the General Counsel. In addition, the Chair requested that his wife, who is not a member of the Assembly be permitted to attend and the request was granted by unanimous consent.

The grounds for the Assembly's action removing Professor Brunk as Chair are set forth in the resolution of No Confidence, as follows:

"Resolved: The Assembly of the Academic Senate of the University of California, has no confidence that (1) Clifford Brunk is professionally, faithfully, or effectively performing the duties and responsibilities of the Office of Chair of the Academic Senate, and (2) that Clifford Brunk can faithfully represent the views of the University of California Academic Senate."



The amount of information from that meeting that can appropriately be disclosed to others within the Academic Senate is limited due to required confidentiality. The Assembly's observance of University policies regarding confidentiality of personal information has been undertaken in order to protect the right of Professor Brunk to have matters concerning his job performance (as Chair) treated as confidential, the same right all University employees have. To the extent a Senate member is concerned that Professor Brunk may not have been treated fairly, s/he can ask Professor Brunk to provide a signed release that would permit a member of the Assembly to discuss the substantive reasons for the decisions reached.

The requirements of confidentiality in this case are based on the provisions of the California Information Practices Act (Civil Code Sections 1798, et seq.), and the California Public Records Act (Government Code Sections 6250, et seq.), which are discussed in a recent court decision: Versaci v. Superior Court \_\_\_ Cal. App. \_\_\_ (2005) <http://caselaw.lp.findlaw.com/data2/californiastatecases/d044899.pdf> See also APM 160-20-d (1) and APM 160-20-b (5), which prohibit disclosure of personal information about an individual, the disclosure of which would constitute "an unwarranted invasion of personal privacy of the individual"-- the same standard applied under the Public Records Act and interpreted by the court in the Versaci case. Maria Shanle, in the General Counsel's office, and I would be happy to discuss the issue of confidentiality further with any Senate member at his/her request. We can be reached at (510) 987-9800, and at [david.birnbaum@ucop.edu](mailto:david.birnbaum@ucop.edu) and [maria.shanle@ucop.edu](mailto:maria.shanle@ucop.edu).

Confidentiality does not mean, however, that the process that was engaged in is itself protected from disclosure. Professor Brunk's performance in the office of Chair, and the way that has affected the functioning of Senate business, was evaluated by a Special Committee of the Academic Council, created in January, which made a report to the Council in February. This was followed by a vote by the Council of No Confidence in Professor Brunk as Chair of the Senate. Prior to the Academic Assembly meeting in March, the report of the Special Committee was made available to Assembly members, along with other written materials addressing Professor Brunk's performance, and including materials submitted by Professor Brunk in response. At the Assembly meeting, many members of the Assembly participated in the discussion of this issue, providing information and perspectives, and asking questions. Professor Brunk was afforded the opportunity to respond to the points made during the meeting as well as the privilege of making the closing remarks prior to each vote of the Assembly. Only after reading and hearing all of this did the Assembly act. The meeting lasted for several hours and all present who expressed a wish to do so, had the opportunity to speak or ask questions.

The vote on each item was as follows	<u>No Confidence</u>	<u>Removal</u>
	Yes: 48	Yes: 50
	No: 3	No: 2
	Abstentions: 2	Abstentions: 2

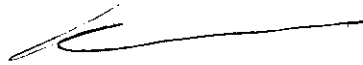
Members of the Academic Council

March 27, 2006

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I hope that this information is helpful to you and to those members of the Senate with continuing questions and concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Birnbaum", with a long horizontal stroke extending to the right.

