

MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

April 22, 2009
MINUTES OF MEETING

I. ROLL CALL OF MEMBERS

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, April 22, 2009 via teleconference. Academic Senate Chair Mary Croughan presided and called the meeting to order at 9:00 am. Senate Executive Director Martha Winnacker called the roll of Assembly members. Attendance is listed in Appendix A of these minutes.

II. MINUTES

ACTION: The Assembly approved the minutes of the December 10, 2008 meeting as noticed.

III. ANNOUNCEMENTS BY THE CHAIR

- Mary Croughan

- Chair Croughan announced that President Yudof was unable to join the meeting, but that Interim Provost Pitts would convey the President's announcements.
- The state legislature did not fund UC's request for \$20 million for UCRP. Moreover, the legislature amended the educational code to state that "It is the intent of the Legislature that no new General Fund augmentation be made available for contributions to the University of California Retirement Plan." Faculty, student and staff representatives to the Regents met yesterday with legislators to ask them to remove this language and to reinstate contributions. The University will make every effort to have this education code rescinded, and Chair Croughan will work with UCOP to determine where this language came from, its implications, and how faculty can help to address re-start of contributions.

IV. ANNOUNCEMENTS BY THE PRESIDENT (NONE)**V. ANNOUNCEMENTS BY THE PROVOST**

- Interim Provost Pitts stated that the budget is the most critical issue facing the University. Even if ballot Proposition 1A passes in May, the situation will continue to be serious. Chair Croughan noted that UC employees can engage in political advocacy as individual, private citizens. However, individuals cannot advocate for any legislation as spokespeople for the University, or use university resources (e.g., a university computer, address, or email account) to do so. However, it is allowable in the interest of disclosure to identify oneself as an employee or faculty member. Chair Croughan and Vice Chair Powell can advocate on behalf of the Senate.
- The Regents are likely to approve a 9.3% combined increase in education and registration fees for undergraduates at their May meeting.
- Interim Provost Pitts stated that some professional school fees also will rise at the request of those schools. Chair Croughan noted that the Regents' initial approval of the professional school fee increase in September 2007 required the schools to substantiate the need for higher fees; at least one School was required to subsequently lower its total fee increase because the proponents could not justify it.

- President Yudof also has asked the Regents to review and approve a new Regents' Standing Order that would allow the president to institute furloughs or salary cuts on a campus basis or system-wide basis in emergency circumstances, such as financial emergencies. The policy is about to be sent out for systemwide Academic Senate review. The policy would require that the President obtain approval from the Regents, and broad Senate consultation is included in the policy guidelines. Faculty layoffs are not being considered, and are not addressed in the policy. Currently, there are no plans for furloughs or pay cuts, but the president wants to be prepared in case of financial emergency.
- President Yudof has commissioned a Task Force on Creative Budget Strategies, which includes several faculty representatives, and is charged with thinking systematically about the pros and cons of all possible strategies to increase revenues and reduce costs. Provost Pitts has encouraged the EVCs to share budget information freely with the divisional Senates.
- The annual Accountability Report will be presented at the May Regents' meeting. It is a living document and will evolve and improve over time.
- Student Regent D'Artagnan Scorza studied the allocation of registration fees and verified that all of the registration fees were applied to student services. However, the flow of funds is not transparent and he has called for the Regents to reexamine the registration fee policy, and possibly to raise the registration fees to fully fund some items that are now funded by education fees.
- The reorganization of Academic Affairs at UCOP is proceeding, and should be completed by July 1. In the meantime, if the Senate has difficulty getting needs met, please inform Provost Pitts.
- The University is searching for a Vice Provost for Academic Personnel, and for a new position titled Vice Provost for Educational Partnerships. A goal of the new position will be to bring a research focus to academic preparation programs.

Questions and Comments:

Q: Why are we not hearing much from the President at Assembly meetings? He no longer submits written reports and said instead that he will attend meetings and give his report orally.

A: Interim Provost Pitts stated that he took responsibility for producing the report, but did not finish it. President Yudof is in Washington, DC today and apologizes for not being here.

Q: Is the reorganization of Academic Affairs having an impact on the Senate's ability to function? Could you describe the new structure?

