

# UNIVERSITY OF CALIFORNIA

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## NOTICE OF MEETING

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

Wednesday, May 28, 2003, 10 a.m.-4 p.m.  
Sunset Village, Covell Commons  
Grand Horizon Room (Salon A)  
300 Deneve Drive  
University of California, Los Angeles  
(310) 825-7021

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*Special meeting of the Assembly: Wednesday, July 20, 2003, UC Berkeley.*

*Next regular meeting of the Assembly: Wednesday, October 29, 2003, UC Berkeley*

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## **I. ROLL CALL**

### **2002-2003 Assembly Roll Call May 28, 2003**

#### **President of the University:**

Richard Atkinson

#### **Academic Council Members:**

Gayle Binion, Chair

Lawrence Pitts, Vice Chair

Catherine Koshland, Chair, UCB

Bruce Madewell, Chair, UCD

Philip DiSaia, Chair, UCI

Duncan Lindsey, Chair, UCLA

Irwin Sherman, Chair, UCR

Joel Dimsdale, Chair, UCSD

Daniel Bikle, Chair, UCSF

Walter Yuen, Chair, UCSB

George Blumenthal, Chair, UCSC

Michelle Yeh, Chair, UCAP

Richard Church, Chair, CCGA

Andrew Grosovsky, Chair, UCEP

Lisa Alvarez-Cohen, Vice Chair UCEP

Barbara Sawrey, Chair, BOARS

Mark Traugott, Chair, UCFW

Richard Price, Chair, UCPB

#### **Berkeley (7)**

Richard Abrams

James Bartolome

Sharon Fleming

Michael Hanemann

Russell Jones

Donald Mastronarde

Raymond Wolfinger

#### **Davis (6)**

Peter Hays

Gyongy Laky

Jerry Powell

John Rutledge

Evelyn Silvia

Philip Yager

#### **Irvine (4)**

Joseph Dimento

Linda Georgianna

Alexei A. Maradudin

Thomas Poulos

#### **Los Angeles (9)**

Kathryn Atchison

Charles Berst

Dalila Corry

Robert Ettenger

Lillian Gelberg

Ann Karagozian

Seymour Levin

Vickie Mays

Jane Valentine

#### **Riverside (2)**

R. Erwin Taylor

Linda Tomko

#### **San Diego (4)**

Stuart Brody

Ellen T. Comisso

Barney Rickett

Geert Schmid-Schoenbein

#### **San Francisco (3)**

Patricia Benner

Philip Darney

Francisco Ramos-Gomez

#### **Santa Barbara (3)**

Michael Gerber

Susan Koshy

Sydney Levy

#### **Santa Cruz (2)**

Alison Galloway

John Lynch

#### **Secretary/Parliamentarian**

Peter Berck

## **II. MINUTES**

**UNIVERSITY OF CALIFORNIA**

**ACADEMIC SENATE**

### **REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE Minutes of March 12, 2003**

#### **I. ROLL CALL OF MEMBERS**

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, March 12, 2003 on the Clark Kerr Campus of UC Berkeley. Assembly of the Academic Senate Chair Gayle Binion called the meeting to order at ten o'clock. Academic Senate Executive Director María Bertero-Barceló called the roll of the Assembly; attendance is listed in Appendix A of these Minutes.

#### **II. MINUTES**

The Minutes of the Meeting of May 29, 2002 were approved as written.

#### **III. ANNOUNCEMENTS BY THE PRESIDENT**

Richard C. Atkinson

Assembly Chair Binion welcomed President Atkinson. Advance distributions included the President's March 3, 2003 letter to the Regents regarding UC's simultaneous enrollment growth and constrained resources, and "List of Discussion Topics..." The President briefed the Assembly on nearly every topic from the list:

1. Budget
2. Classification by Race, Ethnicity, Color, or National Origin Initiative
3. Los Alamos National Laboratory
4. Undergraduate Admissions (Fall 2003) and Enrollment (Fall 2002)
5. State Audit on Accountability Measures in Partnership with Governor
6. Faculty Hiring and Gender Equity
7. Green Building Policy/Clean Energy
8. Library Initiatives
9. Dual Admissions Program
10. Eligibility in the Local Context
11. Commission on the Growth and Support of Graduate Education
12. Retirement Benefits for Domestic Partners
13. Long-Range Enrollment Planning
14. Summer Instruction Expansion
15. UC Merced
16. Accountability Framework for Higher Education
17. California House, London and Mexico City
18. California-Mexico Initiatives
19. Code of Conduct for Trademark Licensees
20. Contract and Grant Activities
21. Education Doctorate and Educational Leadership
22. External Debt Study
23. Graduate and Professional School Enrollment, Fall 2000 and Fall 2001

24. Health Insurance Portability and Accountability Act of 1996
25. Housing Task Force
26. Internet2/CalREN-2
27. Labor Relations
28. Master of Advanced Study
29. Master Plan Review
30. Outreach and K-12 Initiatives
31. Private Support
32. Regents' Committee on Audit Review
33. UC 2010 – A New Business Architecture for the University of California
34. UC Consortium for Language Learning and Teaching
35. UC Center in Sacramento
36. UC Teaching, Learning and Technology Center
37. UCTV

[A written summary of each of the above listed topics was distributed at the meeting and is available, on the Senate's website--- <http://www.universityofcalifornia.edu/senate/assembly/mar2003/presrpt.pdf>]

**Provost and Senior Vice President C. Judson King provided additional information on selected topics.**

Student fees were addressed; after holding steady since 1997, fees increased this year in spring quarter. An additional increase is scheduled for next year, pending gubernatorial approval of the budget. UC student fees remain low (\$5,082 for next year) as compared with public institutions within UC's comparison eight institutions (~\$6,694).

Racial Privacy Initiative (now known as Classification by Race, Ethnicity, Color, or National Origin, "CRECNO") and its implications for UC were addressed. The Academic Council voted in January to oppose the Initiative and to call upon the Regents to oppose it on behalf of the University. Reliance on State research databases for University research was cited as a particular concern of UC faculty. The Initiative is scheduled to be on the next State ballot.

Faculty morale concerns were addressed. It is clear that another very early retirement incentive program (VERIP) cannot be justified at this time. Next year is expected to be a very tough year for the University, with respect to the budget situation, budget cuts and morale. The President said the University is challenged to maintain its high standards and attitudes of previous years in the face of these problems.

Budget cuts have been specific and targeted, with the exception of one \$34 million undesignated cut. The present crisis compares with the 1991-92 budget crisis; next year is likely to be worse.

Underrepresented minority enrollment drop appears to be more related to demographic changes that have impacted UC's ability to maintain levels of underrepresented minorities, rather than the passage of Proposition 209. While percentages of underrepresented minority students attending UC have increased, underrepresented minority high school graduates are a growing proportion of that population. UCOP has recently issued a report on the impact on UC of the passage of SP-1.

One member asked to what extent the Regents are informed about faculty gender equity issues in the context of selecting the next University President. Presidential selection criteria have been revised recently, and the Regents are aware of recent testimony and policy changes with respect to faculty gender equity issues. President Atkinson said he is not involved in the recruitment process or selection of his successor.

The President and Provost also addressed comments from Assembly members regarding potential increase in hiring temporary faculty for summer session (response: there is an expectation of having regular rank faculty teach summer session, for comparable instruction), formal policy and institutional effort targeted at dealing with commercial entities on campuses and potential conflict of interest (response: from experience, the University is getting better at this business), and UC Trade Policy regarding divestment of interests [in countries that trade with Israel] (response: the issue has not come before the Regents, and a University stance has not been taken nor is it expected).

#### **IV. ANNOUNCEMENTS BY THE CHAIR**

Chair Binion requested taking action on the two Consent Calendar items and on Item VI out of agenda order before returning to announcements; no objection was voiced.

Chair Binion acknowledged visitors: Professor Richard Watts, Chair of Professorial Steps Task Force, Professor Robert Post, member of the Course Description Task Force, and Professor Janis Ingham, Vice Chair of University Committee on Research Policy.

Chair Binion announced that the Academic Council would hold its first joint retreat with Executive Vice Chancellors in March. Agenda topics include UCFW's proposed Phased Employment/Phased Retirement, Ethics & Integrity: Faculty-Student Relations, and Shared Governance.

In response to a question about the UC Report on Gender Equity, Chair Binion said the report is on its way to campuses for review and comment. The Senate will also be involved in further discussions of recommendations concerning senior hiring, best predictors of recruitment, and an examination of gender equity in fields where postdoctoral experience is required for faculty appointments.

#### **V. SPECIAL ORDERS**

##### **A. Consent Calendar**

Chair Binion informed Assembly members that discussion is waived for consent calendar items unless there is an objection to approving the individual item.

