

UNIVERSITY OF CALIFORNIA

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

Wednesday, February 14, 2007
10:00 a.m. – 2:00 p.m.

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

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I. Roll Call

2006-07 Assembly Roll Call February 14, 2007

President of the University:

Robert C. Dynes

Academic Council Members:

John Oakley, Chair
Michael T. Brown, Vice Chair
William Drummond, Chair, UCB
Linda F. Bisson, Chair, UCD
Martha L. Mecartney, Chair, UCI
Vivek Shetty, Chair, UCLA
Shawn Kantor, Chair UCM
Thomas Cogswell, Chair, UCR
Henry C. Powell, Chair, UCSD
Deborah Greenspan, Chair, UCSF
Joel Michaelsen, Chair, UCSB
Faye Crosby, Chair, UCSC
Mark Rashid, Chair, BOARS
Reen Wu, Chair, CCGA
Mary Croughan, Chair, UCAP
Richard Weiss, Chair, UCEP
Susan French, Chair, UCFW
Wendy Max, Chair, UCORP
Christopher Newfield, Chair, UCPB

Berkeley (6)

Emilie Bergmann
Stephen Mahin
Joseph Napoli
Bernard Sadoulet
Anne Wagner
Raymond Wolfinger

Davis (6)

Matthew K. Farrens
Robert Irwin
Brian Morrissey
Terence Murphy
Margaret Rucker
W. Jeffrey Weidner

Irvine (3)

Dennis J. Aigner
Jodi Quas
Leslie Thompson

Los Angeles (9)

Dalila Corry
Arvan Fluharty
Robert G. Frank, Jr.
Margaret Haberland
Kathleen Komar
Steven Loza
Vickie Mays
Jane Valentine
Jaime Villablanca

Merced (1)

Arnold D. Kim

Riverside (2)

Joseph W. Childers
Carol J. Lovatt

San Diego (4)

David Luft
Thomas O'Neil
Charles Perrin
Andrew T. Scull

San Francisco (4)

Dan Bikle
Barbara Gerbert
Lawrence Pitts
Stan Glantz

Santa Barbara (3)

Richard Church
Mary Hegarty
Ann M. Plane

Santa Cruz (2)

Quentin Williams
Kathy Foley

Secretary/Parliamentarian

Peter Berck

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

OCTOBER 11, 2006

DRAFT MINUTES OF MEETING

I. ROLL CALL OF MEMBERS

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, October 11, 2006. Academic Senate Chair John Oakley presided. Chair Oakley welcomed participants and called the meeting to order at 10:00 a.m. Academic Senate Executive Director Mariá 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 meeting of June 14, 2006 as noticed.

III. ANNOUNCEMENTS BY THE PRESIDENT

- **Robert C. Dynes**

President Dynes' [Report to the Academic Assembly](#) was distributed electronically prior to the meeting. President Dynes reported orally to the Assembly on UC's history and his vision for the future of the University.

REPORT: UC has faced a number of challenges in the past year, but despite these immediate concerns we have also kept a sharp focus on the future of the University. A vision for the next 20 years has been developed that will soon be publicly articulated. These ideas are, however, still evolving, and I will seek reactions to and input on them. The University of California was first conceived of in 1848 -- even before California became a state. Twenty years later, the state's Organic Act created UC by merging a private college and a land-grant institution. Today, UC is a federation of 10 campuses and 3 National Labs. While UC is the leader in public education in the country, our peers are the best private institutions in the world and it is they we compete with for faculty and for federal support. As a public university, we do not have resources equal to those of the privates and we are always struggling under the demands of negotiating for necessary state funding and maintaining public support.

The size of UC is a major reason for the amount of influence we have, and is also the basis for the guiding concept for our future planning – what we are calling “the power of ten.” This term was coined to describe the future vision of UC. It connotes that each campus has its individual strength and that the ten campuses make up a whole greater than the sum of its parts. We are encouraging all of the UC Chancellors to build on those individual campus strengths and at the same time are working to enhance cross-campus access and collaboration in order to counteract the forces that disconnect and dissociate campuses from each other. The unique assets of

individual campuses allow us to compete with smaller private universities. Each campus has the opportunity to rise to world class status; six UCs are currently members of the Association of American Universities, and the other three aspire to that status. We must, though, act as one University, and as an effective system, we will also fulfill our public service mission.

Two essential elements of this vision are the further development of: 1) our role in research; and 2) our global presence. We have now entered a new research era that assumes not just research and development (R&D), but a more far-reaching process of RD&D – research, development and delivery. The delivery aspect of our research enterprise includes addressing social responsibilities and aiding in the delivery of human capital, intellectual property, moral values, health care, etc. In this endeavor, the California Institutes for Science and Innovation may serve as a model for other UC research initiatives and programs. The California Institute for Quantitative Biomedical Research (QB3), for example, does research on quantitative biology by bringing physics, computer science and the biological sciences together to synergistically perform RD&D. At the QB3 facility in Mission Bay, the top floor is for basic chemistry, drug development is done on floor 2, and clinical trials -- the delivery aspect -- are run out of the ground floor. In addition to maintaining our key research role in the state, we also will deploy a unified strategy for developing and enhancing UC's role globally, an effort that is critical to our future. UC now has a structured relationship with 10 research universities in China, (the "10 plus 10" program) and we are building similar relations with institutions in India and in Africa.

I will soon be visiting campuses as well as communities and businesses around the state to share this vision of the future of the University of California through the year 2025, and of UC's role in keeping California competitive.

Questions and Comments

Question: What is the outlook on the UC salary lag and what is being done to help us actually be competitive?

Answer: We are making every effort to see that the resumption of contributions to the retirement fund is a soft landing for employees. 16% is needed to cover plan costs and, we are working to make sure that the state's portion of that is significant. Salary increases up to 5% in coming years are meant to make UC reach competitive salary levels by 2010 or 11, based on assumptions.

Question: Internet-based education presents us with a new instructional paradigm that UC should be planning for. Is there a planning group to address this issue?

Answer: There is no group explicitly focused on that, but, for example, the California Institute for Telecommunications and Information Technology (Cal IT2) has a range of expertise dealing with the future of the Internet and its impact on society. They have real-time centers for conferences with a high data rate and are conducting research on using big streams of data for use in education.

Comment: By necessity, research development is done in collaboration with for-profit organizations, but our conflict of interest policies inhibit that interaction. We need to revise these guidelines and make them consistent across campuses.

Response: First, technology transfer should be administered on the campuses. Second, our mission is not to make money, so I am reluctant to support easing conflict of interest regulation. Tech transfer offices should be looking for partners that help deliver products, not those that make the most money. Unfortunately, there has been a trend in tech transfer to move away from that philosophy. In actuality, more funding comes in from philanthropy than from royalties, so UC can benefit more financially from having friends than having industry partners.

Question: What is being done about easing restrictions on international students coming to UC?

Answer: This debate is ongoing within the federal government, and we have tried to influence change on this issue.

Question: How is public service included in the vision of UC in 2025?

Answer: Delivery is the public service part. Many of our alumni live in the state, so we are engaging them in the delivery aspect of UC's research. Additionally, over the next 20 years, the results of our commitment to P-12 education – through academic preparation, the Science Math Initiative, etc., – will be apparent, as will the impact of our health care initiatives.

Question: What are the facts relating to the recent budget increases and the percentage breakdown for salaries?

Answer: The amount for salaries is about 1% more than provided for in the Compact.

Comment: Funding for graduate education is not enough to sustain us as a research university.

Response: Our competition for foreign students is a big part of this issue. Last year, we initiated a waiver of non-resident tuition (NRT) for graduate students who have advanced to candidacy. Also, keep in mind that the dollars that are paid for NRT go back to your campus and are allocated from there, and that the overall number of graduate students has to increase.

Comment: 2012 does not seem soon enough to achieve salary competitiveness. A remedy for the salary scale needs to be found before then.

Response: I agree that 2012 is not soon enough. I am also concerned about the use of the word “decouple,” which dissociates salaries from the scale.

IV. ANNOUNCEMENTS BY THE CHAIR

- **John Oakley**

Chair Oakley made these announcements:

Meeting procedures. All Senate members have the right to be heard at an Assembly meeting; however only members of the Assembly or their official alternates can make a motion or vote. Barring any member's objection, the following procedure will be adhered to in the Assembly's deliberations: the presenter of an item will be the first and final speaker. Other members may speak when they are recognized, will have two minutes to speak, and may speak a second time only after everyone else who wishes to has spoken.

Assembly meeting schedule. There are typically two to four Assembly meetings per year. Last year, it was necessary to hold an additional “special meeting” of the Assembly, which was called

on relatively short notice. In an effort to avoid short notice and scheduling conflicts, and to help ensure that the largest number of members is available for all of our meetings, we have pre-reserved times for one meeting per month for the 2006-07 year. Not all of these times will be used; it is expected that no more than four meetings will actually be convened. Those convened will be held either as an all day face-to-face meeting, or as a briefer teleconference. Teleconferences are typically scheduled to run from 10:00 in the morning until 1 p.m.

Parliamentary concerns relating to upcoming action items.

1. Relating to agenda item VII. A. 3, *Proposed Statement of the Academic Senate on Interaction Between UC's Faculty and UC-Associated National Laboratories (action)*: This proposed statement was originally drafted by the Academic Council Special Committee on the National Labs (ACSCONL) as a proposed statement to the Assembly. It was adopted as such by the Academic Council. When we address this agenda item, a motion will be made that the Senate Chair turn the meeting over to the Senate Vice Chair, so as to allow the Senate Chair, who is also the Chair of ACSCONL, to present the issue.
2. Relating to agenda item VII.A. 4, *Proposed Academic Senate Statement to the UC Regents on Research Funding Sources (action)*: The Regents have requested faculty guidance on research funding. In September, the Academic Council adopted this statement by a vote of 12 in favor, 5 against, and one abstention. This text is a statement of the Council and is presented for the Assembly's ratification. If the Assembly wishes to make a different statement, that will require a substitute motion, which will then be debated.

V. SPECIAL ORDERS (none)

VI. REPORTS OF SPECIAL COMMITTEES (none)

VII. REPORTS OF STANDING COMMITTEES

A. Academic Council

- **John Oakley, Vice Chair**

ACTION: By a vote of 37 in favor, 6 against, the Assembly agreed to change the order of the agenda as represented below.

1. Report from the Academic Council on Priorities and Issues for 2006-07 (oral report)

REPORT: These are the main areas of the Academic Council's activity and concern at present:

UCOP reorganization and new senior manager positions. In the context of the current reorganization of the UC Office of the President, several new executive and other top positions are being recruited. The Systemwide Senate, which is in a favorable position at the moment, has been concerned about maintaining the overall integrity of the University as an academic enterprise first and foremost. We are strongly urging that top positions be filled by academic managers, and have expressed our firm opposition to using the corporate title of Chief Operating Officer for the new Executive Vice President position that will be in charge of business operations. In addition, there was recently formed a joint Regents/Office of the President/Senate study group on salary slotting for UC senior managers, led by Regent Judith Hopkinson. The interim slotting

structure that was adopted by The Regents last year assigned different slots to the same administrative positions, depending on the campus at issue. The Senate strongly opposed this plan because it had not been subject to systemwide review, would likely be highly divisive, and would in effect stratify campuses on the basis of top managers' salaries. The new study group will be looking at alternate plans for structuring senior management compensation.

