

UNIVERSITY OF CALIFORNIA

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

Wednesday, March 9, 2005
10:00 am - 1:00 pm

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

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I. ROLL CALL

2004-05 Assembly Roll Call March 9, 2005

President of the University:

Robert C. Dynes

Academic Council Members:

George Blumenthal, Chair

Cliff Brunk, Vice Chair

Robert Knapp, Chair, UCB

Dan Simmons, Chair, UCD

Joseph DiMento, Chair, UCI

Kathy Komar, Chair, UCLA

Manuel Martins-Green, Chair, UCR

Donald Tuzin, Chair, UCSD

Leonard Zegans, Chair, UCSF

Walter Yuen, Chair, UCSB

Alison Galloway, Chair, UCSC

Michael Brown, Chair, BOARS

Quentin Williams, Chair, CCGA

Alan Barbour, Chair, UCAP

Joseph Kiskis, Chair, UCEP

John Oakley, Chair, UCFW

Max Neiman, Chair, UCORP

Michael Parrish, Chair, UCPB

Berkeley (6)

Roger Amundson

Lowell Dittmer

Dorit Hochbaum

Kyriakos Komvopoulos

Herb Strauss

Barrie Thorne

Davis (6)

Ines Hernandez-Avila

Linda Morris (alt. for William Casey)

Lovell Tu Jarvis

Brian Morrissey

Kyaw Tha Paw U

Philip Yager

Irvine (4)

Hoda Anton-Culver

Ross Conner

James Earthman

Calvin McLaughlin

Los Angeles (9)

Philip Bonacich

Yoram Cohen

Harold Fetterman

Margaret Jacob

Vickie Mays

Jose Moya

Owen Smith

Jane Valentine

Jaime Villablanca

Riverside (2)

Emory Elliot

Mary Guavain

San Diego (4)

Gerald Doppelt

Igor Grant

Barbara Sawrey

Nicholas Spitzer

San Francisco (4)

Dan Bikle

Barbara Gerbert

Lawrence Pitts

Peter Wright

Santa Barbara (3- 1-TBA)

Ann Jensen Adams

Nelson Lichtenstein

Santa Cruz (2)

Faye Crosby

Michael Issacson

Secretary/Parliamentarian

Peter Berck

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

*DRAFT Minutes of November 10, 2004***I. Roll Call of Members**

Pursuant to call, the Assembly of the Academic Senate met on Wednesday November 10, 2004 by teleconference. Academic Senate Chair George Blumenthal presided. Chair Blumenthal 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. Chair Blumenthal also requested that flexibility in the order of the agenda be allowed for efficient use of time. Academic Senate Director Maria Bertero-Barcelo called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

II. Minutes

Action: The minutes of the Regular Meeting of May 12, 2004 were approved as written.

Action: The minutes of the Special Meeting of June 30, 2004 were approved as written.

III. Announcements by the President

- **Robert C. Dynes, President**

President Dynes' discussion topics were distributed electronically prior to the meeting (distribution 1). Several Assembly members noted the value of receiving the President's written remarks in advance of the meeting, and thanked the President and his staff for preparing this important and helpful resource. The Assembly also expressed appreciation for having the opportunity to directly interact with the President.

Budget

The 2005-06 Budget for the University will be presented to The Regents for approval at their November meeting. This budget proposal is based on the Higher Education Compact Agreement with Governor Schwarzenegger and includes: funding to provide a 1.5% cost of living increase, merit salary increases, and parity adjustments for faculty and staff; funding for enrollment growth of 5,000 FTE students; and income generated from Compact-mandated student fee increases of 8% for undergraduates and 10% for graduate and professional students. The University has received assurances that the governor will honor the Compact Agreement.

Long-range Planning

The University is currently undertaking an effort to formulate long-range plans for the future needs of the state and the institution. The Regents recently held a retreat at which long-range planning was discussed and similar planning sessions have been held by a variety of UC's constituencies. The central priority that has emerged from these planning

discussions is the need to preserve the quality of the University. Other common goals and priorities have included: reinvesting in research and graduate education; securing reliable sources of funding; fostering the diversity of the student and faculty bodies; expanding the international role of UC; contributing to K-12 education, especially in science and math; maximizing the efficiency of operations; and building a reliable core of supporters that can advocate for the University. A complete list of these priorities is now being compiled and a planning group will be established to outline the next steps for the University.

Stem Cell Research

Proposition 71, a statewide ballot measure to fund up to \$3 billion in bonds for stem cell research, was passed by the voters during the November elections. UC plans on taking an active role in making certain this funding is used in an ethical manner and that high-quality science is sponsored by this initiative. UC representatives will be included as members of the Independent Citizens Oversight Commission responsible for governing the California Institute for Regenerative Medicines established by this measure.

UC-Managed National Laboratories

In October the Department of Energy (DOE) released a draft request for proposals (RFP) for the management of the Lawrence Berkeley National Laboratory (LBNL). The University is reviewing and providing comments on this draft and it is expected that the final RFP for LBNL will be released in December. A draft RFP for the Los Alamos National Laboratory (LANL) is expected later this month. UC continues to have discussions with potential corporate partners to team with the University in managing the business operations of the laboratories. Whether or not the University chooses to compete for the management of any of the national laboratories will depend primarily on the language of the final RFPs.

Questions, Answers and Comments

Q: What are the University's plans for addressing the serious market lags of UC's staff salaries?

A: The University's future funding plans include salary increases for both faculty and staff. This includes an across-the-board salary recovery for all staff and targeted parity adjustments for staff whose salaries are especially below the market rate.

Q: UC campuses have seen significant reductions in the rates of foreign graduate enrollments in recent years, some of which can be attributed to graduate school tuition increases. Do you see this as a problem that deserves priority status? Can UC provide more funds to graduate divisions on campuses for non-resident tuition fellowships and support for foreign graduate students?

A: This as an urgent problem and the issue of graduate student support has been raised repeatedly in our long-range planning discussions. One of UC's strengths has been our ability to attract and educate graduate students from throughout the world. One of the first steps the University is taking in response to this problem is its proposal for a 50% return-to-aid for graduate students.

Comment: The University should consider making an effort to educate the public and elected officials about the benefits to the institution, state and nation of having foreign students and scholars at the University. Perhaps UC could be proactive and develop a report that demonstrates the contributions foreign students and scholars have made to the state and nation.

Q: What measures are planned to reduce the student/faculty ratio?

A: As part of the 2005-06 Budget about \$10 million will be allocated to the campuses for academic programs. This funding will be used to improve the student/faculty ratio and instructional support.

Q: What actions are planned to improve the diversity of students and faculty?

A: The University continues to stress our Student Academic Preparation programs. In addition UC has made a commitment to work with the state's K-12 schools as part of the California Science and Mathematics Initiative. This initiative aims at increasing the number of highly qualified K-12 science and mathematics teachers and the number of students that receive degrees in science, engineering and mathematics. To help broaden the diversity of the faculty pool, the University currently offers a Presidential Fellowship. An extra FTE has been added for the hiring of these fellowships, and many of the Presidential Fellows have become UC faculty. Several years ago a survey on female faculty hiring was performed and since then the numbers of women hired for both junior and senior faculty positions has been rising. Similar surveys of other groups are planned in order to identify any problem areas.

Q: What range of increase in differential fees for professional schools do you think is tolerable? And what are the implications of a differential fee increase on access and UC being viewed as a unified system?