##### **1. Variance to Senate Regulation 630 requested by the Irvine Division**

**Issue:** The Irvine Division requested this change to extend to students enrolled in the UC Washington, D.C. program the same exception to undergraduate residence requirements provided to students enrolled in the Education Abroad Program.

**Action:** No objection was voiced, and the request for variance was approved as submitted.

2. **Variance to Senate Regulation 730 requested by the Davis Division—  
Diploma Notation for Undergraduate Minors**

**Issue:** The Davis Division request for formal notation for undergraduate minors on diplomas--be notated on a student's diploma.

**Action:** No objection was voiced, and the request for variance was approved as submitted.

**B. Annual Reports (2001-02)**

The Assembly received the Standing Committees' Annual Reports as noted in the NOTICE of Meeting.

**VI. REPORTS OF SPECIAL COMMITTEES (taken up out of agenda order)**  
**Report of the Senate Task Force on UC Merced**  
**Peter Berck, Chair**  
**Proposed Campus Regents Standing Orders for UC Merced**

**Issue:** UC Merced's request that the Academic Senate review and recommend draft Proposed Regents Standing Order for UC Merced before the Regents' July meeting, and also Proposed Amendments to Standing Orders of the Regents 110.1. Distribution 1 was circulated to replace the background information located on pages 68-70 of the NOTICE of Meeting.

**Report:** UC Merced Task Force Chair Berck provided an oral report, summarizing the academic structure of existing campuses and the academic structure proposed for UC Merced. Terms "school" and "college" were deemed to be in keeping with other campuses' use of the terms. There was no further discussion.

**Action:** The Assembly unanimously approved the motion that the Academic Senate advise the Regents to add Academic Schools and Colleges at UC Merced as set forth on pages 71 and 72 of the NOTICE of Meeting, and separate numbered amendments to the Regents Standing Orders.

**VII. REPORTS OF STANDING COMMITTEES**

**A. Academic Council**  
**Gayle Binion, Chair**

1. **Nomination and Election of the Vice Chair of the Assembly for 2003-04  
(oral report, action)**

Chair Binion requested suspension of the rules to hold election of the next Vice Chair of the Academic Senate and Academic Council at this meeting, rather than the May 28 Assembly meeting. The reason for early action is that the Vice Chair of the Senate is a member of the National Labs oversight committees that require a "Q" clearance from the Federal government, and that takes nearly a year to complete. Assembly members consented unanimously to suspend the election rule and proceed with action. Vice Chair Pitts provided a brief bio on the Council's

nominee, George Blumenthal, Professor of Astronomy and Astrophysics at UCSC and UCSC Division Chair.

**ACTION:** A motion was made and seconded to elect Professor Blumenthal by acclamation, and he was elected unanimously. Professor Blumenthal returned to the meeting and received a round of applause.

## **2. Report from the President's Council on the National Laboratories**

Chair Binion, who is an ex officio member of the President's Council on the National Laboratories, apprised members that she had decided to defer the Chair's annual report to the Assembly on the Senate's role with respect to UC management of the DOE National Laboratories to the May 28 Assembly meeting, pending outcome of current investigations of UC's Lab management. She said it would be more fruitful for the Senate to engage in a dialogue after issues concerning the future of UC's lab management are resolved.

University Committee on Research Policy's Subcommittee on the Relationship between the University of California and the U.S. Department of Energy Laboratories at Berkeley, Livermore and Los Alamos issued its interim report recently to UCORP, which forwarded the report to Council. Chair Binion distributed the report for review to Division Chairs and Standing Committees Chairs, to elicit faculty comments. Chair Binion encourages discussion beyond the usual issues related to whether or not UC should continue to manage the Labs (e.g., academic freedom issues, and employee terms and conditions of employment in hiring contracts; the Academic Senate could have a role in commenting on hiring process). The Academic Council will assemble comments to advise administration on Senate views and concerns.

## **3. Course Descriptions Task Force (oral report from Robert Post, member of the Task Force)**

Chair Binion introduced Professor Post, a faculty member at UC Berkeley's Boalt Hall School of Law. The Task Force was formed at the request of President Atkinson, and in response to concerns raised with respect to the English R1A course section ("The Politics and Poetics of Palestinian Resistance") taught in fall Semester 2002, at UC Berkeley. The Task Force has three charges, which are to review: the experience of English R1A; how (non-standard) courses, such as "umbrella," courses are reviewed for content; and the operant norms for faculty with respect to how they describe their courses. In addressing those questions, President Atkinson noted that the APM 010—Academic Freedom statement did not provide sufficient guidance; he requested that Professor Post, a specialist in First Amendment law, draft a revised statement of academic freedom.

Professor Post briefed the Assembly on philosophy, construction and principles behind the proposed revision of APM 010, the only APM section that directly addresses academic freedom. He noted that the actual text was not ready for release from the President to the Academic Senate for his review.



Language in APM 010 (first drafted in 1934 by President Sproul in response to student riots at UCLA) reflects a “bargain” that UC would keep out of politics, and the State would not interfere with the business of the University. The University’s business—scholarship—was defined as “that which is not political,” and characterized as “disinterested, dispassionate and value neutral,” whereas politics was viewed as a realm in which there is passionate engagement. Professor Post has revised distinctions between scholarship that is interested and that which is disinterested; scholarship is either competent or incompetent. His statement focuses on academic freedom from three perspectives: for an individual faculty member it is freedom to engage in research and to teach; for the Academic Senate it is freedom vis-à-vis Regents and administration to set academic standards. The third perspective addresses constitutional rights, First Amendment rights, and rights under the freedom of speech clause in the California Constitution. The notion of academic freedom derives from the fundamental mission of the University to disseminate knowledge for which freedom of inquiry is a requisite.

**A Question and Answer and Discussion session followed.** Members discussed a resolution that passed a year ago requesting that administration review the Patriot Act. A Task Force looked at disclosure of records and wrote a report that was said to be “sobering.” Although campuses have not reported significant changes, there are concerns about medical research and publications, restrictions on nonclassified research, campus climate related to outside pressures for restricting speech, and anecdotal evidence of non-native-born faculty and students being treated differently in certain situations (e.g., when traveling). Concerns remain about the next installment of the Act, Patriot II. A representative of the Office of General Counsel, whose specialty is to understand the Patriot Act, has met with the Task Force. Members expressed concern about the impact on foreign graduate students. Professor Post noted that the American Association of University Professors (AAUP) has formed a National Task Force on the Patriot Act.

One member asked how the corporate body felt about making a political statement through Council on RPI, in light of the original statement of academic freedom that the University would stay out of politics. The response indicated that the University addresses political issues that may impact its mission, as is the case with the response on RPI.

Discussion topics that were covered briefly included intellectual property rights related to funding from private entities and other external funding sources, classified information and trade secrets and related protections and restrictions, amplified restrictions on biogenetic research, international protocols, and the vagueness of APM language related to faculty privilege on publishing research findings. The University has taken a position not to accept certain kinds of restrictions. Chancellors, who formerly had the authority to permit classified research, have, asked UCOP to take back this power as the matter is viewed as one requiring a more public discussion.

Professor Post expects that the draft statement will be ready for release within days. The goal has been to develop a statement to satisfy all sides and present to the Senate before editing a final statement.

#### **4. Professorial Steps Task Force (oral report from Richard Watts, Chair)**

Background to the Professorial Step System: Professorial ranks numbered three steps (I-III) in 1961; additions of Step IV in 1962 and Step V in 1963 did not include a barrier step. Step VI was added in 1969 and APM language was drafted stating that Professor Step V may be of “an indefinite duration,” thus indicating a real barrier step. That language has not changed, and the barrier step concept has remained in place throughout additions of Step VII in 1979, Step VIII in 1988, and Step IX in 2000. Language that describes the standard for reaching Step VI has evolved from a brief 1969 statement, “...great distinction and highly meritorious service” to a lengthy 1999 statement, “...highly distinguished scholarship, highly meritorious service, evidence of excellent University teaching. In interpreting these criteria, reviewers should require evidence of excellence and high merit and original scholarship or creative achievement, in teaching and service and, in addition, great distinction recognized nationally or internationally in scholarly or creative achievement or in teaching.”