David M. Birnbaum  
University Counsel

cc: James E. Holst  
Maria Shanle  
Susan M. Thomas

## Appendix B

### 2005-2006 Assembly Attendance Record, Special Meeting of March 13, 2006

#### President of the University:

Robert C. Dynes (absent)

#### Academic Council Members:

Cliff Brunk, Chair

John Oakley, Vice Chair

Alice Agogino, Chair, UCB

Dan Simmons, Chair, UCD

Kenneth Janda, Chair, UCI

Adrienne Lavine, Chair, UCLA

Roland Winston, Chair UCM

Manuela Martins-Green, Chair, UCR

Jean-Bernard Minster, Chair, UCSD

Deborah Greenspan, Chair, UCSF

Walter Yuen, Chair, UCSB

Faye Crosby, Chair, UCSC

Michael Brown, Chair, BOARS

Duncan Lindsey, Chair, CCGA

Anthony Norman, Chair, UCAP

Denise Segura, Chair, UCEP

Raymond Russell, Chair, UCFW

George Sensabaugh, Chair, UCORP

Stan Glantz, Chair, UCPB

#### Berkeley (6)

Meg Conkley (alt.)

Paula S. Fass

Judith E. Innes

Kyriakos Komvopoulos

Bernard Sadoulet (absent)

Herb Strauss

L. Ling-Chi Wang

#### Davis (6)

Andrea J. Fascetti

Robert Irwin

Lovell Tu Jarvis

Brian Morrissey

Terence Murphy

Judith Stern

#### Irvine (4)

Hoda Anton-Culver (absent)

James Earthman (absent)

Jodi Quas

Leslie Thompson

#### Los Angeles (9)

Philip Bonacich

Dalila Corry

Robert G. Frank, Jr. (absent)

Neil Garrett (alt.)

Margaret Haberland

Margaret Jacob

Kathleen Komar

Jody Kreiman (alt.)

Vickie Mays (absent)

Jane Valentine

Jaime Villablanca

#### Merced (1)

Arnold D. Kim (absent)

Shawn Kantor (alt.)

#### Riverside (2)

Joseph W. Childers

Emory Elliot

#### San Diego (4)

Igor Grant (absent)

David Luft

Thomas O'Neil

Barbara Sawrey

Andrew Scull (alt.)

#### San Francisco (3)

Dan Bikle (absent)

David Gardner (alt.)

Barbara Gerbert

Lawrence Pitts

#### Santa Barbara (3)

Richard Church

Mary Hegarty

Ann M. Plane

#### Santa Cruz (2)

George Blumenthal

Quentin Williams

#### Secretary/Parliamentarian

Jean Olson

**III. Announcements by the President**

- Robert C. Dynes

**IV. Announcements by the Chair**

- John Oakley

**V. Special Orders (None)**

**VI. Reports of Special Committees (None)**

**VII. Reports of Standing Committees**

**VIII. REPORTS OF STANDING COMMITTEES**

**A. Academic Council**

- John Oakley, Vice Chair

**1. Election of the Vice Chair of the Assembly for the remainder of 2005-2006 (oral report, action)**

At its March 13, 2006 Special Meeting, the Assembly voted to remove from office the Chair of the Academic Senate. In accordance with [Senate Bylaw 110](#)<sup>1</sup> the Vice Chair became Chair. The vacancy of the Vice Chair is then filled *pro tempore* by the Academic Council until such time as the Assembly meets for an election. The Academic Council has appointed Professor Michael T. Brown Vice Chair Pro Tem. Professor Brown is currently the 2006-07 Vice Chair-elect and Chair of the Board of Admissions and Relations with Schools (BOARS). Professor Brown will commence the term as Vice Chair to which he was previously elected on September 1, 2006.

**ACTION REQUESTED:** The election of Professor Brown as Academic Senate Vice Chair for the remainder of the term (through August 31, 2006) to which Professor Oakley was elected as Vice Chair.