A: The University is trying an experimental program this year by allowing the professional schools, if they so choose to do so, to increase their fees 10 percent above the baseline. Any increased fee revenue is returned to school. None of the medical schools have opted to participate in the program, but a few of the business and law schools have opted to increase their fees by 10 percent. The Administration will carefully study what sort of impact these differential fee increases will have both on those schools and the other schools in the system. It is anticipated that some of the increase in fees will be used for student aid purposes, which may have an impact on access.

Q: We have heard recently of proposals for UC campuses to become direct lenders for student loans. Are these considerations proceeding, and if so, will the University try to balance the interests of the institution as well as the benefits for the students and parents?

A: This is currently a topic of debate within the University. Part of the motivation for the proposal is that if UC acts as a lender it could provide loans to our students at lower rates.

Q: How does the University's level of private funding compare to that of other institutions? This seems to be an area where the University could advocate for funding of foreign graduate students through private scholarships – does UC proactively inform donors of specific areas of need?

A: Potential donors usually have very specific ideas about what they want to fund through their donations. UC's receipt of private philanthropy has increased to \$1 billion per year; however, when this amount is calculated per faculty member, it is below the rates of private funding received by other comparable institutions. We've been working to identify areas where the University can be more aggressive in securing stable private funding sources.

Q: Bonds have primarily funded the University's capital growth, which is critical to the growth of campuses and enrollment. In light of the states unstable fiscal situation, can the University expect to continue to receive state funds for capital growth?

A: As part of the Compact Agreement, the governor committed to supporting ongoing capital funding for UC at the same level provided during the past two years.

Q: Does the University have a coordinated action plan for the new funding provided by the approval of Proposition 61 (Children's Hospital Bonds) and Proposition 63 (Mental Health Services Expansion and Funding)?

A: The Office of the President has assigned key administrators to coordinate the University's efforts to receive funding through these ballot measures.

Q: Are there concerns that Proposition 71 (Stem Cell Research) might negatively impact UC by inadvertently curtailing funding for other types of research initiatives in the state?

A: The University took a neutral position on Proposition 71 because there are some negatives associated with passing such a measure. Bond initiatives such as this create an even larger debt load for the state. General funds are used to pay off this debt load, and as a result, there is less flexibility in the Department of Finance's ability to fund other legitimate research initiatives.

Q: How are investments for UC made and what are the future plans for maintaining security for retirement?

A: UC has a treasurer, David Russ, who is responsible for managing the investments of the University. The Regents have an advisory group that oversees the strategies, philosophies, and details of where and how we invest. For more details on the University's investment, an Annual Investment Report is provided on the UC Treasurer's website.

Q: Is there a coordinated effort for monitoring and responding to the problems research investigators have been experiencing with regards to the topics they are proposing for research?

A: The National Academies have been closely monitoring and responding to this issue. The UC faculty are well represented on the governing councils of the National Academies.

IV. Chairs Announcements

- **George Blumenthal, Academic Senate Chair**

Chair Blumenthal introduced some of the issues currently facing the Academic Senate, including some items that will likely come before the Assembly this year:

Long-Range Planning

Various groups within the University have conducted discussions about the long-term future of the University. There are new realities that the University is facing (e.g., barriers to foreign graduate student enrollments, the state's fiscal crisis changing California demographics). In order for UC to maintain its place as the leading public research university in the world, we need to think about how to strategically position ourselves in view of these new realities. The senate committees and divisions are encouraged this year to deliberate about how the University should position itself for both the immediate and long-range future.

Crisis in Graduate Education

One of the issues raised during the institution's long-term planning discussions is the crisis in graduate education. Over the past decade UC's position with regard to graduate education has declined relative to other universities. This is a difficult situation because of both external and internal circumstances.

Advocacy and Political Activity

Historically the Academic Senate has not been an active participant in legislative or political activities. Last year, under the direction of Chair Lawrence Pitts, the Academic Senate Office assigned a staff person to act as a Legislative Analyst and identify and track legislation of interest to the Senate. As a result of this new activity, the Senate has had a more active role in the formulation of policy and UC's response to proposed legislation, as well as greater interaction with UC's legislative staff and the state legislature.

Last year the University started an active advocacy campaign in an effort to promote the crucial nature of UC's role in the state's future. This advocacy campaign has involved alumni, students, business leaders, parents and others throughout the state. These efforts will continue as a long-term campaign and faculty will be an important part of that advocacy effort. The divisions are encouraged to make contact and develop relationships with their local legislators.

Research Funding Issues

During the past two years UCORP has been examining the issue of identifying appropriate and inappropriate restrictions on research funds. At the end of last year UCORP submitted a "Report on Problematic Restrictive Clauses in Contracts, Grants and Gifts for Research" and an accompanying "Resolution on Restriction on Research Funding Sources." This report and resolution were both endorsed by the Academic Council at its July 2004 meeting. Since that time, questions have been raised as to

whether the resolution should have been more broadly considered by the Senate. At the October Academic Council meeting, it was decided that the resolution would be sent out to the systemwide committees and divisions for general review.

CALISIs

Over the past two years, the Academic Council has repeatedly asked the Office of the President to establish an agreement on the nature and extent of senate involvement in the review process of the California Institutes for Science and Innovation (CALISIs). No formal response from the administration has been received thus far; however, recently the Senate leadership was asked to work with the Provost's office to outline a possible approach to the review of the Institutes. This outline will be discussed at the November Academic Council meeting.

Intersegmental Issues

A couple of intersegmental proposals are currently before the committees and divisions for review and will ultimately come to the Assembly for final consideration:

- *SCIGETC*. This proposal, modeled after the Intersegmental General Education Transfer Curriculum (IGETC) program, would allow students in science disciplines to postpone up to two of the general education course requirements until after transfer. The intention of this program is to allow transfer students to receive certification for general education courses without impeding their ability to also take the lower division courses required for their high unit major.
- *Proposal to Streamline the Course Major Articulation*. Currently courses for majors are approved on a course-by-course basis between a UC campus and an individual community college. The intention of this proposal is to streamline and simplify this process by creating a mechanism for establishing systemwide articulated courses for lower division major requirements.

UC Merced

It is anticipated that a proposal will come before the Assembly this year for the Merced campus to be established as a senate division. The Academic Council is making efforts to ensure that the Academic Senate Office in Merced is adequately staffed for the operations of the division.

V. Special Orders

A. Consent Calendar

Action: The Assembly approved the Consent Calendar items (as listed under Special Orders, Item V of the published agenda):

- UCLA Division's Request for a Variance to Senate Regulation 764

B. Annual Reports (2003-04)

Action: The Assembly received the 2003-04 annual reports of the standing committees of the Academic Senate.

VI. Reports of Special Committees (none)

VII. Reports of Standing Committees

B. Academic Council

1. The Assembly adoption of Sturgis Standard Code of Parliamentary Procedures as its rules of order to govern questions of order not covered by Senate legislation.

- **George Blumenthal, Academic Council Chair**

Academic Senate Bylaw 120.D.6, which was approved by the Assembly at its May 2004 meeting, indicates “The Assembly shall, by majority vote, adopt a set of rules of order to govern questions of order not covered by legislation...” The Academic Council has proposed the adoption of the Sturgis Standard Code of Parliamentary Procedure for all rules of order not covered by Senate legislation, with the exception of Sturgis’s rules governing “Division of a Question.” The Academic Council has recommended the adoption of Roberts Rules of Order for the “Division of a Question.” Roberts Rules are preferred in this instance because they require a majority vote of approval for a motion to be divided into separate parts, as opposed to Sturgis, which requires no vote. Sturgis is preferred overall because it is standardized and more easily understood.