#### History of Review of the Professorial Step System:

An informal agreement in 2000 between UCFW (Chair Robert May) and UCAP (Chair Donka Minkova) formed a work group to review the Step System and the number of career/academic personnel reviews that take place once a faculty member has reached the Professorial Series (I-IX steps plus above scale), and the standard three-year review period. UCFW and UCAP jointly recommended a longer period between reviews, fewer steps in the series [Steps I-VI with a barrier at IV], consolidation to five-year review periods. They also made recommendations on full salary increases and salary increments. No change was recommended for the barrier step review itself, although the barrier would appear at a different level. This working model required administrative input; a joint Senate-administrative committee was charged to review the step system more extensively (although its focus was on the time period that one step would cover, and on the barrier step itself). Four Senate members (Robert May--Chair, UCFW, Barbara Doshier--Chair, UCAP, Gayle Binion--Chair, UCPB, and Jeffrey Gibelung--Davis Divisional Chair) and four administrative representatives studied the UCFW-UCAP working model and made four basic recommendations: 1) additional criteria for advancing to Step VI should be eliminated; 2) additional criteria for promotion to Professor above-scale should be retained; 3) “continuous meritorious performance” should be the standard for merit advancement on the professorial scale, once an individual passes from Associate Professor to Professor (the original standard), and 4) Professorial Step IX should be eliminated, and the normal period of Professor V-VII should be normalized to four years (with Professor VIII being an indefinite step, eliminating a barrier step prior to above scale, and movement from VIII to above would be the barrier step—the only one within the Professorial rank), coupled with consolidation of steps VIII and IX.

In addition to Task Force Chair Richard Watts—UCSB, current Task Force members are: Faye Crosby—UCSC, Joel Dimsdale—UCSD [Division Chair], Ramon Gutierrez—UCSD [UCAP Vice Chair], Robert May—UCI, and Deborah Nolan—UCB [UCAAD Chair]. The focus of the Task Force has been narrowed to: 1) review of the placement of the barrier steps and the number of barrier steps that would be involved in the Professorial ranks; 2) the number of years at step that we should continue to have; and 3) career length access to merit increases. The latter is considered to be a major problem at the barrier step, where a significant number of faculty who

do not pass the barrier and remain at Step V have less career length access to merit increases. The Task Force will thus consider ways to make merit increases available throughout a career.

**A Q & A session followed.** One member asked whether there would be room in a new step system for considering step promotion during retirement, when many faculty achieve national or international recognition that has been delayed. Professor Watts commented that the consideration had not been discussed. A previous model precisely considered was not to eliminate the barrier step, but to move it higher, so faculty could move further up the scale before encountering it. This would reduce the number of faculty who are stalled in mid-career (how the current Step VI is handled by the various campuses appears to vary demonstrably).

The Assembly and UCOP will ultimately make decisions on the barrier step and on [faculty/career] review. One member pointed out that because Lecturers with Security of Employment are reviewed every two years, and Professorial series every three years, a former Lecturer SOE could, at some point, surpass a full Professor in terms of actual salary increments, following favorable review. Professor Watts responded that the Task Force is aware of such equity issues. Proponents of five-year review intervals see benefits not only in terms of diminishing workload for review committees, but also of ample time for portfolio building by faculty before the next step increase.

In response to a question about the decision to recommend removing the barrier at Step VI, Chair Binion reported that composite data by campus, gender, field, age and years in the Professorial series (different markers and rates of success of tenure) indicate that a growing number of younger professors are held back at Step IV relatively early in their careers. Concerns about the effect on career pattern and faculty morale and impact on retirement income by not proceeding up the scale are among the faculty welfare issues.

There is no proposal on the table; however, a former recommendation stipulates a period of four years normative time from Step VI up through Step VIII, and eliminating Step IX, which accounts for three years to become qualified for above scale. The Task Force is also considering whether the definition of continuing meritorious service is sufficient for merit steps (addressing a UCAP concern that too many faculty could move up without having sufficient merit). Recognizing UCAP concerns and campus variations, the Task Force will address certain standards of performance that must be at every step until one gets to above scale.

## **5. Report on Proposed Policy on Faculty-Student Relationships (discussion)**

Chair Binion briefed the Assembly on development of the proposed draft policy (pp. 74-75 of the Call). A 1983 Academic Assembly statement of principles about the inappropriateness of a faculty member having sexual relations with a student for whom the faculty member had supervisory responsibility was never codified in APM 015--Faculty Code of Conduct. In response to regental concern over the lack of a Faculty-Student Relations policy, the Universitywide Privilege and Tenure Committee drafted a policy which with minor revising has been endorsed by Academic Council.

There was considerable discussion of items 6 and 7 of “types of unacceptable conduct,” including enforceability and consequences for violating policy. Anecdotal ethical dilemmas and hypothetical situations were discussed, and also suggestions for supplemental language explaining what is understood in this policy. While some members expressed dissatisfaction with the policy as being “too explicit,” others expressed confidence in the ability of peers in UCP&T to exercise common sense and rule wisely on cases involving breach of policy. One member recommended that discussion be documented and that supplemental language include a reassurance to faculty that this is a reasonable standard, and perhaps advice for UCP&T for the future.

Other related concerns were expressed:

- A faculty member who is involved with a graduate student in a small program might expect to have some supervisory or recommendation role in future, and would thus be putting the student in a vulnerable position with respect to future career or award;
- Other relationships between students and others having supervisory authority, e.g., medical students and residents need to be considered. (UCOP intends to issue within the APM a similar document to cover all teaching personnel with parallel kinds of rules.)

**Action:** Discussion of this item will continue at the May 28 Assembly meeting.

**6. Ad Hoc Committee on Bylaw Revisions (discussion)**  
George Blumenthal, Chair

Distribution 2—Working Draft Proposed Bylaw revisions (Suggestions from the 02-03 Academic Council Bylaw Ad Hoc Committee) were distributed for members to read at leisure. Chair Blumenthal noted that the draft had not been seen/approved by Council and was not for distribution beyond Assembly.

In fall 2000 Council Chair Michael Cowan invited Senate committees to examine their own bylaws and recommend changes; in 2001 Council Chair Viswanathan formed an ad hoc committee to review proposed bylaw changes. Not all committees proposed changes, and last year the ad hoc committee did not complete its work. This year the ad hoc task force consists of Chair Blumenthal, Council Chair Binion, Professor and Assembly Parliamentarian Peter Berck and UCR&J Chair Jean Olson, who worked on the Draft.

Two categories of changes were proposed: 1) General changes regarding Senate operations and 2) changes regarding Committee membership and charges. The first category includes allowing Assembly meeting agenda to be distributed electronically; changing from 15 to 10 calendar days for giving notice of meeting; allowing electronic voting for mail ballot; adding the Chair of UCORP as a member of the Academic Council, and removing the Vice Chair of UCEP as an ex officio member of the Academic Assembly. With respect to Committee bylaw changes, there is an attempt to standardize committee membership—undertaken by the Task Force. The committees suggested many modifications to charges. The Task Force also recommends that the Chair and Vice Chair of the Academic Council be nonvoting ex officio members of all Senate committees except UCR&J and UCOC (on the latter would be voting members).

The Task Force has proposed the following: committee chairs shall be at-large committee members, all committees shall have vice chairs; chairs will serve a one-year term, with exceptions, as a divisional representative, (e.g., BOARS Chair serves for two years), and continuous committee service by one member would be limited to four years. Chair Blumenthal provided statistics on committee membership turnover: this year 70% of committee members are serving their first year; 20% are serving a second year, and 5% are serving a third or fourth year. Allowances have been made for more campus flexibility.

The Task Force decided against changing the composition of UCR&J because this bylaw change would require action by a mail ballot of the entire UC faculty.

The Task Force has considered eliminating the Student Affirmative Action committee, which has not met or been staffed for the past 10 years. The Task Force is still looking at individual Committee charges.

**A Question and Answer session followed.** UCSF is also undergoing bylaws revisions. Members discussed the need for cultural change at the division level to accommodate membership terms. Most campus committee membership is limited to 3 years. The Task Force is not advocating for, but limiting, terms to four years.

A member asked about a recommended change for the Chair of UCAAD to be an ex officio member of UCAP. The response was that UCAP had supported the change, since UCAAD was not represented at Council as is UCAP, and issues of hiring are related to issues of affirmative action and gender equity.

The draft document was distributed to Assembly members for suggestions, comments or objections, which may be forwarded to Assembly Chair Binion [or to Task Force Chair Blumenthal]. The final draft will go to Council for approval.

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

**Status of BOARS recommendations for improved admissions tests**

**a. Update on core exams**

**b. “Proposal for Use of Supplemental Subject Matter Tests in the UC Admissions Process”**

**c. Timeline**

The BOARS proposal (beginning on page 93 of the Assembly Call) was discussed with the intention that it will be voted on at the May Assembly meeting.

BOARS Chair Sawrey reported that the Proposal completed BOARS’ three years of work on considering all aspects of admissions tests at UC. In January 2002 BOARS produced a report on principles of testing that it developed: “The Use of Admissions Tests by the University of California,” which is available on the web.