The faculty salary system. Most UC faculty across campuses are not being compensated according to the salary scale system, but instead receive "off-scale" salaries. Last year, the Council requested the University Committee on Academic Personnel to report and advise on this matter of serious concern. UCAP's report, "Synopsis of the Present Status of the UC Merit and Promotion System and Principles of and Policy Recommendations for UC Faculty Compensation," is currently out for Senate review, thereby initiating wide discussion of possible reform/restoration of the faculty salary scale.

Graduate student non-resident tuition. The Senate is working to implement the existing consensus that we should eliminate the disincentives caused by charging tuition to foreign graduate students. The cost of doing this, in terms of the overall budget, is not prohibitive. There are, however, difficulties in assuring implementation since the tuition that is charged to students is returned to the campuses and allocated at the discretion of the EVCs, according to campus priorities.

UC Retirement Plan. The Academic Council continues to be very concerned with how the resumption of contributions to the retirement plan will be conducted. Our position has been that, in order to preserve the fund's strength, restarting contributions should not be delayed, but should be phased so that the initial impact on employees is minimized.

2. Report from the President's Council on the National Laboratories and the Academic Council Special Committee on the National Labs (ACSCONL) (oral report)

REPORT: The President's Council on the National Labs was created in 1990 to provide greater oversight of the labs. It includes Academic Senate members and scholars from other institutions. In the past, the Council conducted intensive reviews of programs and other lab-associated entities, following an external review process. These reviews helped preserved the integrity of lab science and provided a means for lab employees to speak truth to power. Management of the Los Alamos National Lab has been transferred to the Los Alamos National Security, LLC (LANS). It is likely that, if UC and industry partners win a bid to manage the Lawrence Livermore National Lab, that management arrangement will be modeled after LANS. These changes put in relief the question of how and whether the President's Council will continue to operate. Recently, the Council's Panel on Science and Technology drafted a letter to President Dynes urging that there be more academic involvement in the labs.

3. Proposed Academic Senate Statement to the UC Regents on Research Funding Sources (action)

ISSUE: The Chairman of the Board of Regents, Gerald Parsky, has requested input from the Academic Senate as to whether the legal finding in *United States v. Philip Morris USA, Inc.*, U.S.D.C.D.C. Civ No. 99-2496, Aug. 17, 2006, provides an appropriate basis for

instituting a University ban on accepting tobacco funding from the tobacco industry or agencies acting on behalf of the tobacco industry. The Academic Council at its September 27, 2006, meeting, considered The Regents' request in light of the *Resolution of the Academic Senate on Research Funding Sources*, adopted by the Academic Assembly on May 11, 2005. By a vote of 12 in favor, 5 against, with one abstention, the Academic Council approved the following statement to be considered by the Academic Assembly today:

The Academic Council instructs the Chair of the Council to advise the President that grave issues of academic freedom would be raised if The Regents were to deviate from the principle that no unit of the University, whether by faculty vote or administrative decision, has the authority to prevent a faculty member from accepting external research funding based solely on the source of the funds. Policies such as the faculty code of conduct are already in place on all campuses to uphold the highest standards and integrity of research. The Academic Council believes that Regental intervention on the basis of assumptions about the moral or political standing of the donor is unwarranted.

ACTION: By unanimous consent, the Assembly agreed to limit discussion of this agenda item to 75 minutes.

DISCUSSION: Assembly members discussed the Council statement and its protection of academic freedom, as well as the impact of money with strings attached on faculty research and the integrity of the University. The Assembly then considered two substitute motions that sought to amend the Council statement. Both motions failed after 85 minutes of lively debate, resulting in final discussion of a motion to adopt the original Council statement.

ACTION: By a roll call vote of 27 in favor, 16 against, the Assembly ratified the September 27, 2006, statement of the Academic Council. [See New Business, below, for additional action on this issue.]

4. Proposed Statement of the Academic Senate on Interaction Between UC's Faculty and UC-Associated National Laboratories (action)

ISSUE: The Academic Council has requested the Assembly's consideration of the *Proposed Statement of the Academic Senate on Interaction Between UC's Faculty and UC-Associated National Laboratories*, first proposed by the Academic Council Special Committee on the National Laboratories (ACSCONL) and subsequently adopted by the Council at its June 21, 2006, meeting.

DISCUSSION: Due to his position as ACSCONL Chair, Council Chair Oakley turned over the function of presiding over this part of the meeting to Council Vice Chair Brown. Assembly members reviewed the history and intent of the proposed Statement, noting its value in assisting ACSCONL and other systemwide Senate committees in better understanding the management structure of Los Alamos National Security, LLC, and in

gaining the ability to affect issues such as retirement, scientific management, planning and budget. Assembly members expressed wide support for the statement, and unanimously agreed to approve the statement with amendments as reflected below.

ACTION: The Assembly voted unanimously to adopt the *Statement of the Academic Senate on Interaction Between UC's Faculty and UC-Associated National Laboratories*, with the following amendments, for transmittal to President Dynes and The Regents:

1) Amend Recommendation 8 to read as follows:

8. The Academic Senate shall work with the TSMs from the Labs to address issues that might be of interest to the TSMs (e.g. academic freedom, evaluation of personnel, employee welfare, and research policy, among others).

2) Add new Recommendation 9:

9. The Academic Senate directs ACSCONL or its successor to:

A) Consult with the relevant Senate committees on major policy issues affecting (Lab) LLC – University relations;

B) Specify a process of co-drafting Standing Orders and Regental Policies with The Regents, including orders or policies that modify current science management structures.

VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)

IX. PETITIONS OF STUDENTS (none)

X. UNFINISHED BUSINESS (none)

XI. NEW BUSINESS: The Academic Senate's Resolutions on the Research Funding Issue

ISSUE: The Assembly considered two new action items, determined to be germane to the research funding issue discussed in agenda item VII.A.3, above.

DISCUSSION: Assembly members debated the two resolutions as proposed, and agreed upon some minor amendments. Some members spoke against the resolutions for various reasons, such as they specifically identify the tobacco industry, and that they may not be adequately specific. Other members supported the resolutions, noting that they will be helpful statements should the Senate face similar research funding issues in the future, and that the resolutions are consistent with prior Senate statements on this topic.

ACTION: The Assembly adopted two additional resolutions on the research funding issue, by a large majority on a show of hands, for transmittal to President Dynes and The Regents, as follows:

"The Assembly declares its deep disapproval of funding arrangements in which an appearance of academic freedom belies an actual suppression of academic freedom."

- and -

"The Assembly asserts its conviction that past funding arrangements involving the tobacco industry have been shown to suppress academic freedom."

Meeting adjourned at 4:00 p.m

Attest: John Oakley, Academic Senate Chair

Minutes Prepared by: Brenda Foust and Michelle Ruskofsky, Academic Senate Analysts

Distributions:

1. President Robert C. Dynes, [Discussion Topics](#) for the Meeting of the Assembly of the Academic Senate, Wednesday, October 11, 2006.
2. S. Glantz to Members of the Academic Assembly, October 3, 2006, re: the Academic Council's proposed Assembly action on the tobacco funding issue, with enclosures: (1) Attorney General Lockyer to the Regents of the University of California, September 29, 2006, re: Tobacco Industry Funding for Academic Research; (2) President Richard C. Atkinson, *Academic Freedom and the Research University*; (3) Academic Personnel Manual (APM) – 016, Faculty Code of Conduct; and (4) Regents' Policy on Academic Freedom, approved June 19, 1970.

Attachment: Appendix A – 2006-07 Assembly Attendance Record, Meeting of October 11, 2006

Appendix A: 2006-07 Assembly Attendance Record, Meeting of October 11, 2006

President of the University:

Robert C. Dynes

Academic Council Members:

John Oakley, Chair
Michael T. Brown, Vice Chair
William Drummond, Chair, UCB
Linda F. Bisson, Chair, UCD
Martha L. Mecartney, Chair, UCI
Vivek Shetty, Chair UCLA (absent)
Shawn Kantor, UCM (absent)
Thomas Cogswell, Chair, UCR
Henry C. Powell, Chair, UCSD
Deborah Greenspan, Chair, UCSF
Joel Michaelsen, Chair, UCSB
Faye Crosby, Chair, UCSC
Mark Rashid, Chair, BOARS
Reen Wu, Chair CCGA (absent)
Mary Croughan, Chair, UCAP
Richard Weiss, Chair, UCEP (absent)
Keith Williams, Vice Chair, UCEP (alt.)
Susan French, Chair, UCFW (absent)
Jim Chalfant, Vice Chair, UCFW (alt.)
Wendy Max, Chair, UCORP
Christopher Newfield, Chair, UCPB

Berkeley (6)

Emilie Bergmann
Judith E. Innes (absent)
Stephen Mahin
Joseph Napoli
Bernard Sadoulet
Raymond Wolfinger (absent)
Loy Volkman (alt.)

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Matthew K. Farrens
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Brian Morrissey
Terence Murphy
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W. Jeffery Weidner (absent)

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Arvan Fluharty
Robert G. Frank, Jr.
Gary Galbraith (alt.)
Margaret Haberland
Kathleen Komar (absent)
Jodie Kreiman (alt.)
Steven Loza (absent)
Vickie Mays (absent)
Jane Valentine
Jaime Villablanca (absent)

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David Gardner (alt.)
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Stan Glantz
Lawrence Pitts (absent)

Santa Barbara (3)

Richard Church
Mary Hegarty
Ann M. Plane (absent)

Santa Cruz (2)

Quentin Williams

Secretary/Parliamentarian

Peter Berck

**REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE
APPROVED MINUTES OF MEETING
JUNE 14, 2006 VIA TELECONFERENCE
10:00 A.M. – 2:00 P.M.**

I. ROLL CALL OF MEMBERS

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, June 14, 2006, via teleconference. Academic Senate Chair John Oakley presided. 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. Academic Senate Executive Director Mariá 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 regular meeting of May 10, 2006, as noticed.

III. ANNOUNCEMENTS BY THE PRESIDENT

- **Robert C. Dynes**

President Dynes' [Report to the Academic Assembly](#) was distributed electronically prior to the meeting. The Assembly wishes to express appreciation for its advance receipt of the President's written remarks, and for the opportunity to directly interact with President Dynes, who reported on the following:

May Meeting of the Board of Regents: The Regents focused heavily on UC compensation issues, and endorsed the recommendations of the Task Force on UC Compensation, Accountability and Transparency. President Dynes reported on his conversations with The Regents regarding his plans to move the University forward and strengthen relationships with The Regents. He intends to aggressively implement the [five-part action plan](#), including a comprehensive human resources information system that will allow recognition of what compensation plans are within University policy. A committee has been charged to implement the Task Force recommendations, and includes faculty representation. Additional items covered at the May Regents' meeting include: an update on the UC Digital Library; no further action by The Regents regarding plans to restart contributions to the University of California Retirement Plan (UCRP) on July 1, 2007; and the UC and state budgets.