Action: The adoption of the proposed rules of order was approved unanimously.

2. Academic Council Special Committee on National Labs (ACSCONL)

- **George Blumenthal, Academic Council Chair**
- **Cliff Brunk, ACSCONL Chair**

Competition Timeline

The University of California manages three laboratories for the Department of Energy (DOE) - the Lawrence Berkeley National Laboratory (LBNL), the Lawrence Livermore National Laboratory (LLNL), and the Los Alamos National Laboratory (LANL). The expected timeline for DOE to release its requests for proposal (RFPs) and the contract expiration dates for each of these labs is:

- *LBNL.* UC’s management contract for LBNL expires on January 31, 2005. DOE released a draft RFP for management of LBNL on October 15, 2004. The University is currently reviewing the document and has 30 days to provide comment. It is expected that a final RFP will be released in December.

- *LANL*. UC's management contract for LANL expires on September 30, 2005. The University expects that a draft RFP for LANL will be released in the coming weeks.
- *LLNL*. UC's management contract for LLNL is set to expire on September 30, 2005; however, DOE has indicated it will likely extend the contract to allow for the competition of LANL and LLNL to occur at different time.

Statement of Principles

The Academic Council approved ACSCONL's "Statement on Competing for the NNSA Laboratories" at its October meeting. This statement contains a set of key principles that should factor into UC's evaluation of the management terms required under the RFPs and the final decision whether or not to compete for the labs.

Survey Results

Last year ACSCONL conducted an electronic survey of senate faculty on whether or not UC should compete for the contracts to continue to manage LANL and LLNL. A total of 26 percent of the faculty responded to the survey and voted by more than a 3-1 majority in favor of competing for both laboratories. Since that time there have been two similar polls conducted by other UC groups. A survey of the lecturers and librarians resulted in a 7 percent response rate and an overall vote against competing for the labs. A survey of undergraduate students was conducted through the annual University of California Undergraduate Experience Survey (UCUES). Approximately 11 percent of the undergraduate students responded to these survey questions and voted 3-1 in favor of UC competing for the laboratories. The main reason cited by the students for favoring UC management was the belief that the University, as a public and responsible institution, would be able to operate the labs in a way that was ethical and to the benefit of the national interest.

Idaho National Lab Contract

DOE announced yesterday that Battelle has been selected to manage the newly formed Idaho National Laboratory (INL), which was created from the merger of the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory West. The University of Chicago, which has historically managed Argonne's East and West Laboratories, was unsuccessful in its joint bid with Bechtel for the management of this laboratory.

Questions, Answers and Comments

Q: Does UCOP have any insights into why the University of Chicago was unsuccessful in its recent lab management bid and are there any parallels with UC's situation?

A: The reasons for DOE's decision to choose Batelle over the other prospective bids for the Idaho National Lab have not been revealed. It is unclear if this decision has any implications for UC's situation.

Q: Have any industrial partners for a UC lab management bid been identified? And what criteria will be used for selecting a partner?

A: The University is currently in discussions with several potential industrial partners that might team with the University to compete more effectively for the LANL and LLNL contracts. If any partnership occurs, UC intends to retain control of the oversight of the science and technology aspects of the labs.

Q: How will the Academic Senate be involved in the decision to bid for the lab contracts?

A: The senate's involvement in these discussions occurs primarily through ACSCONL, which meets regularly with the lab management and other UC leadership. The "Statement of Principles" recently endorsed by the Academic Council also presents recommendations for future faculty involvement with the laboratory management.

C. University Committee on Educational Policy (UCEP)

- **Joseph Kiskis, UCEP Chair**

1. Proposed Amendment to Senate Bylaws 170 and 180 and Senate Regulation 544

The Assembly was informed of a typographical correction to the proposal: on page 73, the proposed addition to Regulation 544 should read:

D. UC courses approved by either UCEP or CCGA as system-wide courses shall be listed in Divisional catalogues.

UCEP Chair Joseph Kiskis provided an overview of the proposed amendments to Senate Bylaws 170 and 180 and Senate Regulation 544. The proposed modifications would grant UCEP and CCGA the authority to approve existing UC courses as systemwide courses. The intention of this proposal is to allow a more seamless transfer of credit for courses taken through UC's online programs (e.g., "Arabic without Walls") and off-campus programs (e.g., UCDC).

DISCUSSION: Some Assembly members expressed concern that the proposal does not present any criteria for evaluating whether a course is appropriate for approval as a "systemwide course." It was recommended that this implementation mechanism be formalized before proceeding with the approval of this proposal. UCEP Chair Kiskis and others indicated that CCGA and UCEP would only be reactive to proposals from instructors and programs, such as UCDC, that wish to have their courses listed as "systemwide courses." The originating campus's course approval committee would have already approved any courses considered for designation as "systemwide courses."

Other members questioned how this proposal, if implemented, would streamline the transfer of credit process. Senate Regulation 544 already permits students in good standing to enroll in and receive credit for courses taken at another UC campus. In

response, it was indicated that many students have to file an excessive amount of paperwork with the Registrar in order to register in and receive credit for courses taken at another UC campus or an off-campus UC program. Under this proposal, courses approved as “systemwide courses” would appear in the catalogs of each campus. This would allow the students to enroll in a systemwide course through their campus’s regular course registration mechanism.

Action: The proposal to amend Senate Bylaws 170 and 180 and Senate Regulation 544 was approved with a majority vote (39 in favor, 3 opposed, 0 abstentions).

2. Proposed Amendment to Senate Regulation 630

Senate Regulation 630.B grants an exception to the Senior Residency Requirement for engineering students. The historical reasons for the development of this exception to the residency requirement are unclear, however today the exception is never used. UCEP recommends that Senate Regulation 630.B be rescinded and that the remaining sections of the regulation be renumbered to reflect this change.

Action: The Assembly unanimously approved the proposed amendment to Senate Regulation 630.

C. University Committee on Faculty Welfare (UCFW)

- **John Oakley, UCFW Chair**

UCFW Chair Oakley referred Assembly members to the committee’s 2003-04 annual report for information on the activities UCFW engaged in during the last academic year (pp. 48-50 of the Notice). This year, UCFW is exploring ways in which the University can maintain an attractive environment for the faculty during this time of budgetary crisis. It has been the committee’s counsel that the University’s top budgetary priority ought to be to address the market lags of faculty and staff salaries at UC. UCFW also has two active task forces:

- The committee maintains an active role in the oversight of the University’s investments through the UCFW Investment and Retirement Task Force.
- UCFW’s Health Care Task Force monitors health care costs, resolution of problems with insurance providers, and the University’s response to the inflationary factors that affect our health insurance premium rates.