A: Academic Affairs has five departments: Student Affairs, Educational Partnerships, Research and Graduate Studies, Academic Planning, Programs and Coordination, and Academic Personnel. The reorganization is aimed at structuring services more efficiently. In addition, the Division of Agriculture and Natural Resources (DANR) is under the umbrella of Academic Affairs. After multiple Senate requests, DANR recently underwent an extensive review. It received an outstanding evaluation. The recommendations included the potential benefit of broadening the program beyond the three traditional agriculture campuses to other programs and campuses that deal with energy policy, water resources, etc. A new unit, Institutional Research, was established outside of Academic Affairs, and the Senate has been its number one priority. Some systemwide committees have experienced difficulties in getting data and analysis, in part because of open positions in Academic Personnel. That should improve substantially very soon.

Q: What is the threshold for enacting any furloughs or pay cuts, and what is the timeline? When will decisions be made? Which of the two options is more likely to be used? On some campuses, furloughs would be very difficult to implement.

A: This will be addressed on the agenda later. The President will ask the Regents to approve a document outlining how and when to take such measures should the need arise. The proposed policy states that if

the President declares a financial emergency, he must ask the Regents for the authority to implement furloughs or temporary or permanent pay cuts. He must consult with the Academic Senate and other employee groups. The request must specify the conditions underlying the declaration, the effect of such conditions on campus or University operations, the expected duration of the action, the implementation plan, and its expected outcome. If the President declares that budget cuts are necessary, and that furloughs or pay cuts are tools needed to close a budget gap, campuses will be given a choice of options and decisions will be made on a campus-by-campus basis. Alternatively, a Chancellor may request the authority to implement furloughs or pay cuts. If ballot Proposition 1A does not pass, the situation may constitute a financial emergency. Many “easy,” short-term solutions and cuts already have been done.

Q: Could the University file suit to redress the legislature’s denial of funding for UCRP? Is this likely?

A: Chair Croughan responded that she will ask the University’s General Counsel to consider whether this is possible, but it would be preferable to change the education code. UC is constitutionally independent from the state, whereas CSU and the community colleges are not constitutionally separate. While the state does not have a legal obligation to fund UCRP (this is the Regents’ responsibility), it would be extraordinarily unfair to deny the University this funding, given that the state funds CalPERS and CalSTRS; it is an equity issue. The state also had funded UCRP in the past. During the past 18 year contribution “holiday,” UC saved the state over \$2 billion by not requesting additional contributions. Vice Chair Powell noted that this is as much a political question as a legal question, and urged UC employees acting as private citizens to contact their representatives.

Comment: It would be useful for the Senate to distribute a Fact Sheet to Senate members outlining the budget situation and what they can do as private citizens.

A: Chair Croughan responded that she will consult with the University’s General Counsel to ensure that this is permissible, and if so, she will do so.

Comment: It is my understanding that University employees have a vested right under the constitution to their retirement benefits. While the state is not pre-funding the retirement program, the Regents still must guarantee it. The University has other assets, such as real estate, that it could use theoretically to fund its retirement obligations.

A: Chair Croughan noted that to her knowledge, that is correct, but would need to verify it. She also noted that the president is committed to meeting all of the University’s obligations. Also, the state is not the sole contributor to UCRP; 45% of UC faculty members are funded by non-State funds such as contracts and grants. UCRP is 95% funded right now. We need the state’s contributions to improve this ratio. We want to hold the state accountable for an obligation to contribute its share.

Q: Why haven’t campuses been asked to begin planning for the possibility that Proposition 1A won’t pass?

A: The EVCs have been asked to think about this possibility. However, it is hard to plan without a target figure. If the proposition fails, the University must wait until the legislature finalizes a budget and tells the University the size of its cut.

Q: Is there any effort to capture some of the stimulus funds for UC?

A: Many of the opportunities lie in research funding. Campuses are actively informing faculty of funding opportunities. The University also received \$250 million, which restored a prior cut to the budget.

Q: It is a national trend—not just in times of budget crisis—for legislatures to be disinclined to support public education. Lobbying may not be sufficient because legislatures value the provision of public education less than they previously have. Should the University reduce services, including cutting classes and enrollment, thus providing a visible public message that funding is inadequate?

A: Interim Provost Pitts noted that he hopes that President Obama's emphasis on education will convince the public and legislatures to invest in human capital. Many have criticized the University's lobbying efforts in the past decade. In response, the president has hired new leadership in the public relations unit. However, if funding is not increased, the University will have to reconsider its educational model.