Faculty Diversity Summit: President Dynes reported that the summit was a great success, as the campuses have signed onto the report presented by the Faculty Diversity Task Force. Campus chancellors intend to use the report as their campus blueprint, and are expected to report back to President Dynes in one year regarding implementation and progress.

UCOP Appointments: Rory Hume has been appointed permanent Provost and Senior Vice President of Academic and Health Affairs, Jeff Blair as acting General Counsel, and Marie Berggren as new Chief Investment Officer and Vice President for Investments.

Questions, Answers and Comments

Question: Could you provide details on the Faculty Diversity Summit, and were there any specific requests for action?

Answer: The Task Force report is general in scope to allow adaptation to the unique characteristics of each campus. It includes action items for the campuses pertaining to search committees, accountability, performance awards in faculty diversity, and other recommendations. The report calls for campuses to follow-up in three years, but I expect a progress report next year.

Question: What progress has been made to update and reorganize the UC Office of the President (UCOP), including the reassignment of certain duties to campuses?

Answer: We are currently looking at all aspects of UCOP, and have recognized that inefficiencies flow from UCOP to the campuses, and vice versa. UCOP currently employs approximately 1500 people, and a joint administrative-Senate task force has been charged to study growth in administrative spending relative to general spending. Members include three Senate representatives (Stan Glantz, Henning Bohn and John Oakley), Provost Hume, Senior Vice President Darling, and Associate Vice President Boyette, and the group is to begin work after July 1. Concerning the proposed reorganization of UCOP, I am dedicated, as is the Academic Senate, to ensuring the academic character of UCOP remains unchanged.

Question: Concerning nonresident tuition, are you willing to take the position that campuses have the discretion not to collect nonresident tuition, if they so choose?

Answer: First, almost all nonresident tuition collected by the campuses goes back to the campuses as “green money,” to be used in a variety of ways as they may decide. Second, we prefer not to challenge state law that requires UC to charge nonresident tuition, and instead cover the costs and reallocate the money to the campuses.

Comment: So far, we have been unsuccessful in identifying the state law you are referring to, and would like to receive a report from your office on UC’s legal obligations regarding nonresident tuition.

Reply: The Senate can expect a report from Vice President Hershman on this issue in the near future.

Question: The faculty’s memorial to The Regents, requesting the elimination of nonresident tuition at the systemwide level, passed by 83 percent – what are your plans for implementing this vote, specifically in regards to your budget presentation to The Regents?

Answer: The campuses bear a large burden in making this happen, in deciding to use the money allotted to each campus in the UC budget process for the purpose of eliminating nonresident tuition.

Comment: The memorial calls for the elimination of nonresident tuition from The Regents’ budget altogether, not the continual recycling of funds from UCOP to the campuses, where money tends to disappear.

Question: Will the increased marginal cost formula, as agreed to by the state and included in next year's budget, be an ongoing commitment from the state?

Answer: Yes.

Follow-up Question: Certain campuses are allowed to overshoot their enrollment targets, which is unfair to the newer campuses. Enrollment figures should be balanced across the system. How do you intend to better manage enrollment growth at the campuses?

Answer: Several campuses have missed their enrollment targets for growth – both above and below. To address this situation, I've made clear that we need to increase our management of the admissions processes at the campuses by improving our information systems, and better tracking student enrollment. Enrollment figures often balance out over a few years, for example, last year UC Davis enrolled 1000 students less than it had projected, but this year UC Davis enrolled an extra 1000 students.

Question: What is your strategy for fulfilling the UCLA chancellor's responsibilities, especially with Chancellor Carnesale's impending departure?

Answer: We are actively working to fill the acting UCLA chancellor position right now.

Question: What plans do you have to increase faculty salaries?

Answer: We first need to gather all the facts concerning faculty salaries, including the information that will be gathered by the joint task force that I referenced earlier. It is important to push as hard as possible to get faculty salaries up to market as soon as possible. The UC budget is fully funded in accordance with the Compact with the Governor this year, including for salaries.

Question: What can we expect regarding a potential UC bid for the Lawrence Livermore National Laboratory (LLNL)?

Answer: Although The Regents have not yet made their decision, my personal view is that UC overseeing both national laboratories is a large benefit to the nation. The Academic Council Special Committee on the National Labs (ACSCONL) is carefully evaluating how Los Alamos is evolving before deciding to endorse a potential LLNL bid.

Question: Assuming the \$200 million education bond measure passes in November, how will the funding be used at UC?

Answer: The funding is not part of this year's UC budget, and if it passes, will be allocated over a two year period. The bond will be used for the expansion of existing medical school facilities, including medical education programs serving underserved locations in the state. The medical schools have been involved in identifying the specific programs that should be expanded.

Question: Regarding UCPB's "[Futures Report](#)," would you agree to making copies available to the Legislature and media outlets, to stimulate broad discussion and begin to build public consensus for the need to rebuild UC?

Answer: Yes. The Futures Report will add to my arguments and testimony over the past two years concerning these issues.

Question: Do you have any plans for renegotiating the Compact with the Governor, given the gubernatorial election this November?

Answer: Yes, and we are working on such negotiations now, before the election, to place UC at the forefront of the candidates' minds. The current governor understands the economic and social value of UC, and knows that the Compact does not represent a funding ceiling. Funding opportunities are unlimited under the current Compact, and now is the time to push the upper boundaries of the Compact and not renegotiate.

IV. ANNOUNCEMENTS BY THE CHAIR

- **John Oakley**

Update on UCOP and The Regents. Chair Oakley reported that the Senate looks forward to a close relationship with Provost Hume now that The Regents have officially appointed him permanent provost. Other senior management-level searches currently ongoing at UCOP include those for general counsel, the LLNL director who will lead a potential bid for the laboratory, vice provost for planning and budget, vice provost for student affairs, chief financial officer, compliance officer, chancellors at UC Merced and UC Los Angeles, and the Agriculture and Natural Resources director. All of these searches will involve faculty representatives, except for the compliance officer who is a direct report to The Regents.

V. SPECIAL ORDERS (none)

VI. REPORTS OF SPECIAL COMMITTEES (none)

VII. REPORTS OF STANDING COMMITTEES

A. Academic Council

- **John Oakley**

1. Proposed Principles on Private Funding for Senior Leadership Salaries at the Level of Dean and Above (action)

REPORT: The University Committee on Planning and Budget (UCPB) agreed to explore the question of private funding for senior managers at the level of dean and above. UCPB was prompted by the Assembly's November 9, 2005, resolution in opposition to RE-61, Recommendation C, a proposal that was at that time under consideration by the Board of Regents to augment funding of certain senior leadership positions with private funds, but then subsequently withdrawn. UCPB developed a set of principles, which underwent systemwide Senate review by all Senate committees and divisions, and were thereafter approved by the Academic Council on May 24, 2006. UCPB Chair Glantz reported that the principles treat private fundraising efforts as a limited resource that should be focused on UC's academic mission, and he looks forward to the Assembly's endorsement today.

DISCUSSION: One Assembly member wished to make clear that policy recommendation 2, concerning fundraising for faculty salaries, is directed towards endowed chairs and not general faculty. Chair Oakley confirmed that was the purpose of policy recommendation 2.

ACTION: *The Academic Assembly unanimously endorsed the Proposed Principles on Private Funding for Senior Leadership Salaries at the Level of Dean and Above, for transmittal to President Dynes for adoption as University guidelines and policy.*

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

REPORT: On June 1, 2006, UC entered into a new modality of laboratory management by way of the Los Alamos National Security LLC (LANS LLC). During the bidding and transition phases, however, concerns have been raised about a possible mutation of the nature of UC's involvement because the agreement between UC and its industrial partners in LANS LLC was not disclosed to the faculty and others, and there has been no apparent effort to involve the faculty in oversight of the labs. This concern is rooted in the notion that if UC is to oversee quality science at LANS LLC and ensure the UC retains an academic presence at the labs, it would need considerable involvement of members of the Academic Senate. To this end, ACSCONL, at its meeting on June 13, 2006, reached the following agreement: (1) to allow ACSCONL and the UCPB Chair full inspection of the terms of the LANS LLC internal operating agreement; and (2) work to recreate an equivalent form of the former LANL President's Council and oversight panels within the new LANS LLC arrangement, involving Senate faculty. The latter arrangement will be detailed in a forthcoming ACSCONL proposal to the Academic Council, which will outline the Senate's expectation of faculty involvement.

DISCUSSION: UCPB Chair Glantz noted that this proposal is a step forward, however UCPB still sees a need for much broader public disclosure of the LANS LLC agreement, as well as a complete set of responses to UCPB's prior inquiries about the new arrangement. Chair Oakley agreed, and stated that faculty support of a potential bid for the Lawrence Livermore National Laboratory in the fall is not yet assured, and should be informed by their inspection of the LANS LLC internal operating agreement. UCPB Chair Glantz and a few other Assembly members maintained concerns about UC's involvement in a for-profit business, with unclear conflict of interest and conflict of commitment standards.

3. Report from the Academic Council Work Group on the Science and Mathematics Initiative (SMIG) (oral report)

- Alice Agogino, Chair

REPORT: SMIG Chair Agogino reported that SMIG has prepared a proposal concerning recommendations for the future of SMIG, which will be presented to the Academic Council for approval at its June 21, 2006, meeting.

4. Academic Assembly Meeting Schedule, 2006-07 (information)

REPORT: Chair Oakley referred Assembly members to the list of Assembly meeting dates for 2006-07, as required by Senate Bylaw 110. He also noted his intent to hold two face-to-face meeting next year, one in the fall and one at the end of the academic year.

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

- Michael T. Brown, Chair

REPORT: BOARS Chair Brown reported that BOARS will conclude its study on the honors bump soon, without issuing recommendations to eliminate the honors bump in determining UC eligibility at this time despite many equity and educational reasons to do so. BOARS is also closely evaluating the difference in admissions rates for different ethnic groups at various campuses. BOARS Chair Brown concluded by directing Assembly members to the *Inclusiveness Indicators*, on page 23 of the Assembly bluebook, which were developed by BOARS to guide admissions policy in the future. BOARS intends to publish the *Indicators* on

its website, and hopes that the data will join other admissions-related materials on UCOP's website as well.

DISCUSSION: Assembly members asked questions regarding BOARS' findings on the honors bump, and their decision not to recommend its elimination. BOARS Chair Brown noted several factors that BOARS considered, including possible negative effects on students' decisions to take rigorous honors-level coursework. In the end, BOARS will now focus on more critical issues such as how to determine UC eligibility in the first place. BOARS will prepare a final report on its considerations regarding the honors bump as well.