D. Board of Admissions and Relations with Schools (BOARS)

- **Michael T. Brown, BOARS Chair**

BOARS Chair Brown updated the Assembly on the plans for the committee this year. Although BOARS has a great deal of continuing business from last year, the committee’s most important challenge is to formulate a strategic vision of admissions in the contemporary context and to rethink UC’s admissions policy from the vantage point of that vision. Though the University has had a historic commitment to do so, it has never achieved a student body that approximates the demographic distribution of public high

school graduates in the state. Currently approximately 40 percent of California's high schools account for 80 percent of UC admissions – the top 50 private schools in the state have almost two-thirds of their graduates admitted, the top 50 public schools have a little over 40 percent of their graduates admitted, and the bottom 50 public schools have only 3 percent of their graduates admitted to the University. BOARS is trying to answer the question of what the University can do to better admit and enroll excellent students that represent the broad diversity and backgrounds characteristic of the state of California. Other items that BOARS has recently worked on include:

- In response to concerns that some campuses may have implemented admissions practices that offered preferences to local residents, BOARS reconsidered Admissions Selection Criterion #14 and issued a clarification of the intent of the policy: "BOARS' Position Statement on Admissions Selection Criterion #14 and Geographic Preferences."
- Last year the Eligibility and Admissions Study Group suggested that BOARS examine the current guidelines for UC's Admissions by Exception (AbyE) policy. The committee is in the process of drafting AbyE guidelines and will be seeking feedback about the draft and possible implementation plans from the campuses.

VIII. University and Faculty Welfare Report (none)

IX. Petitions of Students (none)

X. Unfinished Business (none)

XI. New Business (none)

Meeting adjourned, 1:00 p.m.
Attest: George Blumenthal
Academic Senate Chair

Minutes prepared by
Kimberly Peterson
Senate Analyst

Distributions:

1. [President Robert C. Dynes Discussion Topics for the Meeting of the Assembly of the Academic Senate, Wednesday, November 10, 2004](#)

Appendix A

2004-2005 Assembly Attendance Record, Meeting of November 10, 2004

<p>President of the University: Robert C. Dynes</p> <p>Academic Council Members: George Blumenthal, Chair Cliff Brunk, Vice Chair Robert Knapp, Chair, UCB Ted DeJong, Vice Chair, UCD (alt. for Dan Simmons, Chair, UCD) Joseph DiMento, Chair, UCI Kathy Komar, Chair, UCLA Manuel Martins-Green, Chair, UCR Jean-Bernard Minster, Vice Chair, UCSD (alt. for Donald Tuzin, Chair, UCSD) Leonard Zegans, Chair, UCSF (absent) Walter Yuen, Chair, UCSB Alison Galloway, Chair, UCSC Michael Brown, Chair, BOARS Quentin Williams, Chair, CCGA Alan Barbour, Chair, UCAP (absent) Joseph Kiskis, Chair, UCEP John Oakley, Chair, UCFW George Sensabaugh, Vice Chair, UCORP (alt. for Max Neiman, Chair, UCORP) Michael Parrish, Chair, UCPB</p> <p>Berkeley (6) Ronald Amundson (absent) Lowell Dittmer (absent) Dorit Hochbaum (absent) Kyriakos Komvopoulos Herb Strauss Barrie Thorne</p> <p>Davis (6) Ines Hernandez-Avila William Casey Tu Jarvis Kyaw Tha Paw U Philip Yager</p> <p>Irvine (4) Hoda Anton-Culver (absent) Ross Conner (absent) James Earthman Calvin McLaughlin</p>	<p>Los Angeles (9) Philip Bonacich Yoram Cohen (absent) Harold Fetterman (absent) Margaret Jacob Vickie Mays (absent) Jose Moya (absent) Owen Smith Jane Valentine Jaime Villablanca (absent)</p> <p>Riverside (2) John Ganim (alt. for Emory Elliot) Mary Gauvain</p> <p>San Diego (4) Leroy Dorman (alt. for Gerald Doppelt) Igor Grant Barbara Sawrey Nicholas Spitzer</p> <p>San Francisco (4) Dan Bikle Barbara Gerbert Lawrence Pitts Peter Wright</p> <p>Santa Barbara (3) Ann Jensen Adams Kum Kum Bhavnani (absent) Nelson Lichtenstein (absent)</p> <p>Santa Cruz (2) Faye Crosby Michael Issacson</p> <p>Secretary/Parliamentarian Peter Berck</p>
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III. ANNOUNCEMENTS BY THE PRESIDENT

- **Robert C. Dynes (oral report)**

IV. ANNOUNCEMENTS BY THE CHAIR

- **George Blumenthal (oral report)**

V. SPECIAL ORDERS (None)

VI. REPORTS OF SPECIAL COMMITTEES (None)

VII. REPORTS OF STANDING COMMITTEES

A. Academic Council

- **George Blumenthal, Chair**

- 1. Nomination and Election of the Vice Chair of the Assembly for 2005-2006 (oral report, action)**
- 2. Approval of the Concurrent Resolution on Graduate Education (action)**

At its December 15, 2004 meeting, the Academic Council unanimously approved a proposal to introduce this year in both houses of the Legislature a Concurrent Resolution on Graduate Education at the University of California. For some time now the deteriorating state of graduate education has been a matter of intense concern to UC faculty. The Academic Council believes that this resolution is a crucial first step in our efforts to educate political leaders about graduate education and to let them know why it is critically important to the state's economic health and cultural vitality for them to support policies that will enable the University of California to compete for the strongest possible pool of talent from within the state, across the nation and around the world. The Senate leadership will be working with UC's Office of State Governmental Relations on crafting the final language and on getting this important initiative before legislators. As part of an effort to ensure that the Senate leadership and the President take the necessary steps to accomplish this endeavor, the Academic Council approved the following resolution:

“This resolution requests that the Chair of the Academic Senate and the President of the University take whatever steps are needed to ensure that the Senate's resolution on graduate education is introduced in, and passed by the 2005-06 Legislature.”

ACTION REQUESTED: Since the Academic Council has called upon the Chair of the Academic Council to present the Concurrent Resolution on behalf of the Academic Senate, **the Academic Council therefore requests that the Assembly approval the following resolution:**

“Be it resolved that the Assembly of Academic Senate urges the Chair of the Academic Senate and the President of the University to take all possible measures to ensure that the Academic Senate's resolution on graduate education is introduced in and adopted by the State Legislature, and signed by the Governor in 2005.”

The proposed language of the Concurrent Resolution on Graduate Education that is currently under consideration is as follows:

Assembly Concurrent Resolution Relative to Graduate Education at The University of California and The California State University

This measure would request that the Legislature of the State of California and the Governor join together with the University of California's Regents, President, and Faculty; the California State University's Board of Trustees, Chancellor, and Faculty; and California's business and industry leaders to acknowledge the critical importance of graduate education to California's economy and to

support policies to ensure that California's graduate education programs remain competitive for the very best students.

WHEREAS, California's future economic strength and cultural vitality depend fundamentally on a workforce with advanced training; and

WHEREAS, the state of California faces an increasing challenge in its ability to meet this need in the areas of biotechnology, telecommunications, engineering, computer science, multimedia and the digital arts, education, management, health care, microelectronics and in many other professions that require advanced degrees; and

WHEREAS, University of California graduates with advanced degrees have founded one third of California's biotechnology companies, one sixth of the communications and networking firms, and are on the leading edge of advances in the sciences, engineering, medicine, agriculture, the arts and entertainment; and will become the next generation of faculty for California's colleges and universities, which will need 40,000 new professors/instructors by the year 2010; and

WHEREAS, California State University awards one third of all masters degrees awarded in the state in 162 fields that prepare degree holders for careers in computer science, education, nursing, business administration, public administration, social work, health care, communications and the media, civil engineering, and many more; and produces approximately sixty percent of all K-12 teachers and teacher-administrators; and

WHEREAS, more than one third of the world-class scholars who are attracted to California by the outstanding graduate degree programs of the University of California and California State University remain in the state to work after receiving their degrees; and

WHEREAS, graduate degree programs at the University of California and California State University both enhance the educational experience of our undergraduates, to whom we are committed, and are welcoming to and supportive of the diverse population within California; now therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California and the Governor join together with the University of California's Regents, President, and Faculty; the California State University's Board of Trustees, Chancellor, and Faculty; and California's business and industry leaders to acknowledge that California's future economic strength depends on investing in graduate education today, and to support policies to ensure that California's public graduate education programs retain the excellence they have achieved over the past half century and remain competitive in their ability to attract the very best students from within California, across the nation and around the world.