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<sup>1</sup> 110. Officers and Consultants of the Assembly

A. Chair and Vice Chair

1. Election. 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. The Vice Chair also serves as Vice Chair of the Academic Council. The following year the Vice Chair becomes Chair of the Assembly and the Academic Council. Neither the Chair nor the Vice Chair may serve as a Divisional Representative. (Am 3 Dec 80; Am 28 May 2003; Am 12 May 2004)
2. Vacancies. If the office of Chair is vacant, the Vice Chair becomes Chair. If the office of Vice Chair is vacant, or if both offices are vacant, the Academic Council shall make *pro tempore* appointments until the corresponding offices are filled by election at the next Assembly meeting. Such elections shall be for the remainder of current terms.

## Michael T. Brown

Professor, Department of Education, University of California – Santa Barbara

### Education

Ph.D., 1985, Counseling Psychology,  
Southern Illinois University - Carbondale  
M.A., 1981, Counseling Psychology,  
Southern Illinois University - Carbondale  
B.A., 1978, Psychology, UCI

### EMPLOYMENT

2000-Present, Professor,  
Counseling/Clinical/School  
Psychology Program, UCSB  
1993-2000, Associate Professor,  
Counseling/Clinical/School  
Psychology Program, UCSB  
1989-1993, Assistant Professor,  
Counselor Education, Wayne  
State University  
1985-1989, Assistant Professor, Counseling  
Psychology, Ball State University

### Honors

Fellow, American Psychological  
Association

### Selected Publications

Brown, M. T., Yamini-Diouf, Y., & Ruiz de  
Esparza, C. (2005). Career counseling  
with racial and ethnic minorities: A  
research agenda." In W. B. Walsh and  
M. L. Savickas (Eds.), *Handbook of  
Vocational Psychology* (3<sup>rd</sup> Edition,  
pp. 227-242). Mahwah, NJ: Lawrence  
H. Erlbaum Associates  
Perry, D. A., Brown, M. T., & Sawrey, B.  
A. (2004). Rethinking the use of  
undergraduate admissions tests: The  
case of the University of California. In  
R. Zwick (Ed.), *Rethinking the SAT*.  
RoutledgeFarmer.  
Walsh, W. B., Bingham, R. P., Brown, M.  
T., & Ward, C. M. (Eds) (2001).  
*Career counseling for African  
Americans*. Mahwah, NJ: Erlbaum.  
Fouad, N. A., & Brown, M. T. (2000). The  
role of race and social class in  
development: Implications for  
Counseling Psychology. In S. D.  
Brown & R. W. Lent (Eds.),

*Handbook of Counseling Psychology*  
(3<sup>rd</sup> ed.). New York: Wiley.

### Selected National and International Service

2001-2004, ASVAB Career Exploration  
Program, Expert Panelist, U.S.  
Department of Defense  
1996-1999, Stanford University Press'  
Strong Interest Inventory Research  
Advisory Board

### Selected University of California Service

Systemwide Administrative  
2005-2006, Associate Vice President for  
Enrollment Services Search Committee  
2004, President's Eligibility and Admissions  
Study Group  
Systemwide Academic Senate Service  
2004-2006, Academic Assembly  
2004-2006, Academic Council  
2003-2005, Task Force on  
Honors/AP/IB/CC "Grade Bump"  
2000-2006 Board of Admissions and  
Relations with Schools:  
2004-2006, Chair  
2002-2004, Vice Chair  
2002-2006, Intersegmental Committee of  
Academic Senates  
Selected UCSB Administrative Service  
2005-2006, Program Review Panel, Chair  
2002, Association of American Universities  
"Assessing Quality of University  
Education and Research" Project  
meetings  
2001-2002, Search Advisory Committee for  
the Vice Chancellor for Budget and  
Planning  
Selected UCSB Senate Service  
2002-2003, Undergraduate Council  
2000-2002, Admissions and Enrollment  
Committee, Chair  
2001, Rethinking the SAT Conference, Co-  
Chair  
1994-1996, Committee on Privilege and  
Tenure  
1994-1996 UCSB Academic Senate's  
Faculty Legislature

## Michael T. Brown -- Academic Senate Challenges and Priorities

Shared governance is a key contributor to the outstanding success of the University of California, and the Academic Senate must continue to rise to the challenge of meeting that formidable responsibility. UC is the premier public university in the world because of the excellence of its faculty and their ability to champion a strong faculty perspective in the setting of University policy. Providing leadership in this endeavor, as vice chair and eventually chair of the Academic Senate, is a solemn obligation to my colleagues, one I seek with a sense of challenge and awe.