C. University Committee on Education Policy (UCEP) (oral report)

- **Denise Segura, Chair**

REPORT: UCEP Chair Segura updated the Assembly on UCEP's joint effort with BOARS to implement Senate Regulations 477 and 478, concerning transfer and streamlining transfer curriculum. UCEP is also working with the Coordinating Committee on Graduate Affairs (CCGA) on a report and recommendations on the role of graduate student instruction at UC. Finally, UCEP is developing a discussion document concerning summer session guidelines. The latter two documents will be presented to the Academic Council for further action before the end of the academic year.

DISCUSSION: One Assembly member inquired about UC's coordination with the California State University (CSU) system regarding streamlining the transfer process for students from the California Community Colleges (CCC). UCEP Chair Segura noted that the CCCs are anxious to provide feedback to both UC and CSU, and UC will follow-up with them this summer. The target date for partial rollout of the streamlining initiative is sometime in the fall.

D. University Committee on Academic Personnel (UCAP) (oral report)

- **Anthony Norman, Chair**

REPORT: UCAP Chair Norman reported that the committee has revised its proposal to change APM 220.18(b), concerning the standards necessary to advance from professor VI to above-scale. The proposed changes will go out for Senate review to all systemwide committees and divisions in the fall. Further, UCAP's most recent accomplishment is the completion of a report on faculty off-scale salaries, written at the request of the Academic Council this spring. UCAP collected data from Assistant Vice President Switkes for 2004-05, which showed UC no longer has one salary scale, and by 2005, 63 percent of the professor series will receive off-scale salaries. UCAP Chair Norman noted that the driving force behind these figures is that UC salaries are so far behind the Competition Eight – at present UC is at least 10 percent behind, and UC will be 12 percent behind next fiscal year. The UCAP report concludes that competitive faculty salaries are essential to maintaining a competitive University. The report announces principles, policies and steps for implementation, and upon Academic Council action this month, will most likely go out for systemwide Senate review in the fall.

DISCUSSION: A UC Berkeley Representative pointed out that off-scale salary policies are different across all campuses, and that Berkeley is proud of its review process in promotion and appointments. UCAP Chair Norman concurred, noting that Berkeley is commended in the UCAP report on this point. Other Assembly members asked questions about the report, such as whether cost of living is considered in determining an equitable faculty salary scale, and how faculty should be included in setting salary scales. UCAP Chair Norman replied that the report

does not include this level of detail, and that members should submit such comments and suggestions to their divisions and/or appropriate systemwide Senate committees for inclusion in the Senate review process in the fall. The ad hoc committee that will be charged with implementing the UCAP report will explore such comments as well. He also stated that UCAP was well represented by faculty members from the UC medical and professional schools, who addressed salary concerns specific to those disciplines in the writing of the UCAP report. UCAP Chair Norman then noted his apologies for not having the report available to Assembly members today. Lastly, Assembly members complemented UCAP for a job well done.

E. University Committee on Faculty Welfare (UCFW) (oral report)

- **Raymond Russell, Chair**

REPORT: UCFW Chair Russell referred Assembly members to the Academic Senate [memorandum](#) to all Senate faculty regarding the resumption of contributions to UCRP, produced by UCFW at the request of the Assembly in May. Chair Russell also provided an update on UCFW's work this year concerning faculty parking, and the committee's attempt to align the 2002 Senate Parking Principles with the 2002 UCOP Parking Principles. UCFW's main concerns include the use of parking fees by campuses for non-parking related purposes; faculty paying for the construction of surface parking spaces that are later destroyed, and paying again for more expensive parking garage spaces; and the lack of formal consultation with the Senate in campus parking decision-making and budget processes. UCFW is currently negotiating with UCOP administrators, including Associate Vice President Boyette and Vice President Hershman, and expects to continue with this issue next year.

F. University Committee on Planning and Budget (UCPB) (oral report)

- **Stanton Glantz, Chair**

REPORT: UCPB Chair Glantz reported that UCPB has been very active this year. In addition to routine committee business, UCPB has offered four main contributions: joint UCPB-UCFW positions in response to UC compensation issues; development of a review protocol for the California Institutes for Science and Innovation (CalISI), along with the University Committee on Research Policy (UCORP), and accepted by Provost Hume; active questioning of the Los Alamos National Laboratory contract; and completion of the UCPB "Futures Report," included in the Assembly bluebook. Chair Glantz noted that the Futures Report was developed out of concern that the UC budget is created year-to-year, without looking at long term implications. The Report does not make any conclusions or recommendations, but projects the impact of four current and alternative budget scenarios on areas such as student fees and access, faculty and employee salaries, graduate education, and the role of private fundraising. Chair Glantz offered his view that the only viable solution is for UC to regain public support, which will require an enormous amount of energy. His hope is for broad distribution and discussion of the Futures Report, and requested the Assembly's support in this effort.

VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)

IX. PETITIONS OF STUDENTS (none)

X. UNFINISHED BUSINESS (none)

XI. NEW BUSINESS

Faculty Parking

ISSUE: UC Davis Assembly Representative Judith Stern requested at the May 10, 2006, Assembly meeting future discussion of a proposal to help fund parking through a tax on new construction or major renovation. The UC Davis Draft Transportation Principles are included in the Assembly bluebook for discussion as well.

REPORT: Representative Stern proposed that UC adopt the Draft Davis Transportation Principles, which are based on a Stanford model. She noted that UC parking policy is ripe for change due to its impact on a faculty member's ability to work.

DISCUSSION: One Assembly member noted that the UCLA campus does not wish to discourage the use of parking fees to subsidize alternative modes of transportation, such as bike paths, busses and shuttles. Representative Stern replied that the Principles do not seek to minimize alternative transportation, but gain greater equity for those who pay to park on campus. UCFW Chair Russell offered to discuss the UC Davis Transportation Principles with UCFW, and possibly include them in UCFW's negotiations with UCOP administrators next year.

ACTION: This item will be placed on the Assembly and UCFW 2006-07 agendas for further discussion and consideration.

Meeting adjourned at 2:00 p.m.

Attest: John Oakley, Academic Senate Chair

Minutes Prepared by: Michelle Ruskofsky, Academic Senate Analyst

Distribution: President Robert C. Dynes, [Discussion Topics](#) for the Meeting of the Assembly of the Academic Senate, Wednesday, June 14, 2006.

Appendix A 2005-06 Assembly Attendance Record, Meeting of June 14, 2006

President of the University:

Robert C. Dynes

Academic Council Members:

John Oakley, Chair

Michael T. Brown, 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 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 (absent)

Kyriakos Komvopoulos

Joseph Napoli (alt.)

Bernard Sadoulet

Herb Strauss

Barrie Thorne (alt.)

Davis (6)

Andrea J. Fascetti (absent)

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 (absent)

Dalila Corry

Robert G. Frank, Jr.

Neal Garrett (alt.)

Margaret Haberland

Margaret Jacob (absent)

Kathleen Komar

Jody Kreiman (alt.)

Vickie Mays (absent)

Tansmeem Naqvi (alt.)

Alex Ortega (alt.)

Jane Valentine

Jaime Villablanca

Merced (1)

Arnold D. Kim (absent)

David Ojcius (alt.)

Riverside (2)

Joseph W. Childers

Emory Elliot

San Diego (4)

Alain J-J Cohen (alt.)

Igor Grant (absent)

David Luft

T. Guy Masters (alt.)

Thomas O'Neil (absent)

Barbara Sawrey (absent)

Andrew Scull (alt.)

San Francisco (3)

Dan Bikle

David Gardner (alt.)

Barbara Gerbert

Lawrence Pitts (absent)

Santa Barbara (3)

Richard Church

Mary Hegarty

Joel Michaelson (alt.)

Ann M. Plane (absent)

Santa Cruz (2)

George Blumenthal

Quentin Williams

Secretary/Parliamentarian

Jean Olson

III. ANNOUNCEMENTS BY THE PRESIDENT (BY WRITTEN REPORT)

- **Robert C. Dynes**

IV. ANNOUNCEMENTS BY THE PROVOST

- **Wyatt. R. Hume**

V. ANNOUNCEMENTS BY THE CHAIR

- **John B. Oakley**

VI. SPECIAL ORDERS

Consent Calendar

Divisional Legislation - Berkeley, Request for a Variance to Senate Regulation 730 to Allow Notation of Designated Emphases (DEs) on UC Berkeley Diplomas (action)

At its June 21, 2006, meeting, the Academic Council approved the Berkeley Senate's request for a variance to [Senate Regulation 730](#) in order to note designated emphases on UC Berkeley Ph.D. diplomas. Council's approval was provisional, in accordance with [Senate Bylaw 125.B.6](#), which states that "if a proposed Divisional Regulation, which has been submitted to the Assembly of the Academic Senate for approval, is at variance with Universitywide Regulations and cannot be included in the agenda of a regular Assembly meeting to be held within sixty calendar days after Divisional action, the Academic Council, with the advice of the appropriate University Senate committees, is authorized to approve provisionally such proposed Regulations. Such approval is effective until the end of the next following term in which a regular Assembly meeting is held. Such approval must be reported to the Assembly. [See [Bylaw 115.F](#) and [Bylaw 206.D](#)] (CC 9 March 05)."

PROPOSED ACTION: **Approval of the request for a variance to Senate Regulation 730, which would allow the Berkeley Division to note Designated Emphases (DEs) on Ph.D. diplomas.**

Background and Justification

The Divisional Council and the Graduate Council of the Berkeley Division have endorsed the request to add a notation on diplomas when a student successfully completes graduate coursework for a DE. UC Berkeley's "Academic Program/Unit Definition and Nomenclature" defines a DE as follows.

The designated emphasis is an area of focus, such as a new method of inquiry or an important field of application that is relevant to two or more existing doctoral degree programs. A designated emphasis is similar to a minor, but at the graduate level. However, because of its interdisciplinary nature, it differs from a specialization or a concentration within a major in that it is a program administered by an approved graduate group. A designated emphasis is designed to complement existing Ph.D. programs and to provide opportunities for interdisciplinary study

with faculty from other departments. Students are required to complete the academic work in the area of specialization in addition to all the requirements of the doctoral program.

UC Berkeley currently offers the following six DEs:

Film Studies

Communication

Computation and Statistics

Computational & Genomic Biology

Nanoscale Science & Engineering

New Media

Women, Gender, and Sexuality

The Berkeley Graduate Council is currently is considering a proposal for a seventh DE in Energy, Science, and Technology.

SENATE REGULATION 730:

Except as specified in Regulations [732](#) and [734](#), each diploma, certificate or other formal academic testimonial proposed for regular use in the University by its agencies or officers is subject to the approval of the Assembly or its agent on recommendation of the Division concerned. (Am 24 May 68).