VII. REPORTS OF STANDING COMMITTEES (Cont'd.)

A. Academic Council (Cont'd.)

• George Blumenthal, Chair

3. a. Approval of the Proposed Guidelines and Procedures Governing the Academic Senate's Role in the Development of a New UC Campus and for Granting Divisional Status to a New Campus (action)

The following proposed guidelines and procedures are intended to provide the future leadership of the Academic Senate with direction on the Senate's role in the development of a new UC campus, clarify the process by which new Divisions of the University of California Academic Senate are authorized, and amend the bylaws to allow for the implementation of these policies. This proposal, including the proposed amendments to the Academic Senate Bylaws, which were found to be consonant with the Code of the Academic Senate by the University Committee on Rules and Jurisdiction (UCR&J), was approved by the Academic Council on November 22, 2004 and is presented here for the Assembly's approval.

Action Requested: Approval of the following proposal:

The Proposed Guidelines and Procedures Governing the Academic Senate's Role in the Development of a New UC Campus and for Granting Divisional Status to a New Campus

(Approved by the Academic Council on November 22, 2004)

Introduction

The Academic Senate has played a key role in the development of new UC campuses since the early sixties and, in 1998, when the University entered into the academic and physical planning stage for UC Merced, the Senate leadership drew on the sixties experience to help identify the nature and extent of its responsibilities in the development of the new campus. While those precedents were helpful in providing a general framework for the Senate's role, there were no written guidelines that the leadership could follow. This proposal is intended to provide the future leadership of the Senate with direction on the Senate's role in the development of a new campus, clarify the process by which new Divisions of the UC Academic Senate are authorized, and amend the bylaws to allow for the implementation of these policies. These proposed guidelines are based on the historical precedents provided in the last major period of new campus development in the sixties¹, and are closely structured on the Senate's recent experience with UC Merced and its progress toward Divisional status.²

Background

The present-day Divisional structure, and the universitywide Senate structure with Divisional representation was the outcome of three All-University Faculty Conferences held between 1957 and 1961 when the reorganization of the Academic Senate was proposed. A Special Committee

¹ Douglass, John A. Planning New UC Campuses in the 1960s: The Role of the Universitywide Academic Senate Special Advisory Committees, December 1998; Fitzgibbon, Russell H. The Academic Senate of the University of California. UCOP 1968.

² Part A of this proposal is modeled on the September 9, 1998 Charge and Membership of the Universitywide Academic Senate Task Force on UC Merced that was drafted by the then-Academic Senate Chair, Aimee Dorr, and enlarged by the experiences of the first Chair of the UC Merced Task Force, Fred N. Spiess, who held that position from 1998 to 2001.

on the Reorganization of the Academic Senate, which was impaneled by the Assembly to study the resolutions of these conferences, prepared a series of reports and recommendations for the Assembly based on its findings. One report included the following outline on a three-step process for establishing a Division on a new campus.

Step 1. Once the Regents establish a new campus, a Chancellor or Chief Campus Administrator should be appointed from a panel of names submitted by an *ad hoc* committee of the Academic Senate – an *ad hoc* committee chosen by the President from names submitted by the Universitywide Committee on Committees.

Step 2. The University Academic Senate Budget Committee (Committee on Personnel), in consultation with the President and the new Chancellor, “should appoint at least five members of the Academic Senate to serve the new campus as a Staffing Committee. This Committee would serve as a local Budget and Interdepartmental Committee, and in this capacity would review and make recommendations on all proposed academic appointments. It would also serve as a Committee on Committees and at the earliest opportunity should appoint such committees as Educational Policy, Courses, and Library.”

Step 3. The Staffing Committee should be disbanded only when the number of new faculty is large enough to fill the “essential Senate committees with tenured personnel.” After formal approval by the Academic Assembly, and then Regental approval, “The establishment of [a Division of] the Academic Senate would begin with the election of a Committee on Committees,” the election of officers and the approval of Divisional Bylaws and Regulations by the Academic Assembly.

Faculty Advisory Committees

Though the three-step process was never *formally* proposed or adopted by the Assembly, Step 2 and parts of Step 3 were followed in the early sixties when the Academic Senate formed Faculty Advisory Committees for the new San Diego, Irvine, and Santa Cruz campuses. President Kerr was a strong advocate of the advisory committee concept, especially since decentralization was underway and he was concerned about the chancellors becoming too powerful. The advisory committees were charged with the responsibility of reviewing academic and physical plans, reviewing faculty hires, and approving courses prior to the establishment of a Division. An important last provision was that they “guide the creation of a Division and ensure that the Academic Senate became a full partner in new campus development.”

The Faculty Advisory Committees played a key role in the formation of the new campuses and established an important precedent upon which the creation of the Academic Senate’s Task Force on UC Merced was based. The Academic Council constituted the UC Merced Task Force in September 1998 when the academic and physical planning process began for UC Merced. The following year, the Academic Council asked the Assembly to take the following two actions: First, to amend Senate Bylaw 116.B to make more explicit the Assembly’s breadth of authority over Senate activities on campuses that lack Senate Divisions, and to permit the Assembly to delegate that authority to Standing or Special Committees; and second, to name the Task Force on UC Merced a Special Committee of the Assembly, and grant it the authority to approve courses and curricula for UC Merced until such time as a Senate Division is established on the campus.

Experiences of the San Diego, Irvine and Santa Cruz Campuses on Becoming Divisions

It was left to the Senate eligible faculty on the San Diego, Irvine and Santa Cruz campuses to decide, usually by vote, whether they could fill the essential Senate committees³ and thereby assume the responsibilities of a Division. If the faculty decided to seek Divisional status, they prepared a proposal for the Academic Council requesting that Divisional status be granted to their campus. At the time each of the three campuses submitted a proposal to the Academic Council, they had no fewer than 60 Senate eligible faculty.

San Diego

When the San Diego faculty voted in 1961 to request Divisional status, it had 65 faculty from the Assistant, Associate and full Professor ranks. In their application for Divisional status, they wrote, “the faculty feels ready to assume the separate Divisional status now enjoyed by the Senate members at Santa Barbara and at Riverside.” [Douglass 1998]

Council Action on a San Diego Division

The application for Divisional status was sent to the Academic Council, which decided that this was a matter for Southern Section action. At a meeting of the Southern Section on May 23, 1961, a unanimous vote approved the admission of the San Diego faculty as an independent Division of the Academic Senate. [Fitzgibbon 1968]

Irvine

With the help of its Faculty Advisory Committee, the Irvine faculty developed a proposal for Divisional status and submitted it to the Academic Council in the fall of 1964. The campus had 86 Senate eligible faculty at the time. Simultaneous with this request, and one year before the reception of the first students, the faculty elected a Committee to Develop the Academic Senate. This committee developed the Divisional Bylaws and certain parts of the Senate’s constitution so that when the new Division was approved in 1965 it came into existence with a complete set of Senate officers and a standing committee structure, and immediately took over all functions delegated to the Advisory Committee. The Advisory Committee ceased operation immediately after the establishment of the Irvine Division. [Douglass 1988]