<http://www.universityofcalifornia.edu/senate/committees/boars/admissionstests.pdf>

The new Proposal addresses the subject matter tests that all incoming students take to be UC-eligible. Up to now, for incoming students to be UC-eligible, they were required to take the core SAT I or ACT exam and three subject matter tests which are satisfied only by SAT II subject matter tests. These include one additional math exam, a writing exam, and a third choice from among subject matter tests. The College Board and ACT plan to change their core exams to include more advanced math, and a mandatory writing component; therefore, BOARS recommends reducing subject matter tests to two choices to avoid redundancy in math and English and to allow broader coverage from among the “a-g” subject requirements that closely follow the available subject matter tests. These, in addition to the core, would form the new requirement, called “core-plus-two.” The changes will be for students entering UC in fall 2006. For now and until information on content and predictive validity of tests is available, the core-plus-two components are equally weighted.

The Academic Council has endorsed items 1, 2, 3 and 4 of the Proposal. An Assembly vote is needed on the “core-plus-two” testing proposal at the May 28 meeting so students entering their sophomore year of high school this September can plan and prepare to take subject matter tests at an appropriate time at the end of a course. It is important to have lead time for high schools, students, parents, and testing agencies. BOARS also wants approval of the option of reducing the number of required subject matter tests from 3 to 2 as described, and reaffirmation that BOARS is “on good ground” in making the determination of what will and will not be an appropriate test, once the committee reviews core exam design from the testing agencies. The new core exam will come back to Assembly and Regents; however, deliberation in body larger than BOARS would be difficult. BOARS wants to move forward, deal with the testing agencies, and report back to the Senate. Chair Sawrey said campuses have seen the BOARS document, all but one campus has responded, and all responses were in the affirmative. A few recommendations have also been made.

Members briefly discussed the importance of sending a message that math is important in this high technology age. One member suggested omitting calculus from the exams, since only the brightest students finish calculus by 11<sup>th</sup> grade.

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

**IX. UNFINISHED BUSINESS (none)**

**X. UNIVERSITY AND FACULTY WELFARE REPORT**

Mark Traugott, Chair, University Committee on Faculty Welfare (oral report)

Since the adjournment hour of 4pm had been reached, Assembly Chair Binion thanked UCFW Chair Traugott for his willingness to delay his report until the May 28 Assembly meeting, when the report will be on the agenda earlier in the day.

**XI. NEW BUSINESS**

No new business was brought before the Assembly.

Assembly Chair Binion thanked Assembly members and report presenters for their attendance and deliberation. The Assembly meeting was adjourned and will reconvene on May 28, 2003 at UCLA.

Meeting adjourned at 4pm.

Minutes prepared by Louisa Tapley-Van Pelt  
Committee Analyst, Academic Senate

## Appendix A

### 2002-2003 Assembly Attendance Record, Meeting of March 12, 2003

#### President of the University:

Richard Atkinson

#### Academic Council Members:

Gayle Binion, Chair  
Lawrence Pitts, Vice Chair  
Catherine Koshland, Chair, UCB  
Bruce Madewell, Chair, UCD  
Philip DiSaia, Chair, UCI  
Duncan Lindsey, Chair, UCLA  
Irwin Sherman, Chair, UCR  
Joel Dimsdale, Chair, UCSD  
Daniel Bikle, Chair, UCSF  
Walter Yuen, Chair, UCSB (absent)  
Harry Nelson, Vice Chair UCSB (alt.)  
George Blumenthal, Chair, UCSC  
Michelle Yeh, Chair, UCAP (absent)  
Richard Church, Chair, CCGA  
Andrew Grosovsky, Chair, UCEP  
Lisa Alvarez-Cohen, Vice Chair UCEP  
Barbara Sawrey, Chair, BOARS  
Mark Traugott, Chair, UCFW  
Richard Price, Chair, UCPB

#### Berkeley (7)

Richard Abrams  
James Bartolome  
Margaret Conkey (alt.)  
Sharon Fleming  
Michael Hanemann  
Russell Jones (absent)  
Gwen Kirkpatrick (alt.)  
Donald Mastronarde (absent)  
Raymond Wolfinger

#### Davis (6)

Ryken Grattet (alt.)  
Peter Hays (absent)  
Gyongy Laky  
Jerry Powell  
John Rutledge  
Evelyn Silvia (absent)  
Philip Yager

#### Irvine (4)

Joseph Dimento  
Linda Georgianna  
Alexei A. Maradudin  
Thomas Poulos (absent)

#### Los Angeles (9)

Kathryn Atchison (absent)  
Charles Berst  
Dalila Corry  
Robert Ettenger (absent)  
Todd Franke (alt.)  
Lillian Gelberg (absent)  
Ann Karagozian  
Seymour Levin  
Vickie Mays (absent)  
Tasneem Naqvi (alt.)  
Jane Valentine  
Jaime Villablanca (alt.)

#### Riverside (2)

R. Ervin Taylor  
Linda Tomko

#### San Diego (4)

Stuart Brody  
Ellen T. Comisso (absent)  
Barney Rickett  
Geert Schmid-Schoenbein  
Susan Shirk (alt.)

#### San Francisco (3)

Patricia Benner  
Philip Darney  
Francisco Ramos-Gomez

#### Santa Barbara (3)

Michael Gerber (absent)  
Susan Koshy (absent)  
Sydney Levy (absent)

#### Santa Cruz (2)

Alison Galloway  
John Lynch

#### Secretary/Parliamentarian

Peter Berck



**III. ANNOUNCEMENT BY THE PRESIDENT**

Richard C. Atkinson (Unable to attend. In his stead, Provost and Senior Vice President C. Judson King will participate.) **(Oral Report)**

**IV. ANNOUNCEMENT BY THE CHAIR**

Gayle Binion **(Oral Report)**

**V. SPECIAL ORDERS (None)**

**VI. REPORTS OF SPECIAL COMMITTEES**

**Report from the Senate's Task Force on UC Merced**

Peter Berck, Chair **(Oral Report)**

**VII. REPORTS OF STANDING COMMITTEES**

**A. Academic Council**

Gayle Binion, Chair

**1. Nomination and Election of two at-large members to Universitywide Committee on Committees, 2003-2004 (Oral Report -Action)**

**2. 2003-2004 Assembly Meetings (Information)**

In accordance with Senate Bylaw 110. A.3 b., the following dates for the 03-04 Assembly meetings were set in consultation with the President of the Senate and the Academic Council.

**Meeting Dates and Locations**

**Submission Receipt Date\***

Wednesday, October 29, 2003, Berkeley

August 1, 2003

Wednesday, March 10, 2004, Berkeley

December 9, 2003

Wednesday, May 12, 2004, Los Angeles

February 13, 2004

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\*Final date on which the Secretary/Parliamentarian can receive reports and other submissions for inclusion in the *Notice of Meeting*.

**VII. REPORTS OF STANDING COMMITTEES (CONTINUED)**

**A. Academic Council (Continued)**

**Gayle Binion, Chair**

**3. Apportionment of Representatives to the Assembly (Information)**

In accordance with Senate Bylaw 105. A. 4. The Academic Council at its April 24, 2003 meeting approved the apportionment of the 40 Divisional Representatives for 03-04. On the basis of Divisional Academic Senate membership as of February 2003, the Webster Method of Calculation was used to determine the number of divisional representatives. The apportionment of representatives for 03-04 is as follows:

<b>DIVISION</b>	<b>NUMBER OF REPRESENTATIVES/DIVISION</b>
Berkeley	6.00
Davis	6.00
Irvine	4.00
Los Angeles	9.00
Riverside	2.00
San Diego	4.00
San Francisco	4.00
Santa Barbara	3.00
Santa Cruz	2.00
<b>TOTAL</b>	<b>40.00</b>

## **VIII. REPORTS OF STANDING COMMITTEES (CONTINUED)**

### **A. Academic Council (Continued)**

#### **4. Proposed Amendments to Senate Bylaws (Action)**

George Blumenthal, Chair, Ad Hoc Committee on Bylaw Revisions

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.

**PROPOSED AMENDMENTS TO THE ACADEMIC SENATE BYLAWS  
SUBMITTED BY THE ACADEMIC COUNCIL BYLAW AD HOC COMMITTEE  
ENDORSED BY THE ACADEMIC COUNCIL  
ON  
APRIL 23, 2003**

### **BACKGROUND**

The Academic Council, with the concurrence of the University Committee on Rules and Jurisdiction, is recommending that the Academic Assembly approve a number of amendments to our bylaws. These proposed amendments divide naturally into two groups: bylaws which affect the operations of the Academic Assembly and bylaws which determine the membership and charges of systemwide committees. The Assembly will be asked to act separately upon each of those groups of bylaws.

The current efforts to revise the systemwide bylaws began in September of 2000. At that time, Academic Council Chair Michael Cowan asked each Assembly committee to review its own enabling bylaw. He particularly encouraged the committees to examine both the membership requirements and the charge of each committee. By the end of the 2000-2001 academic year, roughly half of the systemwide committees had made recommendations regarding their own charges.