ACTION REQUESTED: Approval of the following proposed variance:

Berkeley

Diploma Notation for Designated Emphasis

The wording on graduate diplomas will read as follows:

“Having Demonstrated Ability by Original Research in X with a Designated Emphasis in Y”, where X is the Ph.D. program and Y is the designated emphasis program.

VII. REPORTS OF SPECIAL COMMITTEES (none)

VIII. REPORTS OF STANDING COMMITTEES

Academic Council

- **John B. Oakley, Chair**

1. **Nomination and Election of the Vice Chair of the Assembly for 2007-2008 (action)**

Senate Bylaw 110. A., which governs the election of the Vice Chair of the Assembly, states: “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.” In accordance with this bylaw, the Academic Council is submitting its nomination of Professor Mary Croughan for the 2007-2008 Vice Chair of the Assembly. Professor Croughan was selected as the Council’s nominee at its January 24, 2007, meeting. Professor Croughan’s qualifications and personal statement are as follows:

Mary S. Croughan

**Professor In Residence, Dept of Obstetrics, Gynecology, and Reproductive Sciences
University of California, San Francisco**

Education

B.S.	1982	Community Health	University of California, Davis
Ph.D.	1987	Epidemiology	The Johns Hopkins University School of Hygiene and Public Health

Employment

1987-96	Assistant Research Epidemiologist and Assistant Adjunct Professor, UCSF
1996-02	Associate Professor In Residence, UCSF
2002- present	Professor In Residence, UCSF

Selected Honors

1987	Johns Hopkins University School of Hygiene and Public Health, Student Assembly's Award for Student Service
1998	UCSF Chancellor's Award for the Advancement of Women
1998	RESOLVE of Northern California Volunteer of the Year Award
1998	UCSF Center for Gender Equity’s Outstanding Service Award
2001	UCSF Academic Senate's Distinction in Teaching Award
2001	Academy of Medical Educators, School of Medicine, UCSF
2005-06	UCSF-Coro Faculty Leadership Collaborative: Participant

Selected Service to the University of California

2000-02, 06-07	Academic Assembly Member
2004- present	University Committee on Academic Personnel (UCAP): UCSF representative 2004-05; Vice Chair 2005-06; Chair 2006-07

2006-07 Academic Council Member
2006-07 President's Work Group on Faculty Salary Scales

Selected Service to the University of California, San Francisco

1991-00 Chancellors Advisory Committee on the Status of Women: Member 1991-2000; Vice-chair 1994-96; Chair 1996-98; UCSF Faculty Women's Leadership sub-Committee 1994-now; Working Women Count Survey Research sub-Committee Chair 1994-99; Fairness and Promotions sub-Committee 2000-01.
1991-94 Committee on Curriculum and Educational Policy, School of Medicine
1991-01 First Year Course Committee, Chair 1991-94
1992-97 Student Conflict Resolution Survey: Faculty Advisor to student survey groups in Schools of Medicine, Dentistry, and Pharmacy
1993-99 Faculty Council, School of Medicine
1997 Academic Mission Committee of the UCSF/Stanford Clinical Design Effort
1998-04 Vice Chair, Department of Family and Community Medicine
2000-02 Chancellor's Committee on Faculty Climate
2000-02 Chancellor's Committee on Staff Salary Equity
2000-02 Academic Senate Coordinating Committee
2001-05 Academic Senate Task Force on Mentoring: Chair
2001-03 Academic Senate Committee on Equal Opportunity
2002-03 Task Force on Faculty Life at UCSF
2003-06 Chancellor's Council on Faculty Life
2003-06 Committee on Academic Personnel (CAP): Vice Chair 2005-06

Mary S. Croughan
Statement of Challenges and Priorities for the Academic Senate

The Academic Senate has attained a strong and respected role in the shared governance of the University of California. Having attained this role, it is important that we continue to critically examine the current state of the University and that we fully participate in finding creative solutions. While the University of California continues to be a pre-eminent University and arguably the best public University, it is clear that the quality of our institution is declining. We are facing a crisis with regard to University funding, with concomitant effects on faculty recruitment and retention, faculty salaries and benefits, staff salaries and benefits, and research funding. We have seen erosion of the student-faculty ratio, increases in student fees, declining recruitment of under-represented minorities, and reduced recruitment of exceptional graduate students. Faculty morale is low, and the reputation and needs of the University are being questioned by the public and by the media.

While the current state of affairs is grim, I believe that the Academic Senate can exert a strong and positive influence. The critical budget analyses undertaken by UCPB and presented in their "Futures Report" is a wonderful example of how the Senate can proactively address critical issues. Moreover, the professional expertise and in-house knowledge provided by UCFW in their critical evaluation of the Mercer Report will have a significant influence on our revised benefit plans. In spite of limited funding, Senate initiatives have been undertaken at individual campuses to address faculty mentoring, research

funding gaps, and faculty morale. These initiatives can now be evaluated for potential system-wide implementation.

In addition to critically evaluating the current state of affairs and proposing solutions, I believe that the Senate needs to *pro-actively* address issues and concerns. Faculty salaries are lagging behind our comparison institutions, however, the media is likely to present a picture of opulence. Both UCAP and the President's Work Group on Faculty Salaries are working to create a transparent and rational salary system. I believe that the political and intellectual power of the Academic Senate is essential to this effort to revise and improve faculty salary scales *before* there is further erosion in faculty welfare or in the public's confidence in the University.

In summary, I think the Academic Senate is well positioned to thoughtfully address the important issues facing the University of California. The current Senate leadership has worked hard to establish trust and respect in their working relationships with the Academic Senate staff, the Office of the President, and with the Regents. As vice Chair and subsequently Chair of the Academic Council and Academic Assembly, I will do my best to continue to promote this climate of trust, integrity, and honesty. I will serve as a voice for *all* faculty as I work diligently to address the serious issues facing the University. I am devoted to the University of California, and to the faculty, staff, and students who comprise this great institution. I will do my best to serve you well.

ACTION REQUESTED: Election of the 2007-2008 Assembly Vice Chair

VIII. REPORTS OF STANDING COMMITTEES (continued)

Academic Council (continued)

- **John B. Oakley, Chair**
- **Michael Brown, Chair, Academic Council Subcommittee on Systemwide Senate Leadership and Office Structure**
 2. Amendment to Academic Senate Bylaw 110 A. Officers and Consultants of the Assembly - Chairs and Vice Chairs (**action**)

Proposed New Senate Bylaw 110.A. 4 – Suspension and Removal of Officers of the Assembly

In accordance with [Senate Bylaw 116. Authority of the Assembly – Part II. E.](#), “The Assembly is authorized to approve modifications to the University Academic Senate legislation. . . . Except for Bylaws marked “[Protected – see Bylaw 116.E]”, modification of Bylaws requires the approval of two-thirds of all voting member of the Assembly present; modification of Regulations requires the approval of a majority of all voting members of the Assembly present. . . . Modifications of legislation shall take effect immediately following approval unless a different date is specified or required.”

The following proposed amendment to [Senate Bylaw 110.A](#) was approved by the Academic Council at its meeting of January 24, 2007.

PROPOSED ACTION: Approval of the proposed Senate Bylaw 110.A.4

Background and Justification

In academic year 2005-06, an ambiguity in the bylaws of the Academic Senate surfaced concerning: (1) whether or not an officer of the Academic Senate could be removed from office; and (2) the procedure for effecting the removal. The University Committee on Rules and Jurisdiction (UCRJ) identified Senate Bylaw 35.D.5 as the authoritative source to effect removal. It reads as follows:

Bylaws of the University of California Academic Senate

Part I: Membership, Authority and Organization

Title IV. Committees

35. Membership of Committees

D. Method of Appointment

5. A systemwide Senate agency may by a two-thirds vote, revoke any appointment it has previously made. Prior to revoking an appointment, the agency shall give notice to the appointee, including reasons for the proposed revocation, and provide the appointee with an opportunity to respond.

The applicability of Senate Bylaw 35.D.5, however, was repeatedly questioned during the initial phases of the 2005-06 Academic Council Chair’s removal. For example, does Senate Bylaw

35.D.5 apply only to appointed committee members, and not elected Senate officers; and are the Academic Council and Academic Assembly properly understood to be “agencies” of the systemwide Senate? The final ruling of UCRJ concluded that Senate Bylaw 35.D.5 could be applied to the removal of a Senate officer, especially given the inherent right of any organization to remove an officer or director from office for cause by the same authority that elected or appointed them (see Sturgis, 4th ed., p. 173). UCRJ also offered the following legislative ruling:

The Assembly has the power to remove an officer of the Assembly with a two-thirds vote under Bylaw 35.D.5. The Assembly should only remove an officer for valid reasons, and the Assembly should provide for adequate notice to the accused officer, a fair hearing, the right to counsel, and a reasonable opportunity for the officer to present a defense. Nothing in the current bylaws specifies the standards or procedures to be used for judging what constitute valid reasons for removal of an officer, adequate notice to the accused officer, a fair hearing, the right to counsel, or a reasonable opportunity for the officer to present a defense; therefore, the Assembly must decide these questions. The Assembly has both the authority and the responsibility for these decisions.

Following the removal proceedings conducted by the Academic Assembly in March 2006, the Academic Council decided that the Academic Senate needed a removal provision that was clearly applicable and responsive to the concerns listed in UCRJ’s legislative ruling. The Academic Council therefore established the Academic Council Subcommittee on Systemwide Senate Leadership and Office Structure to, among other activities, write and recommend an appropriate bylaw provision that addresses all of the concerns voiced during the period leading up to the removal of the 2005-06 Academic Council Chair, especially regarding due process and the removal authority of the agencies of the systemwide Academic Senate. An amendment to Senate Bylaw 110.A, the bylaw concerning the election and duties of the officers of the Assembly (the Chair and Vice Chair of the Academic Assembly), was judged to be the appropriate location to insert a removal provision concerning those officers.

Importantly, the proposed bylaw makes explicit what has been implicit in the Code of the Academic Senate: that the Academic Senate is parliamentary. In a presidential system of government, there is a strictly held separation of powers between the executive and legislative branches. The branches have independent powers, are independently elected, and check and balance each other. In contradistinction, parliamentary executives, those responsible for the day-to-day management of the set of institutions comprising the government, are dependent upon the direct and indirect support of the legislature, who are those members of a representative assembly empowered to adopt laws for the governed. Parliamentary executives serve at the pleasure of the representative body and hold office as long as the "confidence of the house" is maintained. If members of the legislative body lose faith in the officer, they can call for a vote of no confidence and compel the officer to resign. Under current Academic Senate Bylaws a vote of no confidence is passed by a majority vote.

The proposed bylaw no longer leaves the Academic Senate’s parliamentary system of government and the accountability of the Academic Senates’ officers to implication.

Proposed Amendment to Senate Bylaw 110.A
(Proposed language is noted in bold and underlined.)