Q: What is the status of the education abroad program and who is in charge of international partnerships with research institutions in India and China?

A: Chair Croughan noted that a joint Senate-administration task force is evaluating EAP and its proposed business plan. The partnership with China is moving forward; she will have to ask Interim Provost Pitts about the India initiative.

Q: Should we accept the fact that the Faculty Salary Plan is now obsolete?

A: Chair Croughan responded that President Yudof is committed to implementing it when funding becomes available and has included it as an item in the University's proposed 2009-10 budget. It is important to note that the salary gap is not likely to be increasing because other universities are having similar funding problems.

Q: Is the President requesting the authority to make permanent, as well as temporary, salary reductions?

A: Chair Croughan stated that she would check and noted that since the vast majority of UC employees are represented, any permanent salary reductions would be a complex process, requiring contracts to be revisited. [Note: Chair Croughan later verified that the President is requesting the authority to institute permanent salary reductions as one possible way to respond to budget cuts].

V. SPECIAL ORDERS

A. Consent Calendar

Approve Amendment to the UC Diversity Statement

B. Legislative Ruling 3.09 (information)

Applicability of SR 764

C. 2009-10 Assembly Meeting Schedule (information)

DISCUSSION: Chair Croughan noted that the request to approve an amendment to the UC Diversity Statement was erroneously placed on the agenda as legislation. Senate Bylaw 116.E identifies as legislation only those actions that modify Senate Bylaws or Regulations; modification of a Resolution is not legislation. Item B, Legislative Ruling 3.09, is presented for information, as provided by Senate Bylaw 206.A. Chair Croughan proposed moving the schedule of 2009-10 Assembly meetings to New Business.

ACTION: Members approved the Special Orders, as modified by Chair Croughan.

VI. REPORTS ON SPECIAL COMMITTEES (none)

VII. REPORTS OF STANDING COMMITTEES

A. Academic Council

▪ Mary Croughan, Chair

1. Nomination and election of the Vice Chair of the 2009-10 Assembly

REPORT: At its February meeting, Academic Council nominated Professor Daniel Simmons (UCD) as the 2009-10 Academic Senate Vice Chair. If approved, he would serve as Chair in 2010-11. In

accordance with Senate Bylaw 110, the Academic Council is charged to submit a single nominee, but additional nominations can be made from the floor. Chair Croughan reviewed Professor Simmons' qualifications and the procedures for voting. She asked if there were any additional nominations.

DISCUSSION: A member asked about the pros and cons of an individual being chair a second time. Chair Croughan replied that a disadvantage is in not providing a leadership opportunity for someone new. However, the advantages significantly outweigh this issue, particularly given that it is a time of transition at UCOP and experience will prove extremely helpful. Professor Simmons also is the author of a well-regarded white paper on shared governance. The Assembly did not receive any other nominations for Vice Chair.

ACTION: The Academic Assembly elected Daniel Simmons as the Vice Chair of the Assembly for 2009-10.

2. Budget discussion

- (a) Report on the Task Force on Creative Budget Strategies. Chair Croughan is the Co-chair (with UCSB EVC Gene Lucas) of the Task Force, and several Academic Senate members serve on it. It has developed principles for budget planning strategies which will be distributed for systemwide use. UCPB also has developed principles and they will be sent for systemwide review, and subsequent campus and systemwide use. The Task Force's goal is to provide campuses with guidelines for reducing costs and increasing revenues. The list of strategies originally was derived from approximately 75 ideas that campus Chancellors and EVCs suggested in budget meetings with the President in January. The Task Force is doing cost-benefit analyses and lists of pros and cons for each budgetary strategy. The analysis for each strategy will be sent to committees and divisions for input. The Task Force is nearly finished analyzing the first three strategies: 1) differential fees by discipline (e.g., for engineering or business majors); 2) increases in non-resident tuition; and 3) furloughs and salary reductions. Chair Croughan asked for comments regarding concerns that are being articulated by faculty members on the campuses. One Assembly member noted that he had heard about the possibility of suspending merit increases. Another said that there are rumors about voluntary salary reductions for faculty on state funds. Chair Croughan stated unequivocally that neither of these is being considered, but that she will work on addressing these concerns through various communications strategies.
- (b) Reports on campus budget reduction strategies. These reports were presented to the Regents in March and are available online.
- (c) Policy on Furloughs and Salary Cuts. Chair Croughan reported that the Regents will discuss the proposed policy on furloughs and salary cuts at their May meeting and take action in July. The proposal is for a new Regents' Standing Order to enable the President to enact furloughs and salary reductions for all UC employees on a campus or systemwide basis in the case of a financial emergency. An accompanying proposed policy describes the procedures that must be followed before the President or a Chancellor can exercise that authority. It states that all possible options for budget reductions should be considered before turning to furloughs or salary cuts. It states that the Academic Senate and other employee groups should be consulted, and that any plan to implement such measures should be fair to the entire university workforce. It would be applied to everyone in a particular employee group, regardless of source of funding. However, different policies may be applied to different groups of employees (e.g., for some employee groups, furloughs may be preferable to salary cuts). If unions do not agree to furloughs or salary reductions, the University automatically has the authority to institute layoffs. The Academic Senate also will be involved in determining if there is a financial emergency, and the date by which any implemented plan will be reevaluated or terminated. Campuses would have to revisit