Council Action on an Irvine Division:

J. W. Peltason, Vice-Chancellor—Academic Affairs, Irvine, was introduced. He described the present situation at Irvine to the Council and requested authorization to commence plans for some faculty organization, preferably a Division of the Academic Senate, there. Chairman Taylor read the Bylaws of the Academic Senate relating to the establishment of new Divisions to the Council. Professor Jennings moved that the Chairman of the Academic Council be authorized, in consultation with the University-wide Committee on Rules and Jurisdiction and with a committee of Senate members of the Irvine faculty, to prepare amendments to the Bylaws of the Academic Senate establishing a Division of the Senate on the Irvine campus. The motion was passed. Professor Jennings moved that the Academic Council urge the Senate members on the Irvine campus to proceed to take steps to prepare the Bylaws and Regulations necessary for them to function as a Division as soon as they are so constituted. The motion was passed. [Minutes of the November 18, 1964 Academic Council, p. 1]

³ Committee on Courses, Committee on Academic Personnel, Committee on Budget, Committee on Research, Committee on Graduate Affairs, Admissions Committee

UC Santa Cruz

The Santa Cruz faculty applied to the Academic Council for Divisional status in January 1965 with 61 Senate eligible faculty (eleven of whom were located at Mt. Hamilton). Although the Academic Council approved the Santa Cruz proposal, members did question whether the faculty was large enough to support a Divisional structure. In two inaugural meetings of the Senate, the first on November 23, 1965 and the second on December 14, the Faculty Advisory Committee “turned over most of its functions to the fledgling Divisional organization, but because of the novel programmatic structure at Santa Cruz, the advisory committee continued to assist the new faculty with the organization of its Divisional structure and with the academic personnel process well into the spring of 1966.” [Fitzgibbon 1968]

Council Action on a Santa Cruz Division:

Chancellor Dean McHenry gave a progress report on faculty at Santa Cruz, stating that by the beginning of the fall semester there would be approximately fifty individual Senate members on campus, plus about eleven members at Mt. Hamilton, who will have come under the administrative jurisdiction of Santa Cruz. The question was raised whether the Santa Cruz faculty would be large enough to support an Academic Senate Division (with its committees) there this fall. After some discussion of this and related points, Professor Jennings moved: That the Chairman of the Academic Council be authorized, in consultation with the University-wide Committee on Rules and Jurisdiction and with a committee of Senate members of the Santa Cruz faculty, to prepare amendments to the Bylaws of the Academic Senate establishing a Division of the Senate on the Santa Cruz campus. The motion was passed unanimously. [Minutes of the January 20, 1965 Academic Council, p. 2]

Divisional status was granted to the Irvine and Santa Cruz campuses when the Assembly approved a proposal submitted by the Academic Council to amend the Senate Bylaws governing Divisional and Assembly membership.

Assembly Action Establishing Irvine and Santa Cruz as Divisions

A proposal to establish Divisions at both Irvine and Santa Cruz was sent forward to the Assembly for approval in October 1965.

“Establishment of Divisions at Irvine and Santa Cruz. Professor Taylor [Chair of the Academic Council] then presented Part II concerning the establishment of Divisions on the Irvine and Santa Cruz campuses. His motion that the amendments to Bylaws 10* and 50** be approved as recommended on pages 6-7, to become effective immediately, was seconded.The motion to amend was put to vote and carried.” [Minutes of the October 15, 1965 Meeting of the Academic Assembly]

*Assembly of the Academic Senate, Membership

**Divisions (Title I. Membership and Authority)

[Since renumbered]

Proposal

The following three-part proposal is intended to both delineate the Senate’s role in the development of new UC campuses, and to clarify the process by which new Divisions of the UC Academic Senate are established. Part A defines the specific responsibilities that would devolve to the Assembly of Academic Senate and to the Academic Council when the academic and

physical planning process begins for a new campus; Part B formulates the procedure by which the Academic Council and Academic Assembly grant Divisional status to a new campus; and Part C amends the Senate's Bylaws to allow for the implementation of these policies.

PART A. RESPONSIBILITIES OF THE ACADEMIC ASSEMBLY AND THE ACADEMIC COUNCIL IN THE DEVELOPMENT OF A NEW UC CAMPUS

1. Appointment of a Special Committee by the Academic Council

Under the provisions of the Senate Bylaws 125.B.12 and 116.B, the Academic Council will constitute a Special Committee to enable the Academic Senate to fulfill its obligations in the development of a new UC campus. The Special Committee will be granted the authority to exercise all functions of an Academic Senate normally vested in a Division, including authority over courses and curricula. As a Special Committee of the Academic Council, the Academic Council will assume responsibility for the maintenance of the Special Committee, including the appointment of its members. The Special Committee will be impaneled until the new campus is granted Divisional status by the Assembly.

Specific Charge to the Academic Council Special Committee:

- Advise President's Chancellorial Search Committee on the preferred candidate/s
- Serve on search committees for the senior administrators
- Assist in the recruitment and hiring of the founding faculty; assume departmental role in recommending appointments to CAP
- Guide the overarching academic structure
- Develop and approve courses and curricula
- Approve undergraduate degrees and develop graduate degrees for approval by the Coordinating Committee on Graduate Affairs
- Within the guidelines as set forth by the Assembly, establish admissions policy
- Coordinate policy issues that should be brought to relevant Senate committees for formal consideration by the Academic Council and Assembly
- Provide Senate consultation on opportunities for endowed chairs. In considering the merits of the proposed chair, the Special Committee will consult with the Chair of the campus Committee on Academic Personnel (CAP) [See A.2 below]
- Review and make recommendations on proposed naming opportunities
- Advise on the physical development of the campus
- Advise on student affairs and student life issues
- Provide faculty participants, either from the Task Force or from the larger UC community, for other campus planning committees on such matters as student affairs and physical development
- Guide the creation of a Division, including advising on the campus' Bylaws and Regulations and assisting the campus faculty with their proposal to the Academic Council for Divisional status
- Establish an effective version of shared governance

Membership of the Academic Council Special Committee

The members of the Special Committee will provide the key linkages to the Academic Council, the Universitywide Academic Senate Committees and to the Divisions. The membership will consist of one representative from each of the Divisions and a principal leader from the following six Universitywide Academic Senate Committees: University Committee on Educational Policy, University Committee on Academic Personnel, University

Committee on Planning and Budget, University Committee on Research Policy, Coordinating Committee on Graduate Affairs, and the Board of Admissions and Relations with School. The Divisional representatives shall come from an array of academic disciplines. Representatives shall be nominated by the Divisional Senate Chair, in consultation with the Committee on Committees, and appointed by the Academic Council. The six Systemwide Senate Committees shall select their own representatives. Appointments shall be for two to three years and renewable. Terms of service shall be arranged so that turnover is staggered. *Ex-officio* members will include the Chair and Vice Chair of the Academic Council, and the Chair and Vice Chair of the new campus CAP. The membership of the Special Committee shall be as follows:

- a. Chair of the Special Committee. He or she shall be a UC faculty member with a record of distinguished Academic Senate service and experience in academic program development. The appointment will be a three-year, renewable appointment. In addition to his or her other duties, the Chair of the Special Committee will serve on the President's Chancellorial Search Committee, and attend meetings of the Academic Council and Assembly, as a non-voting guest participant.
- b. Vice Chair of the Special Committee. He or she shall be a UC faculty member with a record of distinguished academic service. The appointment will be a three-year, renewable appointment.
- c. Leaders of Six Universitywide Academic Senate Committees. The committees represented are those whose responsibilities are most relevant to the development of the new campus; specifically, the University Committee on Educational Policy, the University Committee on Academic Personnel, the University Committee on Planning and Budget, the University Committee on Research Policy, the Coordinating Committee on Graduate Affairs, and the Board of Admissions and Relations with Schools. The choice of the committee's representatives will be left to the discretion of each committee. The appointment will be for two years. At the end of the two years, the committee has the option to renew the appointment for one additional year.
- d. Representatives from Each of the Senate Divisions. Each Division shall have one representative on the Special Committee, as appointed by the Academic Council. Appointments shall be for three years and renewable. The Divisional Chair shall be consulted about whether a representative whose term has expired should be reappointed. Whenever a Divisional representative is needed, the Divisional Chair, in consultation with the Divisional Committee on Committees, shall identify at least two faculty who could serve, and submit their names to the Academic Council. The Divisional representatives should have expertise in academic areas relevant to the potential programs of the new campus, provide past experience in the development of a new campus or major teaching or research program, assist in providing a balance of disciplinary perspectives to the Special Committee, and be well situated to engage their Division in matters relevant to the development of the campus. As newly appointed faculty members assume their responsibilities on the new campus, they may be appointed to replace the *Divisional* representatives when their terms of appointment on the Special Committee are completed. The new campus Committee on Committees shall submit the names of its nominees to the Chair of the Academic Council, who will make the appointments in consultation with the Academic Council.

- e. Ex-officio Members.
 - a. The Chair and Vice Chair of the new-campus CAP
 - b. The Chair and Vice Chair of the Academic Council

2. Appointment of a Committee on Academic Personnel Constituted as a Special Committee of the Academic Council

Under the provision of Senate Bylaw 125.B.12, the Academic Council will appoint a Committee on Academic Personnel constituted as a Special Committee of the Academic Council. The Committee on Academic Personnel (CAP) will help define the standards and quality of the founding faculty. In consultation with the Special Committee, the CAP will formulate and implement procedural guidelines governing the initial academic appointments at the new campus. It will be responsible for evaluating and making recommendations about proposed academic appointments and appropriate rank and step. As needed it will establish ad hoc committees to evaluate dossiers drawing on faculty expertise from across the UC system. In addition, the CAP will make recommendations to the chancellor on endowed chair appointments. The new-campus CAP will have representation on the University Committee on Academic Personnel (UCAP).

Membership of the Committee on Academic Personnel (CAP)

Each Division shall have one representative on the CAP. As a Special Committee of the Academic Council, the Chair, Vice Chair and members will be nominated by the University Committee on Committees, and appointed by the Academic Council. To ensure that the membership represents a broad spectrum of academic expertise, the Council Chair may request representative/s having specific academic interests. The term of appointment shall be for two years, renewable. As newly appointed faculty members assume their responsibilities on the new campus, they will be eligible to serve on the campus CAP, replacing the Divisional representatives when their terms of appointment are completed. When the new campus becomes a Division, it will have the option of assuming all CAP responsibilities.

3. Operational Costs of the Academic Council Special Committee and Committee on Academic Personnel (CAP)

The costs of the Academic Council's Special Committee and Committee on Academic Personnel (CAP) will be shared equally between the new campus and the systemwide Academic Senate for a period of two years, and thereafter borne entirely by the new campus.

PART B. PROCEDURES OF THE ACADEMIC COUNCIL AND ACADEMIC ASSEMBLY FOR GRANTING DIVISIONAL STATUS TO A NEW UC CAMPUS

1. Approval of Proposal for Divisional Status by the Academic Council

The Senate eligible faculty on the new campus will decide, by a two-thirds affirmative vote, that they are ready to apply for Divisional status when they believe that there are enough resident faculty to support the essential Senate committees, and to represent the new campus on the equivalent Systemwide Standing committees. The essential Senate committees will include a Committee on Committees, Committee on Educational Policy/Committee on Courses, Committee on Admissions and Enrollment, Committee on Academic Personnel, Committee on Budget, Committee on Research Policy, and a Graduate Council (or their equivalents). With the help of the Special Committee, the faculty will prepare a proposal for the Academic Council requesting Divisional status for its campus. The proposal will include draft Bylaws and Regulations for the new campus, and demonstrate evidence that:

- The resident campus faculty is large enough both to support a Divisional committee structure and to fulfill its Divisional obligations to the systemwide Academic Senate⁴; and
- There are guaranteed current and future resources necessary to support a Senate operation, including operating funds, sufficient professional staff FTE, and the dedicated funding to enable the faculty to participate fully in the governance of the University.

When the proposal is submitted to the Academic Council, the University Committee on Rules and Jurisdiction (UCR&J) will review the proposed Bylaws and Regulations to ensure that they are consonant with the Bylaws and Regulations of the Systemwide Senate.

2. Granting of Divisional Status by the Assembly

At the time the Academic Council approves a proposal for Divisional status, the Council Chair, in consultation with the University Committee on Rules and Jurisdiction, will prepare a proposed amendment to Senate Bylaw 305 governing Divisional membership. Divisional status will be conferred upon the campus only on the recommendation of the Academic Council and with the Assembly's approval of the proposed Bylaw change.

⁴ Based on the experience of the three newest Divisions that were established in the sixties, the Academic Council recommends that a new campus have a minimum of 60 resident faculty before applying for Divisional status.

VII. REPORTS OF STANDING COMMITTEE (Cont'd)

A. Academic Council (Cont'd)

- **George Blumenthal**

3. b. Approval of the proposed amendments to Academic Senate Bylaws 116.A, 116.B and 125.B to allow for the implementation of the policies in the above proposal (action)

(The following is Part C. of the previous agenda item, "The Proposed Guidelines and Procedures Governing the Academic Senate's Role in the Development of a New UC Campus and for Granting Divisional Status to a New Campus)

PART C. PROPOSED AMENDMENTS TO SENATE BYLAWS 116.A, 116.B AND 125.B TO ALLOW FOR THE IMPLEMENTATION OF THE POLICIES IN THIS PROPOSAL

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 members of the Assembly present;" Modification of Bylaws shall take effect immediately following approval unless a different date is specified or required.

Action Requested:

To allow for the implementation of the policies in the above proposal, the following proposed amendments were approved by the Academic Council at its November 22, 2004 meeting, and found to be consonant with the Code of the Academic Senate by the University Committee on Rules and Jurisdiction (UCR&J). The Academic Council recommends that the Academic Assembly approve these proposed amendments.

SBL 116. Authority of the Assembly – Part II

Current

- 116.A The Assembly shall have sole authority to establish committees of the Assembly and Divisions of the Academic Senate, but Standing Committees and Divisions may be established only by amendment of these Bylaws.