The next year, Senate Chair Viswanathan appointed a subcommittee of the Academic Council to examine the committee submissions and to recommend bylaw changes to the Council and to the Assembly. By the end of the year, only one recommendation of this subcommittee, to add the UCORP chair to the Academic Council, ever reached the Council for action.

This year, Council Chair Binion appointed a new ad hoc task force on bylaws, consisting of two new members (Santa Cruz Division Chair George Blumenthal, UC Rules and Jurisdiction Chair Jean Olson), and two continuing members (Assembly Parliamentarian and UC Merced Task Force Chair Peter Berck, and Gayle Binion), and this task force benefited greatly from the input of Executive Director María Bertero-Barceló. This

group decided to propose several bylaw changes to facilitate the operations of the Academic Assembly. The group also examined all of the changes suggested by systemwide committees over the past three academic years. The ad hoc task force shared a preliminary draft of the proposed revisions with the Assembly on March 12, and on March 26 the Academic Council agreed to circulate the proposed bylaws to divisions and to systemwide committees for comment.

## **BYLAWS AFFECTING THE OPERATIONS OF THE ACADEMIC ASSEMBLY**

### **JUSTIFICATION**

The bylaw amendments proposed are herein intended to simplify the bylaws, bring the bylaws into compliance with practice and/or improve the efficiency and lower the cost of Assembly operations. We include below a brief justification for each of the proposed changes, organized by the bylaw number. **We propose that changes to bylaws 35 through 125 take effect immediately upon passage by the Assembly:**

**35. Membership of Committees.** It has not been the usual practice for the Senate to appoint committee members to staggered terms. While this is clearly a desirable practice, the task force felt we should avoid major differences between our usual practice and the governing bylaws. We have therefore proposed that the requirement of “staggered” terms be reduced to an aspiration based upon feasibility of such appointments.

**40. Authority of Committees.** One proposed change would require every systemwide committee to report at least annually, in writing, to the Academic Assembly. Such written reports are essential if the Assembly is to be well informed regarding the whole range of issues before the Senate. The second change requires that Committees providing advice to the President do so through the Academic Council. This will ensure that there are not several independent paths of formal advice to the President and that the Council, which serves as the executive committee of the Assembly, is fully informed. The usual committee practice of consulting with the administration during meetings would not be affected by this modification. Informal consultation is very different from formal advice. Both of the changes proposed for this bylaw are already commonplace “practice”.

**95. Mail Ballots.** It has been a number of years since the systemwide senate has had to conduct a mail ballot of all Senate members. Such ballots can prove to be quite expensive and time consuming to conduct. To take advantage of the even greater savings possible within the UC system, the task force proposes that the systemwide bylaws be modified to allow systemwide voting either by mail or through electronic means.

**105. Assembly of the Academic Senate.** Instead of listing the ex officio members of the Academic Assembly, the revised bylaw simply provides that all members of the Academic Council serve ex officio as members of the Assembly. The effect of this would be to add the UCORP chair (assuming the revision to bylaw 125 passes) and to remove the Vice Chair of UCEP from the Assembly membership. At present the University

Committee on Educational Policy Vice Chair is the only vice chair to serve ex officio in the Assembly, and there seems to be no strong reason for singling out that particular committee.

**110. Officers and Consultants of the Assembly.** One change would permit the election of Assembly Vice Chair at any meeting of the Assembly rather than at its last meeting. Since the Academic Council typically chooses a nominee for the position in February, it seems needless to wait until the last meeting at the end of May, especially because it is beneficial for the incoming Vice Chair to begin such things as negotiating appropriate teaching release time, the inclusion in decision-making areas, as well as the process of obtaining security clearance approval as early as possible. The second change would make both the Chair and Vice Chair of the Assembly ex officio non-voting members of all Assembly committees (except for UCRJ) and voting members of UCOC. Currently, only the Chair is a voting ex officio member of UCOC, but the Vice Chair, who will work with the committees chosen by UCOC, has a strong stake in their decisions as well. Both the Assembly Chair and Vice Chair also bring both a systemwide perspective and systemwide experience to the Committee. The practice regarding other committees is more varied, but often it is useful for the Assembly Chair or Vice Chair to attend committee meetings. UC Rules and Jurisdiction is an exception because of its quasi-judicial function.

**120. Meetings of the Assembly.** Three changes are proposed here:

- (1) The time when the call to an Assembly meeting must be sent is reduced from 15 to 10 calendar days. This change will make the lead time for getting material into the Assembly agenda slightly less onerous, while still maintaining the notice time already used on many campuses.
- (2) Currently, the Senate produces 1,000 copies of the blue book for each Assembly meeting. This is prohibitively expensive for the Senate office. We propose to allow purely electronic copies of the Assembly agenda to be sent out, although we anticipate that the 60 Assembly members will still receive a copy of the blue book. Decreasing the number of printed copies by a factor of ten will lead to substantial cost savings.
- (3) We propose that the mandatory agenda items for Assembly meetings remain unchanged but that the Academic Council set the order of the agenda for Assembly meetings. This is purely intended to make Assembly meetings run more efficiently and to ensure that there is sufficient time to complete the most urgent business.

**125. Academic Council.** We propose that the Chair of UCORP be added to the Academic Council. The Chair of this Committee has attended Council meetings as a guest for the past several years, and this bylaw change would confer full membership. Given the Senate's desire to emphasize our research mission in addition to our teaching mission, this would seem to be an essential change.

## **BYLAWS AFFECTING STANDING COMMITTEES OF THE ASSEMBLY**

### **JUSTIFICATION:**

Currently, the enabling bylaws of the various standing committees of the Assembly describe their membership with often wildly different approaches. Committee memberships now ostensibly have different terms of office, different requirements, and different rules regarding the chair and vice chair (assuming that the bylaws even call for a chair to be appointed). Consequently, the bylaws proposed here describe the membership of all standing committees using a single bylaw and then describe exceptions to this one-size-fits-all approach within the bylaws of particular committees. In essence, the bylaw task force feels that there is little justification for the wide variety of types and terms of membership now in effect, and therefore wishes to bring some standardization to the systemwide committees. Please note that none of the changes proposed here would apply to the University Committee on Rules and Jurisdiction, whose enabling bylaw may only be changed by mail ballot.

One issue of paramount importance for Senate committees is the need to maintain continuity and institutional memory on committees from year to year. This issue is of great concern to the bylaw task force and to the Academic Council. In studying the membership (excluding chairs) of the 2002-2003 systemwide committees, we found that 70% of all members were new, 20% were in their second year of continuous membership, 5% were in their third year, and another 5% were in their fourth year or greater. Clearly, we need to have greater continuity than this on our committees, so that at least half of all members are continuing from the previous year. On the one hand, we could mandate multi-year appointments through the bylaws and strictly enforce those mandates. On the other hand, the divisions generally prefer to maintain their flexibility to change their systemwide representatives. In the end, with some exceptions, the proposed bylaws establish a “standard” two-year term for committee members in the hope that a two-year term might be adhered to more closely than a three-year term, which is usually ignored at present. The proposed bylaw changes also will permit committee members to serve a second consecutive two-year term. Should continuity of membership remain a problem for systemwide senate committees, it may prove necessary to more strictly adhere to our nominal terms.

As mentioned earlier, many of the changes proposed for individual committees include suggestions received in one or more of the past three academic years. One difficulty encountered by the ad hoc bylaw task force has been that the recommendations of committees have in some cases changed from year to year. Some committees have directly contradicted the recommendations from the same committee within the previous two years.

**We propose that the following changes to Bylaw 128 through 215 take effect on September 1, 2003, with the exception that all changes concerning the membership of the committees take effect on September 1, 2004.** This will deal with any difficulty associated with the transition to new rules governing committee membership.

**128. Membership of Standing Committees of the Assembly.** This is a new bylaw which is intended to provide the basic rules regarding committee membership. For most committees it should be possible to refer to Bylaw 128 to describe the membership, with perhaps a short addition to describe exceptions applicable to that particular committee. Here is a brief description of each subsection of proposed bylaw 128:

**128.A** -- This repeats the proposed modification in bylaw 110.A that the Assembly Chair and Vice Chair serve as non-voting ex officio members of all Assembly committees except for UCOC, where they would be voting members, and UCRJ, where they would have no membership.