their strategic plans to search for other areas for budget cuts. Faculty layoffs are not being considered.

VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)

IX. PETITIONS OF STUDENTS (none)

X. UNFINISHED BUSINESS (none)

XI. NEW BUSINESS

A. 2009-10 Assembly Meeting Schedule. Chair Croughan suggested an alternative meeting schedule—reserving only October 14, January 13, April 21, and June 16, with the intent of convening three out of the four meetings.

ACTION: The Academic Assembly unanimously approved the proposed four meeting dates.

The meeting adjourned at 11:00 am.

Attest: Mary Croughan, Academic Senate Chair

Minutes Prepared by: Clare Sheridan, Academic Senate Analyst

Attachment: Appendix A – Assembly Attendance Record, Meeting of April 22, 2009

Appendix A – 2008-2009 Assembly Attendance Record, Meeting of April 22, 2009

President of the University:

Mark G. Yudof (absent)

Jone Pearce

Shawn Rosenberg

Academic Council Members:

Mary Croughan, Chair

Henry C. Powell, Vice Chair

Chris Kutz, Vice Chair (alternate for Mary Firestone)

Robert Powell, Chair UCD (absent)

Jutta Heckhausen, Chair, UCI

Michael Goldstein, Chair, UCLA

Martha Conklin, Chair UCM

Anthony Norman, Chair, UCR

Daniel J. Donoghue, Chair, UCSD

David Gardner, Chair, UCSF

Joel Michaelsen, Chair, UCSB

Quentin Williams, Chair, UCSC

Sylvia Hurtado, Chair, BOARS

Farid Chehab, Chair, CCGA

Francis Lu, Chair, UCAAD (absent)

Steven Plaxe, Chair, UCAP (absent)

Stephen McLean, Chair, UCEP

Helen Henry, Chair, UCFW

James Carey, Chair, UCORP

Patricia Conrad, Chair, UCPB

Los Angeles (9 - 1 TBA)

Paula Diaconescu

Robert G. Frank, Jr.

Jonathan H. Grossman

Margaret Haberland

Jody Kreiman

Purnima Mankekar

James Miller

Natik Piri

Merced (1)

Jan Wallander

Riverside (2)

Manuela Martins-Green

Mart L. Molle (absent)

San Diego (4)

Richard Attiyeh

Eric Van Young (alternate for Salah Baouendi)

Stephen Cox

Hans Paar (alternate for Joel Dimsdale)

San Francisco (4)

Dan Bikle

Elena Fuentes-Afflick (alternate for Deborah Greenspan)

Wendy Max

Sandra Weiss

Berkeley (5)

Suzanne M.J. Fleiszig

Matthew Francis (alternate for Ralph Catalano)

Miryam Sas (alternate for Steven Beissinger)

Anthony Long

Pablo Spiller

Davis (6)

Brian Morrissey

Krishnan Nambiar

John Oakley

Donald Price

Xiangdong Zhu (alternate for Birgit Puschner)

Daniel L. Simmons

Santa Barbara (3 – 1 TBA)

Richard Church

Volker Welter

Santa Cruz (2)

Mark Carr

Lori Kletzer

Irvine (4)

Hoda Anton-Culver

Kenneth Chew

Secretary/Parliamentarian

Peter Berck