Proposed

- 116.A The Assembly shall have sole authority to establish committees of the Assembly and Divisions of the Academic Senate, but Standing Committees and Divisions may be established only by amendment of these Bylaws, **and in the case of Divisions, only on the recommendation of the Academic Council [See Bylaw 125.B]**

Current

- 116.B In the absence of a Division of the Academic Senate on a campus, the Assembly is authorized to establish Faculties on that campus and to exercise all other functions of the Academic Senate otherwise vested in the Divisions under these Bylaws. In exercising these functions, the Assembly may delegate all or part of its authority to one or more Faculties established on the

campus by the Assembly or to one or more Standing or Special Committees of the Assembly. (Am 20 Oct 99) [See Bylaw 230]

Proposed

116.B In the absence of a Division of the Academic Senate on a campus, the Assembly is authorized to establish Faculties on that campus and to exercise all other functions of the Academic Senate otherwise vested in the Divisions under these Bylaws. In exercising these functions, the Assembly may delegate all or part of its authority to one or more Faculties established on the campus by the Assembly, ~~or~~ to one or more Standing or Special Committees of the Assembly **or to the Academic Council, which may further delegate this authority.**

SBL 125.B Academic Council – Authority and Duties

Current – first five provisions

1. The Academic Council shall have only the authority enumerated by these Bylaws.
2. The Academic Council normally shall advise the President of the University on behalf of the Assembly. [See Bylaw 115.e]
3. The Academic Council shall have the continuing responsibility to request committees of the Senate to investigate and report to the Council or to the Assembly on matters of Universitywide concern.
4. The Academic Council shall appoint two Senate members to serve on the Governing Board of the University of California Retirement System. (En. 4 May 89; CC 28 May 03)
5. If a proposed Divisional Regulation, which has been submitted to the Assembly of the Academic Senate for approval, is at variance with the 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]

Proposed – first five provisions

1. The Academic Council shall have only the authority enumerated by these Bylaws.
2. The Academic Council normally shall advise the President of the University on behalf of the Assembly. [See Bylaw 115.e]
3. The Academic Council shall have the continuing responsibility to request committees of the Senate to investigate and report to the Council or to the Assembly on matters of Universitywide concern.

4. The Academic Council shall appoint two Senate members to serve on the Governing Board of the University of California Retirement System. (En. 4 May 89; CC 28 May 03)
5. **The Academic Council shall have the authority to consider proposals for Divisional status, and to recommend to the Assembly that Divisional status be conferred. [See Bylaw 116.A]**
6. If a proposed Divisional Regulation, which has been submitted to the Assembly of the Academic Senate for approval, is at variance with the 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]

JUSTIFICATION:

The proposed amendments would: 1) Stipulate that at the time the University begins the academic and physical planning process for a new UC campus, the Academic Council will constitute a Special Committee charged with fulfilling the Senate's obligations in the development of the new campus; 2) Clarify that the Academic Council has the authority to consider proposals for Divisional status; and 3) Specify that Divisional status will be granted to a new UC campus by the Academic Assembly only on the recommendation of the Academic Council.

VII. REPORTS OF STANDING COMMITTEES (Cont'd)

B. Committee on Privilege and Tenure (UCP&T) (action) Proposed amendments to Academic Senate Bylaw 336.B.4

[Senate Bylaw 336](#) governs the standards and procedures employed by divisional Privilege and Tenure committees for disciplinary cases. An important aspect of these standards and procedures is the statute of limitations for disciplinary cases, which protects faculty from having to defend themselves against charges for events taking place in the distant past. SBL 336.B.4 currently defines the statute of limitations for disciplinary cases as:

“No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. “

Because the interpretation of the statute of limitations as contained in the current bylaw has been problematic on at least one campus, the University Committee on Privilege and Tenure (UCP&T) reviewed SBL 336 and identified two problematic phrases that are in need of further clarification: “Chancellor’s designee” and “should have known.” The committee’s intention was to modify SBL 336.B.4 to the greatest extent possible without triggering the need to revise the [Faculty Code of Conduct \(APM 015\)](#), which would require University-wide review and Regental approval. For example, any change to the three-year time limit for when disciplinary action may commence would necessitate such a change. The committee discussed a variety of different methods of clarifying this statute of limitations and came and recommended that SBL 336.B.4 be revised as follows:

336. Privilege and Tenure: Divisional Committees – Disciplinary Cases

B. Prehearing Procedure in Disciplinary Cases

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor’s designee, **who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures**, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. **For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, dean) has actual knowledge about an alleged violation, then it will be presumed that the Chancellor or Chancellor's designee should have known about the alleged violation.**

At its February 23, 200 meeting the Academic Council agreed that the proposed UCP&T language was an improvement over the current bylaw but concurred that the current proposal did not accomplish what it was intended to accomplish and found the proposed changes to be confusing. Therefore the Academic Council suggested that additional clarification could be achieved by inserting the word “conclusively” in the second sentence of the UCP&T’s proposed revision, as follows:

336. Privilege and Tenure: Divisional Committees – Disciplinary Cases

B. Prehearing Procedure in Disciplinary Cases

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee, who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. “For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, dean) has actual knowledge about an alleged violation, then it will be conclusively presumed that the Chancellor or Chancellor's designee should have known about the alleged violation.”

Action Requested: Approval of the proposed amendment to Academic Senate Bylaw 336.B.4. The proposed amendment to Academic Senate Bylaw 336.B.4, which were found to be consonant with the Code of the Academic Senate by the University Committee on Rules and Jurisdiction (UCR&J), was approved by the Academic Council on February 23, 2005, and is presented here for the Assembly's approval. (Please note that 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 members of the Assembly present;” Modification of Bylaws shall take effect immediately following approval unless a different date is specified or required.)

Present Wording:

336. Privilege and Tenure: Divisional Committees – Disciplinary Cases

B. Prehearing Procedure in Disciplinary Cases

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action.

Proposed Wording:

336. Privilege and Tenure: Divisional Committees – Disciplinary Cases

B. Prehearing Procedure in Disciplinary Cases

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee, **who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures**, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. **“For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, dean) has actual knowledge about an alleged violation, then it will be conclusively presumed that the Chancellor or Chancellor's designee should have known about the alleged violation.”**

JUSTIFICATION:

The intent of the statute of limitations in SBL 336.B.4 is to protect faculty from having to defend themselves against charges for events taking place in the distant past. This avoids a situation where a faculty member is precluded from an adequate defense against charges because evidence has been lost, memories may have faded, or key witnesses are no longer available. This is analogous to criminal and civil statutes of limitations, which by establishing time limits within which charges can be filed protect a citizen from having to defend against stale charges. In both criminal and civil cases, the time limitation is interrupted only when the accused becomes a fugitive from the jurisdiction where he or she allegedly committed the crime. In criminal matters, the time limit usually begins when the crime is committed. In civil cases there are instances in which an injury is not discovered for months or years after it occurs. In such situations, statutes of limitations may be judged to begin either on the “date of discovery” of the harm, or the date on which the plaintiff “should have discovered” the harm, that is, the date when a judge considers it fair to say that the plaintiff “should have known” about the harm, whether or not the plaintiff actually knew about it. The authors of SBL 336.B.4 created a similar doctrine for the statute of limitations for disciplinary cases with the idea that the three-year statutory period begins when a member of the administration, who is obliged to report the alleged violation to the Chancellor or relevant Vice Chancellor, discovers the alleged violation of the Code of Conduct.

- C. **Committee on Faculty Welfare (UCFW) (oral report)**
 - **John Oakley, Chair,**
An update on 04-05 UCFW activities

- D. **Board of Admissions and Relations with Schools (BOARS) (oral report)**
 - **Michael Brown, Chair**
An update on 04-05 BOARS activities

VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)

IX. PETITIONS OF STUDENTS (none)

X. UNFINISHED BUSINESS (none)

XI. NEW BUSINESS

*Next regular meeting of the Assembly: May 11, 2005.
To be held on the UC Berkeley-Clark Kerr Campus.*