**128.B** -- This proposed section establishes a standard two-year term for most systemwide Senate committees (the Editorial Committee and UCRJ are two exceptions). For some committees (e.g., BOARS, UCPB, and UCFW) this is a change from a nominal three-year term. This change was proposed in the hope that it would be easier to find faculty willing to commit to two years of service rather than three and that divisions would be more likely to enforce the two year appointment than they would an appointment for three years. Furthermore, there is no impediment to a faculty member being re-appointed to a second two-year term upon the conclusion of a first term. In addition, this section proposes that systemwide committee members be either a member, chair, or non-voting ex officio member of the corresponding divisional committee. Because several Divisions have changed the form of their committee structures, the charge to one Divisional committee may correspond to that of several systemwide committees. This could make it burdensome for a division to find representatives to systemwide committees, and for that reason, the proposed bylaw allows a divisional representative to a systemwide committee to essentially serve only as a liaison with the appropriate Divisional committee, a practice we would allow but not necessarily encourage.

**128.C** -- This section establishes a chair for each committee, requires the chair to be a former but not current member of the corresponding Divisional committee, and defines the nominal term for a chair as one year. Currently, not every committee even has a chair established in the bylaws, and this proposed section rectifies that. At the present time, many committees (including all committees represented on the Academic Council) have at-large chairs, while other committees have chairs who are also their Divisional representatives to the committee. In order to avoid any possible conflict for systemwide chairs, we are proposing that all systemwide chairs not be members of the corresponding Divisional committee and not be the Division's representative.

**128.D** -- Vice Chairs. This section establishes a Vice Chair for all Senate committees (which is not now the case) and requires the Vice Chair to be from a different Division than the Chair. It also establishes the presumption, subject to the approval of UCOC, that the Vice Chair will succeed the Chair. Except for

UCOC, this section requires that the Vice Chairs of committees represented on the Academic Council shall be at-large members (though it does not prohibit membership on the corresponding Divisional committee). For other committees, the Vice Chair is chosen from among the Divisional representatives.

**128.E** -- This section makes clear that students who sit with Senate committees are non-voting representatives, and that their appointments are officially made by UCOC after nomination by the appropriate student organization. The issue of whether student representatives actually do sit with a committee is set forth in each committee's establishing bylaw.

**128.F** -- To avoid allowing committee members to serve on a single committee for excessive periods of time, this section provides a maximum contiguous term of committee service of four years. This term limit is extended to 6 years for those serving as Chair or Vice Chair.

**128.G** -- The quorum for the conduct of committee business is explicitly set at 50%.

**128.H** -- This new section explicitly excludes those Senate members holding administrative positions higher than department chair from serving on any systemwide Senate committee. Such administrators would include deans, associate deans, vice chancellors, and associate vice chancellors. There may be administrative titles (e.g. college provost) where the applicability of this section may vary among the Divisions. This section would also preclude department chairs from serving on UCAP, UCAF, and UCP&T. The role of a faculty serving on Senate committees is to provide a faculty voice, and not that of the administration.

**The following describes certain additional changes for individual committees:**

**130. Academic Freedom.** Provision is included for two student representatives, and the charge to the committee has been generalized to reflect the importance of academic freedom for all members of the academic community.

**135. Academic Personnel.** The changes to the charge of this committee are mainly editorial.

**140. Affirmative Action and Diversity.** The changes to the charge of this committee are mainly editorial. Provision is also included for two student representatives to the committee.

**145. Board of Admissions and Relations with Schools.** Because of the intense work and experience required of the leadership of this committee, the terms for the Chair and Vice Chair are set at two years each, consistent with the current bylaw. The term of members is reduced from three to two years, and provision is included for two student



representatives to the committee. Explicitly added to the BOARS charge is an obligation to recommend to the Assembly the admissions criteria for undergraduates.

**150. Committees.** Consistent with the recommendations from this committee, the maximum term of members (other than the Chair and Vice Chair) is set at two years. In addition, this proposed bylaw would require UCOC to consult with the incoming chair (in addition to the outgoing chair) of every committee regarding appointments to the committee. Finally, to better inform appointees and to help ensure adherence to the two-year term, the Committee is directed to send a letter to every appointee specifying the term of service. Hopefully, this will improve the continuity of membership on systemwide committees.

**155. Information Technology and Telecommunications Policy.** Provision is made for two student representatives to the committee.

**160. Editorial.** Instead of two co-chairs, this bylaw would establish a chair and a vice chair from among the committee's members. This might prove to be a more efficient and effective way to conduct business, particularly with regard to policy interactions with other agencies of the Senate or administration. Another important change is the specific inclusion of a mandate to consult regarding policies governing the UC Press. The term of service of 5 years has not been changed.

**165. Education Abroad Program. (Proposed renumbering from 182)** The committee proposes to change the name of this committee to International Education, which will require that the bylaw be renumbered to 182 to preserve the alphabetization of the Senate committees. The proposed name change is in response to the fact that international education has become, and seems likely to continue to be, a larger component of the committee's activity than just supervision of the Education Abroad Program. The wording of the committee's responsibilities has been changed to clarify and codify the existing oversight and advisory duties the committee performs. Provision is made for two student representatives to the committee. Removed from the committee's roster of nonvoting members are the chairs of the Divisional committees dealing with course and credit review. Inclusion of these ex officio members is neither practiced nor practicable.

**170. Educational Policy.** Provision is made for one undergraduate and one graduate student representative to the committee.

**175. Faculty Welfare.** There are several proposed changes to the membership of this committee. The chair of UCAP is removed as an ex officio member because issues of coordination between the two committees can be dealt with at the Academic Council since both chairs are members of that body. The term of office of the members of the committee is reduced from three to two years. For this committee, the continuity of membership is extremely important. On the one hand, a shorter term might seem to be inconsistent with continuity on the committee. However, there is no reason why a member cannot be appointed to consecutive two-year terms. In addition, it may be easier to find faculty willing to both make a two-year commitment and adhere to that

commitment. The two additional (and optional) at-large members of the committee are retained because such members may bring much needed experience and expertise to the committee. The proposed bylaw retains the member from the Advisory Board of the UC Retirement System. However, only the chair (and not the vice chair) of the Council of UC Emeriti Associations (CUCEA) is retained as an *ex officio* member. One such representative provides adequate communication and coordination.

**180. Graduate Affairs, Coordinating Committee on.** Provision is made for two graduate student representatives to the committee.

**182. International Education.** (*Proposed renumbering to 165*) See 165 above.

**185. Library.** Provision is made for two student representatives to the Committee. Reference to the Library Council is eliminated because that organization no longer exists. Finally, instead of having the University Librarian serve *ex officio*, the proposal suggests that “a University Librarian” serve on the committee *ex officio*.

**190. Planning and Budget.** Provision is made for two student representatives to the Committee. In addition, the normal term is reduced from three to two years, although members may be appointed for a second contiguous two-year term. The Chair of UCORP is removed as an *ex officio* member since (assuming that the modification to Bylaw 125 is approved) both the UCORP and UCPB chairs will be members of the Academic Council. The charge to the committee has been simplified without any loss of functionality.

**192. Preparatory Education** (*Proposed renumbering from 215*). In June of 1991 the Assembly approved the renaming of this committee, then known as the Undergraduate Preparatory and Remedial Education, but did not consider the renumbering issue. In order to preserve the alphabetization of the Senate committees, the renumbering is proposed.

**195. Privilege and Tenure.** The term for committee service has been three years, and the proposed bylaw would make it two years.

**200. Research Policy.** Provision is made for two student representatives to the committee. The proposed bylaw removes the reference to the now-defunct Intellectual Property Advisory Council.

**215. Preparatory Education** (*Proposed renumbering to 192*) See 192 above.

## PROPOSED BYLAW REVISIONS

### 35. Membership of Committees

- A. **Types of Membership.** Committees may be composed of appointed, elected, or ex officio members, or any combination thereof.
- B. **Terms of Service.** Unless otherwise specified, members of Standing Committees shall serve two-year ~~<staggered>~~ terms, **where feasible, staggered**, beginning on September first following their appointment.
- C. **Voting and Other Rights**
  - 1. The Vice Chair, if any, shall perform the duties of the Chair in case of temporary absence or disability of the Chair, and such other duties as the committee concerned may determine. (Am 15 Jun 70)
  - 2. Only members of the Academic Senate may vote in Senate agencies and their committees when those agencies or committees are taking final action on any matter for the Academic Senate, or giving advice to University officers or other non-Senate agencies in the name of the Senate. Persons other than Senate members may be given the right to vote on other questions, such as those that involve only recommendations to other Senate agencies, but only by explicit Bylaw provisions. [See Legislative Ruling 12.75]
  - 3. Except for the provision of Article C.2 of this Bylaw, ex officio members have the same powers as other members unless otherwise specified.
- D. **Method of Appointment**
  - 1. Unless otherwise specified, the appropriate Committee on Committees shall select the appointed members of each committee.
  - 2. Except as provided elsewhere in these Bylaws, the appropriate Committee on Committees shall appoint the Chair and Vice Chair, if any, of each committee.
  - 3. The Chair and Vice Chair, if any, of any Standing or Special Committee must be members of the Academic Senate.
  - 4. At the discretion of the appointing agency, a member of a committee temporarily not on duty may be replaced until that regular member returns.