110. Officers and Consultants of the Assembly

A. Chair and Vice Chair

B. 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.
3. Duties
 - a. The Chair, or in the absence or disability of the Chair, the Vice Chair, shall preside at meetings of the Assembly. The Chair may present to any Division or Senate committee any matter within its jurisdiction.
 - b. Prior to July first each year the Chair of the Assembly, in consultation with the President of the Senate and the Academic Council, shall schedule at least three regular meetings of the Assembly for the ensuing academic year. With majority approval by the Academic Council, the Chair may cancel a regular meeting, but there must be at least one regular meeting in each academic year.
 - c. Special meetings may be called by the President of the Senate or by the Chair of the Assembly. Such meetings must be called by the Chair, or where appropriate by the Vice Chair, on the written request of a Division, of twenty-five voting members of the Academic Senate, or of seven members of the Assembly. The Academic Council may cancel a special meeting requested by a Division if the Division so asks. (Am 12 May 2004)
 - d. With the concurrence of a majority of the Academic Council an emergency meeting of the Assembly may be

- called by the Chair of the Assembly, or in the Chair's absence or disability, by the Vice Chair.
- e. The Chair, in consultation with the Academic Council, shall set the agenda for every Assembly meeting in accordance with the provisions of [Bylaw 120.C](#). On the written request of a Division, of fifteen voting members of the Academic Senate, or of four members of the Assembly, the Chair shall include in the agenda any item of business within the authority of the Assembly.
 - f. The Chair shall send Memorials to the President for transmission to the Regents, in accordance with the provisions of [Bylaw 90](#).
 - g. The Chair and Vice Chair shall serve, respectively, *ex officio* as Chair and Vice Chair of the Academic Council [see [Bylaw 125.A](#)]. Both the Chair and the Vice Chair shall serve as *ex officio* members of the, the University Committee on Committees [see [Bylaw 150.A](#)], and as non-voting *ex officio* members of all committees of the Assembly except for the Committee on Rules and Jurisdiction [see [Bylaw 205.A](#)]. (Am 28 May 2003)
 - h. The Chair receives petitions of students or other materials for presentation to the Assembly and may refer them to an appropriate committee. (En 12 May 2004)

4. Suspension and Removal

Elected officers of the Assembly may be suspended from office by action of the Assembly or of the Academic Council, and may subsequently be removed from office by action of the Assembly. In any emergency, regular, or special meeting of the Assembly or Academic Council for which the proposed action is noticed, any member may move to suspend an elected officer from office. The notice of the proposed action must state the proposed reasons for suspending the person from office. The discussion and action must be considered in a closed face-to-face session. The officer who is the subject of the suspension motion shall not preside during discussion of the motion. The suspension motion requires an affirmative vote of a majority of the members present to pass. If the suspension motion carries, the officer who is the subject of the motion is immediately suspended from office and relieved of all duties and responsibilities associated with the elected Senate office. The suspended officer is no longer empowered to represent the Senate in any way. At its next emergency, regular, or special meeting, which shall be held no later than 30 days following the action to suspend, the Assembly must decide whether to

remove the suspended officer from office. This item must be noticed in the Assembly's agenda. Any officer so suspended shall have the right at this meeting of the Assembly to present his or her case against removal from office. For this purpose, the suspended officer shall be granted such time as agreed to with the presiding officer but not less than one hour. The suspended officer shall also have the right, at personal expense, to be aided or represented by another person during the proceedings concerning removal. Removal requires an affirmative vote of the majority of the Assembly members present. If the action to remove the officer fails to carry, the person shall immediately return to office with all its duties and responsibilities.

ACTION REQUESTED: Approval of proposed Senate Bylaw 110A.4.-Suspension and Removal (Chair and Vice Chair of the Academic Assembly)

VIII. REPORTS OF STANDING COMMITTEES (continued)

Academic Council (continued)

- John B. Oakley, Chair
 - Michael Brown, Chair, Academic Council Subcommittee on Systemwide Senate Leadership and Office Structure
3. Proposed New Academic Senate Bylaw 16. Executive Director of the Academic Senate

In accordance with [Senate Bylaw 116. Authority of the Assembly – Part II. E.](#), “The Assembly is authorized to approve modifications to the University Academic Senate legislation. . . . Except for Bylaws marked “[Protected – see Bylaw 116.E]”, modification of Bylaws requires the approval of two-thirds of all voting member of the Assembly present; modification of Regulations requires the approval of a majority of all voting members of the Assembly present. . . . Modifications of legislation shall take effect immediately following approval unless a different date is specified or required.”

Following systemwide review initiated by the Academic Council on July 26, 2006, proposed new Senate Bylaw 16 was approved by the Academic Council at its January 24, 2007, meeting. It has been found to be consonant with the Code of the Academic Senate by the University Committee on Rules and Jurisdiction (UCR&J). Further, the University Committee on Academic Personnel (UCAP) has requested that the divisions of the Academic Senate consider adopting a similar bylaw for many of the same reasons noted in the justification, below.¹

PROPOSED ACTION: Approval of the addition of Senate Bylaw 16 to [Title II \(Officers\) of the Bylaws of the Academic Senate](#), and approval of the Policies and Procedures applicable to Senate Bylaw 16.

Justification

Currently, the systemwide Academic Senate and each divisional Senate have an Executive Director or Chief Administrative Officer in the Managers and Senior Professionals (“MSP”) series who has executive responsibility for the administration of the systemwide and divisional Senate offices. Over the past several years, significant changes have been made at both the Systemwide and Divisional levels to ensure that a high level of professional support is available for faculty who help fulfill the charge of the Academic Senate in shared governance. The inclusion of the Executive Director position in the section of the Bylaws dealing with officers of the Academic Senate is intended to ensure appropriate recognition by administrative bodies of the critical importance of the Executive Director, as a non-Senate officer of the Academic Senate, to the effective functioning of the Senate as it fulfills its shared-governance responsibilities. The Assembly of the Academic Senate wishes to acknowledge the essential role

¹ However, the Senate divisions should note that the exact provisions of proposed policies and procedures of Senate Bylaw 16, would not apply directly to the divisions as written here. For example, at the Systemwide level the Senate Executive Director and the President are employees of the University of California Office of the President (UCOP) and therefore bounded by UCOP policies; the Senate Chair is not an employee of UCOP. At the divisional level, Divisional Senate Executive Directors, Chairs, and Chancellors are employees of the campus and therefore are bound by campus policies.

of the Executive Director in the work of the systemwide Senate and the complexity of the Executive Director's responsibilities. The Academic Council endorses the following policies and procedures referenced in proposed Bylaw 16²:

Duties

Proposed Bylaw 16 expresses the responsibilities of the Executive Director as falling in two general areas: chief of staff and policy advisor. Those responsibilities expand to include policy analysis, maintaining historical knowledge of Academic Senate policies and their development, and managing Senate policy work. Other duties include facilitating and coordinating the agendas and activities of the Academic Assembly and its agencies, and advocacy for the role of the Senate and for the resources necessary for it to excel in its shared-governance responsibilities granted under [Standing Order 105](#) of The Regents of the University of California. The Executive Director is responsible for overseeing the budget of the Academic Senate, coordinating the activities of the Academic Senate, and providing analytical and other support for the Chair and the other officers of the Assembly. The Executive Director manages the office of the systemwide Academic Senate, which includes supervisory responsibility for the staff of the office. In addition, the Executive Director maintains the institutional history of the policies, practices, and official acts of the Academic Senate.

Policies and Procedures: Appointment of the Academic Senate Executive Director and Other Personnel Actions

- A. **Appointment Process.** The Executive Director, as a non-Senate officer of the Academic Senate, shall be appointed in accordance with applicable UC personnel policies, local Office of the President implementing procedures ("OP implementing procedures"), and the following appointment process:
1. Should a vacancy occur, the Chair of the Assembly shall appoint an advisory search committee upon consultation with the Academic Council and OP Human Resources;
 2. The advisory search committee shall recommend one or more candidates to the Chair of the Assembly;
 3. The Chair of the Assembly shall recommend one or more candidates to the Academic Council for consideration;
 4. The Academic Council shall, by majority vote, recommend a final candidate to the President of the Academic Senate for approval and appointment on terms commensurate with the personnel classification assigned to the Executive Director position.
- B. **Personnel Actions.** The Executive Director shall report to and shall receive general direction from the Chair of the Assembly, with guidance and input from the Academic Council as necessary. The President of the Academic Senate shall retain ultimate managerial authority over the terms and conditions of the Executive Director's University employment. Applicable UC personnel policies, guidelines and OP implementing procedures shall be followed regarding all terms and conditions of employment, including but not limited to: performance appraisals, promotions, salary increases,

² The Policies and Procedures of proposed new Senate Bylaw 16, if approved by the Assembly, will be part of the Code of the Academic Senate – Appendix V. See [Senate Bylaw 80.A](#) (Code of the Academic Senate).

discipline and separation from employment. Consistent with these policies, guidelines and procedures, the Chair of the Assembly shall annually prepare a draft written performance appraisal of the Executive Director which shall be presented to the President of the Academic Senate for final approval and implementation of any recommended merit increases or performance based awards. In consultation with the Chair of the Assembly (and with the Academic Council as necessary), the President of the Academic Senate shall be responsible for the approval and implementation of all personnel actions. All personnel actions shall be treated in a confidential manner consistent with UC policy.

- C. Modifications. Changes to these policy and procedures must be in accord with UC personnel policies and guidelines as well as Academic Senate bylaws.

PROPOSED NEW BYLAW 16:

(Proposed language is noted in bold and underlined.)

Title II. Officers (Am 12 May 2004)

10. President and Vice President

The President of the University is ex officio President of the Academic Senate and a member of the Assembly of each Division and Faculty. The Chair of the Assembly is ex officio Vice President of the Academic Senate. [See [Bylaw 110](#)]

15. Secretary/Parliamentarian

The Academic Council shall appoint a Secretary/Parliamentarian of the Senate, subject to ratification by the Assembly, for a three-year term. The Secretary/Parliamentarian receives petitions of students or other materials for presentation to the Assembly, transmits them to the Assembly Chair who may refer them to an appropriate committee. (EC 18 Nov 68; Am 5 May 88; Am 12 May 2004)

16. Executive Director

- A. **Upon recommendation of the Academic Council and in accordance with policies and procedures, the President of the Academic Senate (see Bylaw 10) shall appoint an Executive Director of the Academic Senate and is responsible only for the terms and conditions of employment. With respect to duties, the Executive Director shall report to and shall receive general direction from the Chair of the Assembly, with guidance and input from the Academic Council as necessary.**
- B. **The Executive Director, as a non-Senate officer of the Academic Senate, among other duties, shall serve as chief of staff for the Academic Senate and as policy advisor to the officers of the Assembly.**

ACTION REQUESTED: Approval of proposed Senate Bylaw 16 - Executive Director of the Academic Senate and the relevant Policy and Procedures.