Shared governance works best when there is a sense of co-operative partnership between the faculty and the administration: this requires significant and timely faculty engagement both on matters within the Senate's purview and on matters where its role is only advisory. The Senate relies upon its leaders to keep them apprised of all pertinent policy matters, to mobilize the resources and processes of the systemwide Senate office to effect timely engagement with the issues *de jour*, and to forge faculty consensus around those issues for communication to the administration, the Regents, and other constituent bodies. In all of my Senate service, I have worked to ensure that the Senate meets its primary responsibilities with a clear sense of the faculty voice on issues before the University. As chair of BOARS, I have insisted that the **faculty** take responsibility for determining BOARS' recommendations, and I would point out that faculty initiatives such as BOARS's *Resolution on the Failure of the National Merit Scholarship Program to Meet the Requirements of UC's Definition of Academic Merit* were unanimously endorsed by both BOARS and the Academic Council, and later adopted by the Council of Chancellors, despite some initial administrative opposition.

I believe that leadership of the Senate is not by force or manipulation, but by inspiration and the hard work of consensus building. And the Senate leadership must also be able to present Senate positions in a credible, responsible, and persuasive manner to the University administration and to the Board of Regents. Thus, it is important that Senate leaders have effective communications skills, openness to the knowledge and wisdom of others, a record of honoring the voices of their constituencies, and, most importantly, a reputation for honesty and integrity.

I believe such qualities will help the Senate partner with the administration and Regents to meet the challenges that face us: faculty and staff remaining at UC face a loyalty tax; the defined-benefits plan is in jeopardy; graduate student support is substandard; and faculty and staff are asked to do more with less. At the same time, fees have risen and so has public concern over UC admissions policies, executive compensation practices, faculty teaching loads, and real and perceived mismanagement of labs and hospitals. And note that even prior to Proposition 209, UC was far from "representative" with respect to its students, staff, administrators, and faculty. I am committed to doing all that I can to further solutions to these many concerns.

At first glance, many of these issues could be addressed if we just had more money to spend. But I suggest that UC's continued greatness as a public research university requires us to emphasize both the words "research" and "public" if we want to resurrect strong support for UC within California: faculty achievements and commitments here should be broadcast continually.

Finally, the Chair and Vice-Chair serve the Academic Senate through their daily stewardship of the systemwide Senate offices. A marvelously skilled and professional staff has been assembled under the stellar leadership of the current executive director, and I believe the Senate should make the best possible use of the analytical capacity of these professionals. I would work effectively with future Chair John Oakley to support and stabilize the staff.

**VIII. REPORTS OF STANDING COMMITTEES (Continued)**

**A. Academic Council (Continued)**

- **John Oakley, Vice Chair**

**2. Report from the Academic Council Special Committee on the National Labs (ACSCONL) (oral report)**

**B. Board of Admissions and Relations with Schools (BOARS) (oral report)**

- **Michael Brown, Chair**

An update on 05-06 BOARS activities

**C. Committee on Faculty Welfare (UCFW) (oral report)**

- **Susan French, Vice Chair,**

An update on 05-06 UCFW activities

**D. Committee on Planning and Budget (UCPB) (oral report)**

- **Stanton “Stan” Glantz, Chair,**

An update on 05-06 UCPB activities

**VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)**

**IX. PETITIONS OF STUDENTS (none)**

**X. UNFINISHED BUSINESS (none)**

**XI. NEW BUSINESS**

*Next regular meeting of the Assembly: May 10, 2006. To be held on the UC Berkeley-Clark Kerr Campus.*