- E. **Tenure of Special Committees.** A special committee shall serve only until the first meeting of the establishing agency in the ensuing fall term unless:
1. A definite term is specified;
  2. Its authorization occurs after the first day of instruction of the spring term, in which case it shall continue for one year beyond the normal expiration date;
  3. It is continued by action of the establishing agency. (Am 15 Jun 71)

**40. Authority of Committees [See Legislative Ruling 8.95-B]**

- A. Any agency or committee listed in Bylaw 20 or 25 may report to any agency or committee therein listed, and may be asked by the Assembly, a Division, or a Faculty to describe its procedures and policies.
- B. Any committee may submit reports and recommendations to the Assembly on appropriate matters. Divisional committees, including Faculties, are responsible to and normally shall report to their respective Divisions. Universitywide committees of the Senate shall report ~~<directly>~~ **in writing** to the Assembly, **and not less than annually.**
- C. Each committee is responsible to the agency establishing it and must report its actions to that agency. When a committee makes recommendations or renders advice to the President or to a Chancellor, it shall report its recommendations to the establishing agency when this action is consistent with its charge and does not violate confidence. ~~<If it desires advice or approval of an action, it may consult the agency that established it. >~~ **When a Special or Standing Committee of the Assembly formally advises the President, its advice is conveyed through the Academic Council.**

**95. Mail and/or Electronic Ballots**

- A. At least ten days of instruction before the ~~<due date of the ballots>~~ **deadline for the completion of voting,** the appropriate Secretary shall ~~<mail>~~ **provide** to each voter, **either through the mail or electronically, either** a ballot **or instructions for voting electronically,** accompanied by all relevant texts, such background information prepared by the Secretary as the Assembly or Division may direct, a brief summary of arguments pro and con, and **a deadline for the return of ballots or for electronic voting.** ~~<a notification that all ballots must be returned to the Secretary no later than the due date.>~~

1. **In the case of mail ballots,** ~~E~~each voter shall receive a plain envelope in which to enclose a marked ballot, and a second envelope addressed to the appropriate Secretary to be used for the return of the sealed ballot. The envelope addressed to the Secretary shall have a space for the signature of the voter. Ballots lacking this validating signature shall be deemed void. (Am 5 May 88)
2. **For electronic voting, the appropriate Secretary shall utilize a system which verifies each voter's identity and which maintains security.**
  - A. The appropriate Secretary shall deliver the ballots **or the electronically received votes** to the agency authorized to count the ballots and to certify the results to the appropriate legislative agency.
  - B. The appropriate Secretary, in certifying the results, shall give the tally of votes, including invalid ballots.

#### 105. Assembly of the Academic Senate

- A. Membership. The Assembly shall consist of the following members:
  1. The President of the University;
  2. The Chair and Vice Chair of the Assembly, who shall serve ex officio as Chair and Vice Chair, respectively, of the Academic Council [see Bylaw 110.A];
  3. ~~Sixteen members ex officio: the Chair of each Division of the Academic Senate or, in the absence or disability of the Chair, the Divisional Vice Chair; the Chair and Vice Chair of the University Committee on Educational Policy; the Chairs of the University Committees on Academic Personnel, Faculty Welfare, Graduate Affairs, Planning and Budget, and of the Board of Admissions and Relations with Schools.~~ > **All members of the Academic Council shall serve as ex officio members of the Assembly. In the absence or disability of the Chair of a Division or Standing Committee the Vice Chair of that Division or Standing Committee shall serve on the Assembly with full privileges. In the absence or disability of both the Chair and Vice Chair of a Division or Standing Committee, the appropriate Committee on Committees shall appoint a replacement, who shall have full privileges, for the specified meeting(s) of the Assembly.**
  4. Forty Divisional Representatives chosen from other than chancellors, vice chancellors, deans, chief administrative officers of colleges and schools, and members of the University Committee on Rules and Jurisdiction [see Bylaw 205.A]. The

Academic Council shall annually prorate these among the Divisions in proportion to their membership, but each Division shall have at least one Divisional Representative in the Assembly. Changes in allocation shall become effective on the first day of September following Academic Council action. Each Division shall determine its own method of choosing its Representatives. A Representative may not serve more than two consecutive terms, but is again eligible two years after the conclusion of a second consecutive term. (Am 24 May 68, 29 May 69, 7 May 87; EC 18 Nov 68, 3 Nov 69) [See Legislative Ruling 4.71]

## 110. Officers and Consultants of the Assembly

### A. Chair and Vice Chair

1. **Election.** ~~<At its last regular meeting in each spring term the~~ **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 simultaneously as an ex officio member and a Divisional Representative. (AM 3 Dec 80).

### 3. Duties

- g. The Chair **and Vice Chair** shall serve, **respectively,** ex officio as Chair **and Vice Chair** of the Academic Council [see Bylaw 125.A], ~~<member of the University Committee on Academic Personnel [see Bylaw 135.A], of the University Committee on Committees [see Bylaw 150.A], and the University Committee on Educational Policy [see Bylaw 170.A].~~ **→Both the Chair and the Vice Chair shall serve as ex officio members of the University Committee on Committees and as non-voting ex officio members of all committees of the Assembly except for the Committee on Rules and Jurisdiction.**

## 120. Meetings of the Assembly

### B. Notice of Meetings

1. The call to regular meetings of the Assembly shall be sent to the Academic Senate Office of each Division such that distribution to offices of all academic units shall occur at least ~~<fifteen>~~ ten calendar days before the Assembly is convened. [See Bylaw 110.A.3.b] The call for an emergency meeting of the Assembly shall be sent to the Academic Senate office of each Division such that distribution to offices of all academic units shall occur at least five calendar days before that meeting is convened. (Am 4 Jun 91) **The call to both regular and emergency meetings of the Assembly shall be sent either electronically or through the mail.**

### C. Order of Business

1. Regular Meetings. **The Academic Council shall set the order of business for the Assembly meeting. This order of business may be** ~~Unless~~ suspended by a two-thirds vote of the voting members present. ~~the order of business is:~~ **Business shall include the following**
  - Roll Call
  - Minutes
  - Announcement by the President
  - Other announcements
  - Special Orders
  - Reports of Special Committees
  - Reports of Standing Committees
  - Petitions of Students
  - Unfinished Business
  - University and faculty welfare
  - New Business

## 125. Academic Council

- A. Membership.** The Academic Council shall consist of the following members:
1. The Chair of the Assembly, who is the Chair of the Academic Council;
  2. The Vice Chair of the Assembly, who is the Vice Chair of the Academic Council;
  3. The Chairs of the Divisions; (Am 4 May 89)
  4. The Chairs of the following University Standing Committees:
    - Academic Personnel
    - Board of Admissions and Relations with Schools
    - Educational Policy

Faculty Welfare  
Graduate Affairs  
Planning and Budget  
**Research Policy**

In the absence or disability of the Chair of a Division or Standing Committee the Vice Chair of that Division or Standing Committee shall serve on the Council with full privileges. In the absence or disability of both the Chair and Vice Chair of a Division or Standing Committee, the appropriate Committee on Committees shall appoint a replacement, who shall have full privileges, for the specified meeting(s) of the Council. (Am 2 Dec 81; Am 4 May 89)



**PROPOSED NEW BYLAW 128:**

**128. Membership of Standing Committees of the Assembly.**

**Unless otherwise specified in the establishing bylaws for a committee, the following shall govern the membership of all Assembly committees except the Academic Council.**

- A. **The Chair and Vice Chair of the Assembly shall serve as ex officio members of the University Committee on Committees and as non-voting ex officio members of all committees except for the Committee on Rules and Jurisdiction.**
- B. **Each Division of the Academic Senate shall nominate to UCOC one Division member to the following committees to serve a two-year term. (See Bylaw 150) This member shall be either the chair or a member (including an ex-officio non-voting member) of the corresponding Divisional committee.**

**Academic Freedom**  
**Academic Personnel**  
**Affirmative Action and Diversity**  
**Board of Admissions and Relations with Schools**  
**Committees**  
**Information Technology and Telecommunications Policy**  
**International Education (Please note that there is a proposal to change the name of the Education Abroad Program Committee to International Education.)**  
**Educational Policy**  
**Faculty Welfare**  
**Graduate Affairs, Coordinating Committee on**  
**Library**  
**Planning and Budget**  
**Privilege and Tenure**  
**Research Policy**  
**Preparatory Education**

- C. **The Chair of each of the above committees shall be an at-large member, who is a former, but not a present member of the corresponding Divisional committee. The Chair shall normally serve a one-year term.**

**D. Vice Chairs**

1. For the University Committee on Committees and for committees represented on the Academic Council, the Vice Chair shall be an at-large member, who has experience as a member of the corresponding Divisional committee. The Vice Chair shall normally succeed the Chair subject to the approval of UCOC. (See Table 1.)
2. For committees, with the exception of the University Committee on Committees, not represented on the Academic Council, the Vice Chair shall be appointed from among the Divisional appointees. The Vice Chair shall normally succeed the Chair subject to the approval of UCOC. (See Table 2.)
3. The Vice Chair must be a Senate member from a Division other than that of the Chair.