VIII. REPORTS OF STANDING COMMITTEES (continued)

Academic Council (continued)

- **John B. Oakley, Chair**

4. Proposed Amendment to Senate Bylaw 185. Library (action)

In accordance with Senate Bylaw 116. Authority of the Assembly – Part II. E., “The Assembly is authorized to approve modifications to the University Academic Senate legislation. . . . Except for Bylaws marked “[Protected – see Bylaw 116.E]”, modification of Bylaws requires the approval of two-thirds of all voting member of the Assembly present; modification of Regulations requires the approval of a majority of all voting members of the Assembly present. . . . Modifications of legislation shall take effect immediately following approval unless a different date is specified or required.”

The following proposed amendment to Senate Bylaw 185 was approved by the Academic Council at its November 29, 2006, meeting and was found to be consonant with the Code of the Academic Senate by the University Committee on Rules and Jurisdiction (UCR&J).

PROPOSED ACTION: **Approval of the proposed amendment to Senate Bylaw 185. Library.**

Background and Justification

Statement of Purpose

It has become increasingly clear to UC faculty that the traditional models of scholarly communication have become unsustainable. From ever-increasing journal subscription costs, to new modes and venues of scholarly production, to heightened competition for both profit and non-profit publishers (such as university presses and scholarly societies), libraries have struggled to guarantee faculty members access to scholarly information. Reflecting this state of affairs, the Academic Senate established the Special Committee on Scholarly Communication (SCSC) to address these issues. Subsequently, the SCSC has submitted five white papers that not only expound on these issues, but also propose solutions to them.

These white papers also illustrate the need for long-term faculty oversight over scholarly communication, which should be facilitated through a systemwide standing committee of the Academic Senate. The University Committee on Library (UCOL) is the appropriate location for such faculty oversight, as scholarly communication is very germane to the business of UCOL. As the introduction to the SCSC’s white papers aptly notes, UC librarians have been involved in the management of scholarly communication from the beginning. UCOL has subsequently not only become familiar with these issues, but, more importantly, has gained a significant body of expertise in this area. In addition, scholarly communications cannot and should not be divorced from faculty oversight and governance of the UC library system.

In order to facilitate the execution of its new mandate, UCOL is also requesting the addition of three at-large members. While UCOL's divisional representation maintains a significant amount of expertise in scholarly communication, it will be necessary to augment this expertise with up to three at-large members who should have other expertise and experience not found among UCOL's divisional representation. Scholarly communication is a large area, and some issues require technical and disciplinary expertise that divisional members may lack. It is also expected that the necessary skill sets of these at-large members will vary over time, depending upon the configuration of the divisional membership. UCOL notes the precedent of at-large membership of other Academic Senate committees, such as the University Committee on Faculty Welfare.

Statement of Intended Effect

The proposed amendment to Bylaw 185, which governs UCOL, would expand its charge to include oversight of scholarly communication. In its current form, Bylaw 185 limits UCOL to advising "the President concerning the administration of the libraries of the University in accordance with the Standing Order of the Regents." The proposed amendment would allow UCOL to serve in an advisory capacity regarding matters of scholarly communication, and would formally change its name from the "University Committee on Library" to the "University Committee on Library and Scholarly Communication" to reflect this expanded mandate.

CURRENT LANGUAGE:

185. Library

- A. Membership shall be determined in accordance with [Bylaw 128](#). One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E](#).] The Vice Chair shall be chosen in accordance with [Bylaw 128.D.2. and 3](#). A University librarian and the Chair of the Committee on Information Technology and Telecommunications Policy shall serve ex officio. (Am 7 May 87; Am 28 May 2003)
- B. Duties. Consistent with [Bylaw 40](#), the Committee shall: (Am 28 May 2003)
 - 1. Advise the President concerning the administration of the libraries of the University in accordance with the Standing Orders of The Regents.
 - 2. Perform such other appropriate duties as may be committed to the Academic Senate by proper authority.

PROPOSED LANGUAGE

185. Library and Scholarly Communication

- A. Membership shall be determined in accordance with [Bylaw 128](#). One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E](#).] The Vice Chair shall be chosen in accordance with [Bylaw 128.D.2. and 3](#). A University librarian and the Chair of the Committee on Information Technology and Telecommunications Policy shall serve ex officio. (Am 7 May 87; Am 28 May 2003). **Up to three at-large members, appointed**

for one-year renewable terms, and in consultation with the Chair of the Committee, to supplement the expertise of divisional members in areas of special relevance to the current business of the committee.

B. Duties. Consistent with [Bylaw 40](#), the Committee shall: (Am 28 May 2003)

1. Advise the President concerning the administration of the libraries of the University **and issues related to innovations in forms of scholarly communications,** in accordance with the Standing Order of The Regents.
2. Perform such other appropriate duties as may be committed to the Academic Senate by proper authority.

ACTION REQUESTED: Approval of the proposed amendments to Senate Bylaw 185 – Library

VIII. REPORTS OF STANDING COMMITTEES (continued)

Academic Council (continued)

• **John B. Oakley, Chair**

5. **Regents' Request for Senate Action Regarding [RE-89](#)'s Proposal Restriction of Research Funding from the Tobacco Industry (discussion) {See pages 37-45 for associated materials.}**

RE89

TO MEMBERS OF THE COMMITTEE ON FINANCE:

ACTION ITEM

For Meeting of January 18, 2007

ADOPTION OF POLICY RESTRICTING UNIVERSITY ACCEPTANCE OF FUNDING FROM THE TOBACCO INDUSTRY

Regent Moores recommends that the Committee on Finance recommend that The Regents adopt the following policy:

"The freedom of our academic community to pursue research and educational activities is vital to the University's mission and to its success as a world-class institution, and should be affected by University mandate only in rare and compelling circumstance. The collective use of sponsored research by the manufacturers and distributors of tobacco products as an industry to support a public deception about its products is unique, unprecedented and represents just such rare and compelling circumstance. Accordingly, the Regents of the University of California shall accept no funds from the manufacturers or distributors of tobacco products, their affiliates, or any entity controlling or controlled by such companies, that are to be used to study tobacco-related diseases, the use of tobacco products or the individual or societal impacts of such use."

This policy will apply only to awards made in response to new proposals submitted after the date this policy becomes effective. Awards active as of the effective date of the policy will be allowed to continue, and acceptance of funds that may be awarded in response to proposals submitted prior to the effective date of the policy will be allowed.

BACKGROUND

To recap and update information that was provided previously to The Regents, the following is provided as background:

Research at the University of California is funded by a variety of sources, including federal, State, foundation, individual, and corporate/industry support. Under current University policy, individual researchers are free to accept funding from any source, as long as the funds are otherwise in compliance with applicable University policy (for example, as long as the award does not give the sponsor the ability to control or restrict publication of research results). Individuals, foundations, and corporate/industry sources also provide funding to the University for purposes other than research (e.g., in the form of gifts to support arts and education programs, buildings, endowed chairs and

professorships, student support, etc.). There are no restrictions on the University's ability to accept gift or endowment funding from any source, as long as the awards comply with University policies.

Over the years, critics of tobacco and of the tobacco industry have raised serious concerns about the University's acceptance of funding from sponsors with ties to the tobacco industry. While the amount of such funding received by the University is quite small in proportion to the University's total research funding, the concerns raised about acceptance of such funds center not on the amounts but on underlying principles and on the belief that such acceptance is inconsistent with the University's missions. Since 1995, UC researchers have received approximately 108 awards totaling about \$37 million from tobacco-related companies¹ for research, training, and public service. By comparison, the University received more than \$4 billion in total contracts and grants revenue in FY2006 alone.

Currently, there are approximately 19 active grants at UC from sponsors with known ties to the tobacco industry.² These grants, supporting research and related activities on the Berkeley, Davis, Los Angeles, and San Diego campuses, were all awarded by Philip Morris USA, and total approximately \$15.8 million.³

The University also has received gift funds from tobacco companies and sources related to tobacco companies. While comprehensive systemwide information is not currently available in the University's corporate databases, consultation with campus development offices identified gifts from a number of tobacco companies. Responding campus development offices reported receiving gifts from corporate donors such as RJR Nabisco, Kraft Foods, Brown and Williamson Tobacco Corporation, and Philip Morris, with approximately 11 gifts made since fiscal year 2005, totaling about \$485,000. This is an extremely small proportion of the University's total receipt of gifts and pledge payments, which for FY 2006 alone totaled \$1.29 billion.

A number of individuals and organizations have encouraged the University to adopt a policy prohibiting acceptance of tobacco industry funds. Proponents of such a ban have expressed the strong view that the tobacco industry has exerted a corrupting influence on research and that even though the tobacco industry does fund some meritorious basic

¹ In addition to tobacco companies like Philip Morris, there are other companies, like Kraft Foods, that are either parent companies or subsidiaries of tobacco companies. While UC does not maintain a comprehensive list of "tobacco companies," there are companies known to UC that have in the past been identified with the tobacco industry; this data shows funding that UC has received from companies that are known to be, or to have been, tobacco-related.

² As of the date this item was prepared, corporate data systems maintained by the Office of the President showed only those awards processed prior to the close of FY2006 – campuses may have accepted additional awards since that time. Though an effort has been made to obtain updated data from individual campus Contract & Grant offices, it is possible that there are awards not reflected in the above summary.

³ Please see [attached "Tobacco Industry Sponsored Projects at the University of California: Known Active Awards as of December 22, 2006."](#)

scientific research, it also funds scientifically inferior proposals and uses the more meritorious research to lend credibility to its funding program while minimizing the risks of tobacco. Adoption of a policy banning such funding is seen as a way for The Regents to make a strong statement and to dissociate the University from an industry that has been deemed to engage in corporate actions antithetical to the University's core missions. Proponents of a ban on acceptance of tobacco funding argue that the University should dissociate itself from an industry known to make a product harmful to human health and that has a history of attempting improperly to influence or misrepresent research results. A number of other highly regarded institutions have already adopted policies declining tobacco industry funding. These include Johns Hopkins School of Public Health, University of Arizona School of Public Health, Emory University School of Medicine, Harvard School of Public Health, Harvard Medical School, and Ohio State University School of Public Health.

Most recently, proponents of a ban have pointed to the August 17, 2006 federal district court ruling (*U.S. v. Philip Morris USA, Inc.*, U.S.D.C.D.C. Civ. No. 99-2496)⁴ that found defendant tobacco companies guilty of violating the Federal Racketeer Influenced and Corrupt Organizations (RICO) Act as evidence of the tobacco industry's fraudulent corporate actions and disingenuous relationship with academic research institutions. They particularly point to a concern that defendant Philip Morris, found to have engaged in fraudulent actions, funds research at the University of California. This decision is currently on appeal.

Opponents argue that an institutional policy prohibiting researchers from accepting tobacco funding would violate the academic freedom of individual faculty members. They argue that the University should reject the idea that accepting funding from a corporate sponsor connotes an endorsement of the corporate sponsor's products or corporate actions. They also argue that while the use (or *misuse*) of research results by tobacco companies may be objectionable, individual investigators are expected to ensure the integrity of the conduct of their research regardless of the source of its funding. The University's policy on Integrity in Research provides in part that "all persons engaged in research at the University are responsible for adhering to the highest standards of intellectual honesty and integrity in research."⁵ The University's Statement of Ethical Values, adopted by The Regents in May 2005, restates the University's expectation that all members of the University community engaged in research are to conduct their research with integrity and honesty at all times, and to meet the highest standards of honesty, accuracy, and objectivity.⁶ Opponents of a policy argue that restricting investigators' funding to ensure research integrity may be unnecessary and may

⁴ The full text of the ruling is available online at: <http://www.dcd.uscourts.gov/opinions/2006/99-2496-082006a.pdf>.

⁵ The University's Policy on Integrity in Research can be found online at: <http://www.ucop.edu/ucophome/coordrev/policy/6-19-90.html>

⁶ The full text of the University's Statement of Ethical Values can be found online at: http://www.ucop.edu/ucophome/coordrev/policy/Stmt_Std Ethics.pdf

undermine the ability of researchers to explore promising avenues of inquiry independent of political and moral judgments about the source of that funding.

Finally, opponents of a ban note that it is a dangerous “slippery slope” to adopt a policy of rejecting funding from certain types of industry sponsors whose products or corporate behaviors are objectionable to some, and caution that there are a number of other industries that some would argue should fall under such a policy. While acknowledging the legitimacy of concerns about tobacco and about the corporate behavior of some companies, opponents of a funding ban express the opinion that as long as a grant has no conditions that would prevent researchers from adhering to their obligation to engage in intellectually honest research and to release the results of such research, the sponsor’s motivations should not preclude acceptance of funding.

The President wishes to advise The Regents that the University’s Academic Senate has considered this issue a number of times. Further information about the Academic Assembly’s resolutions is included below.

The President further wishes to advise The Regents that the University’s Vice Provost for Research, Lawrence Coleman, and the systemwide Council of Vice Chancellors for Research (COVCR), which includes all the campus Vice Chancellors for Research, also have discussed the issue of restricting acceptance of tobacco funding at length. They have repeatedly expressed their opposition to adoption of a University policy restricting faculty from accepting research funding from tobacco companies and have expressed the view that such a policy is likely significantly to undermine researchers’ academic freedom and would set a troubling precedent for future consideration of restrictions on funding from other industries that may also be the subject of moral or political debate or that may be involved in litigation regarding alleged corporate misdeeds involving fraud or other illegal actions. Given that existing University policies require researchers to adhere to the highest standards of honesty, accuracy, and objectivity in their work, there is concern that a funding ban may be unnecessary and might unfairly impugn the integrity of the University’s faculty.⁷

Academic Senate Consideration

Following discussion of *Research Funding: Acceptance of Funding from Corporate Sponsors Associated with the Tobacco Industry* at its September 20, 2006, meeting, The Regents asked the Academic Senate whether a policy banning funding from tobacco industry sources was justified in light of the August 17, 2006 federal district court ruling (U.S. v. Philip Morris USA, Inc., U.S.D.C.D.C. Civ. No. 99-2496) that found defendant

⁷ While the COVCR has consistently expressed its opposition to a policy restricting acceptance of research funding from a particular industry segment such as the tobacco industry, as of the preparation of this Regents item, the COVCR had not reviewed the specific text of the draft policy that is now being considered by The Regents.

tobacco companies guilty of violating the Federal Racketeer Influenced and Corrupt Organizations (RICO) Act.

In response to this request, the Assembly of the Academic Senate debated the issue on October 11, 2006. The Assembly's actions, described in a November 1, 2006 letter from Assembly Chair John Oakley to President Dynes,⁸ which was also conveyed to The Regents, consisted of passage of three resolutions:

“The Academic Assembly instructs the Chair of the Assembly to advise the President that grave issues of academic freedom would be raised if The Regents were to deviate from the principle that no unit of the University, whether by faculty vote or administrative decision, has the authority to prevent a faculty member from accepting external research funding based solely on the source of funds. Policies such as the faculty code of conduct are already in place on all campuses to uphold the highest standards and integrity of research. The Academic Assembly believes that Regental intervention on the basis of assumptions about the moral or political standing of the donor is unwarranted.”

“The Assembly declares its deep disapproval of funding arrangements in which an appearance of academic freedom belies an actual suppression of academic freedom.”

and

“The Assembly asserts its conviction that past funding arrangements involving the tobacco industry have been shown to suppress academic freedom.”⁹

As background to this action of the Academic Assembly, the Call of the meeting at which the three resolutions were adopted, stated:

“At its July 21, 2004, meeting, the Academic Council adopted a Resolution on Restrictions on Research Funding Sources. Then, in October of 2004, the Academic Council, in response to concerns raised by some faculty members regarding both the content of the resolution and the need for broader consultation on the issues it addresses, sent the Resolution out for full Senate review and consideration of whether it should stand as written and adopted, or should be amended or rescinded. Formal responses from all nine Divisions and from six standing committees of the Assembly showed a preponderance of support for the resolution in principle. Based on those formal comments and recommendations,

⁸ The full text of [Chair Oakley's November 1, 2006 letter to President Dynes regarding "The Academic Senate's Resolutions on the Research Funding Issue"](http://www.universityofcalifornia.edu/senate/assembly/oct2006/research%20funding.11.06.pdf) is attached and available online at: <http://www.universityofcalifornia.edu/senate/assembly/oct2006/research%20funding.11.06.pdf>.

⁹ The full text of the resolutions is included in Chair Oakley's November 1, 2006 letter that is attached (see above).

the Academic Council adopted an amended version of the Resolution on Restrictions on Research Funding Sources, which was, on May 11, 2005, adopted by the Academic Assembly as the Resolution of the Academic Senate on Research Funding Sources.”¹⁰

(Attachments)

155888.1

¹⁰ The full text of the Call can be found at:
<http://www.universityofcalifornia.edu/senate/committees/assembly.10.11.06agenda.pdf>

January 23, 2007

John Oakley
Chair, Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

Dear John,

On behalf of the Regents, I am soliciting the Academic Senate's input on the ongoing discussion of a possible policy by the Regents to decline tobacco industry funding for tobacco-related research. The policy as proposed is:

The freedom of our academic community to pursue research and educational activities is vital to the University's mission and to its success as a world-class institution, and should be affected by University mandate only in rare and compelling circumstance. The collective use of sponsored research by the manufacturers and distributors of tobacco products as an industry to support a public deception about its products is unique, unprecedented and represents just such rare and compelling circumstance. Accordingly, the Regents of the University of California shall accept no funds from the manufacturers or distributors of tobacco products, their affiliates, or any entity controlling or controlled by such companies, that are to be used to study tobacco-related diseases, the use of tobacco products or the individual or societal impacts of such use.

In an effort to move the discussion beyond rhetoric and on to a firmer evidentiary base, there are several specific questions we ask the Senate to address. **The Regents are interested in whether or not the faculty support the policy. Equally important, we are interested in the evidentiary base that supports the faculty's position.** In your explanation please provide guidance on the following specific questions:

1. Academic freedom has been raised as an issue in the discussion of the proposed policy, but it is not immediately clear how acceptance or restriction of different funding sources impacts academic freedom. How, if at all, would the University's policy on Academic Freedom (APM-010) have to be amended to be consistent with the proposed tobacco funding policy, should the Regents chose to adopt the tobacco policy?

Conversely, how, if at all, would the proposed tobacco funding policy need to be amended to be consistent with APM-010?

2. Many of UC's peers have decided to flatly decline tobacco industry funding under policies that are much broader than the policy under consideration by the Regents.

John Oakley
January 23, 2007

What examples does the Senate have of meritorious research that has either been blocked or been unable to find alternative funding at any of these institutions?

Similarly, is the Senate aware of examples where individuals or non-tobacco organizations have declined to fund research at universities because of those universities' practices of accepting funding from the tobacco industry?

3. Both the briefing materials from the Office of the President and the Academic Senate's most recent statement on the issue of tobacco industry funding stressed the University's policies on academic integrity. In the letter the American Cancer Society (ACS) sent to the University, and apparently to the Regents, last October, the ACS included specific allegations of scientific misconduct in connection with a tobacco industry funded study at UC and offered to provide more details.

As of the January Regents' meeting, no one had requested the details from ACS to determine if a formal investigation was warranted. (Since the meeting, the Provost has made such a request.)

How can the Regents be assured that the current University policies are adequate in protecting the integrity of the research process at the University of California specifically when dealing with the tobacco industry, given evidence that the tobacco industry sometimes systematically seeks out investigators who will cooperate with it in the conduct and reporting of their results?

4. At the January 2007 Regents' meeting the Academic Assembly's determination that "past funding arrangements involving the tobacco industry have been shown to suppress academic freedom" was interpreted as a cautionary warning to individual faculty considering seeking tobacco industry funding.

We have heard from others that this statement was meant to indicate that a Regental decision to decline money from the tobacco industry would be consistent with protecting academic freedom (by refusing to deal with an organization that suppressed it). We would appreciate clarification on this point.

If the former interpretation is correct, what procedures does the Senate propose to ensure that all future potential applicants for tobacco industry funding are aware of this conclusion? At what point, if ever, would the tobacco industry's suppression of academic freedom warrant a Regental policy to decline tobacco industry funding?

5. What weight should the Regents give to the facts that:
 - a. The tobacco industry has been found guilty by a federal judge of civil

John Oakley
January 23, 2007

racketeering;

- b. The Philip Morris External Research Program has been specifically identified as part of an ongoing enterprise to defraud the public; and
- c. The consensus of sound scholarship that the tobacco industry has successfully used the funding of universities as a central part of its strategy to defend and expand its markets, with the attendant massive adverse health effects on the public?

(We are aware of the fact that this decision is on appeal. Therefore, please assume that the judge's Findings of Fact will be upheld.)

The intent of the proposed tobacco policy is to: (1) set a high bar as a precedent for any future similar policies in light of the fact that the Regents would be identifying tobacco as a "rare and compelling circumstance" to avoid a "slippery slope"; and (2) limit the scope of the policy to tobacco industry funding of research related to tobacco while still permitting that funding for non-tobacco related research.

What, if any, changes to language would the Senate suggest to ensure that the policy is not misinterpreted in the future?

The Regents look forward to hearing the Senate's views on these questions in advance of the May, 2007 Regents meeting.

Best regards,

John J. Moores
Regent

cc: Chairman Richard C. Blum
Regent Russ Gould
President Robert Dynes
Provost Rory Hume

IX. UNIVERSITY AND FACULTY WELFARE REPORT (none)

X. PETITION OF STUDENTS (none)

XI. UNFINISHED BUSINESS (none)

XII. NEW BUSINESS

If you need additional information regarding this meeting, please contact the Academic Senate at: 510-987-9143 (office telephone) or 510-763-0309 (fax).

Next scheduled meeting of the Academic Assembly: March 21, 2007