**E. Students who sit with standing committees, as provided in these bylaws, are non-voting representatives and shall be nominated by the student organization recognized by the Academic Council for that purpose and appointed by the University Committee on Committees.**

**F. Term: In no case shall members serve for more than four consecutive years with the exception of the Chair and Vice Chair who may serve no more than 6 years. A member is again eligible one year after leaving the committee. A partial term is counted as a full term.**

**G. Quorum. Fifty percent of the voting members of the Committee shall constitute a quorum.**

**H. Members holding an administrative position higher than department chair may not serve as members of Assembly committees. However, Department Chairs may serve on Assembly Committees, with the exception of the Committee on Academic Personnel, the Committee on Academic Freedom, and the University Committee on Privilege and Tenure.**

**130. Academic Freedom**

**A. Membership shall ~~consist of: One member from each Divisional Committee on Academic Freedom.~~ > be determined in accordance with Bylaw 128. One undergraduate 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 & 3).**

**B. Duties. Consistent with Bylaw 40, the Committee shall:**  
**1. ~~The committee shall~~ > Sstudy and report to the Assembly upon any condition within or outside the University that, in the**

committee's judgment, may affect the academic freedom of the University, and its academic community ~~<its faculty, and its students>~~. (Am 15 Jun 71; Am 23 May 1996)

### 135. Academic Personnel

- A. Membership shall ~~<consist of: The Chair of the Assembly; a Chair and Vice Chair, and one member from each Divisional Committee on Academic Personnel (or equivalent committee). The Chair shall be a former, but not present, chair or member of a Divisional Committee on Academic Personnel. The Vice Chair will normally succeed to the Chair after one year in office.>~~ be determined in accordance with Bylaw 128. The Vice Chair shall be chosen in accordance with Bylaw 128 D. 1 & 3).
- B. Duties. Consistent with Bylaw 40, ~~T~~ the Committee is authorized to:
1. Confer with the President on general policy on academic personnel, including salary scales, appointments and promotions, and related matters
  2. Review standards and policies applied by Divisional Committees on Academic Personnel, advise the President, and inform the Division CAPs thereon. (Am 29 Oct 98)
  - ~~3. <Report annually to the Assembly on its policies and practices. (En 7 Dec 76)>~~

### 140. Affirmative Action and Diversity (Am 13 May 97)

- A. Membership shall ~~<consist of: a Chair, a Vice Chair, and one member from each Divisional Committee on Affirmative Action (or equivalent committee). The Vice Chair will normally succeed to the Chair after one year in office. (Am 4 Jun 91) >~~ be determined in accordance with Bylaw 128. One undergraduate 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 & 3
- B. Duties. Consistent with Bylaw 40, ~~T~~ the committee shall:
1. Confer with the President on general policies bearing on affirmative action and diversity for academic personnel and academic programs
  2. Establish basic policy and procedures for coordinating the work of the Divisional Committees concerned with affirmative action ~~< >~~ and diversity.
  3. Report annually to the Assembly the state of affirmative action and diversity in the University. This report shall include a ~~R~~ review of the annual reports of the Divisional

Committees on Affirmative Action and Diversity (or equivalent committees). ~~<and the information on affirmative action provided by campus and University administration, <and advise the President accordingly>~~  
~~The information shall consist of data and analyses for women and ethnic minorities concerning> working conditions, salaries, advancement, and separation>~~

4. Review the information on affirmative action on diversity provided by the campus and University administration and report said findings to the Academic Council. *(the following language was previously listed under #3.)* The information shall consist of data and analyses of ~~<for women and ethnic minorities concerning>~~ working conditions, salaries, advancement, and separation for women and ethnic minorities.
5. ~~4.~~ Undertake studies of policies and practices ~~<of->~~ affecting affirmative action and diversity and make recommendations to appropriate University bodies.
- ~~5. Report annually to the Assembly of the Academic Senate on policies and practices. (En 4 Dec 75)>~~

#### 145. Board of Admissions and Relations with Schools

- A. Membership shall ~~< consist of: Eleven members, including one member from each Divisional Committee on Admissions and Enrollment (or equivalent committee), serving three-year staggered terms; and a Chair and Vice Chair, serving two-year concurrent terms. The Chair and Vice Chair shall not be from the same Division and shall be appointed from among Divisional Committee members serving on BOARS during previous years. The Vice Chair shall normally succeed the Chair at the end of their terms. (Am 4 May 1995)->~~ be determined in accordance with Bylaw 128 except that the Chair and Vice Chair, shall normally serve ~~<serve>~~ two-year concurrent terms. The Vice Chair shall be chosen in accordance with Bylaw 128 D. 1 & 3. One undergraduate and one graduate student shall sit with the Committee. (See Bylaw 128.E)
- B. Duties. Consistent with Bylaw 40 T the Committee shall:
  1. Advise the President and appropriate agencies of the Senate on matters relating to admissions of undergraduate students.
  2. Recommend to the Assembly the admissions criteria for undergraduate status.
  3. *(Previously #2)* Regulate the examination and classification of all applicants for admission to undergraduate status, and report thereon to the Assembly, including the authority, ~~<It has the~~

~~power~~ in exceptional cases, to admit applicants with minor deficiencies. (Am 26 May 82)

~~3. (Replaced by new #2 above) Determine the basis of acceptance of the examinations used to satisfy admissions requirements. (Am 26 May 82)~~

4. Maintain the standard of preparation required of students who enter the University directly from California secondary schools in the course of passing on applications for advanced standing from other colleges and universities. Advanced standing credit is granted for work of quality comparable to that required of students in this University.
5. Require secondary schools in California whose graduates are to be admitted on a transcript to submit for approval a list of those courses certified by the school as fulfilling the subject requirements for admission. The committee shall review these courses annually. If the studies outlined in 145.B.6 below indicate that such action is advisable, it may require that applicants from certain schools take examinations established by the Board as a condition for admission.  
(Am 26 May 82)
6. Require secondary schools in California whose graduates are to be admitted on a transcript to submit for approval a list of those courses certified by the school as honors level courses in history, English, advanced mathematics, laboratory science, and foreign language. The committee shall review these courses annually. (En 26 May 82)
7. Compile information on curricula and scholarship standards in California secondary schools. On authorization by the President, the committee shall confer with representatives of schools and colleges on appropriate scholastic matters. It shall annually report to the Assembly statistical information about applicants admitted to advanced standing, and about the scholastic achievements of students admitted as freshmen; and at appropriate intervals it shall report on its policies and practices regarding admissions, specifying exceptions to Senate Regulations that have been permitted. (Am 15 Jun 71, 28 May 80, 26 May 82)

## 150. Committees

### A. Membership

1. Membership shall **be determined in accordance with Bylaw 128 and include two members-at-large. The members at large are to be named by the Assembly for two-year staggered terms. Each at large member will serve as Vice Chair in the first year and shall normally succeed as Chair in the second**

~~year. < consist of: The Chair of the Assembly, the Vice Chair of the Assembly, as a non-voting member. In addition, there shall be~~ one member appointed by each Divisional Committee on Committees from its current membership to serve on the University Committee on Committees for a maximum two-year term, with the exception of the Chair and Vice Chair who may serve a maximum of four years. and two members at large named by the Assembly for two-year staggered terms. The Chair of the Committee shall be chosen by the Assembly from the members at large for a one-year term. (Am 2 Dec 71; Am 12 May 94)

2. Vacancies In the absence or disability of both the Chair and Vice Chair, ~~<If office of Chair becomes vacant,~~ > the Academic Council shall ~~fill it~~ appoint a Chair by *pro tempore* appointment from among the committee membership until the next meeting of the Assembly, at which time the Assembly shall elect a chair. If a vacancy occurs in an at-large membership, the Academic Council shall nominate to the Assembly at its next meeting a candidate to fill the unexpired term, at which time the Assembly shall hold an election. (Am 4 Mar 76)

B. Duties. **Consistent with Bylaw 40** ~~The~~ Committee shall:

1. Appoint the Chairs and, where specified in the Bylaws, the Vice Chairs~~<,>.~~ ~~<and all appointed members of all other Senate committees that report to the Assembly[see Bylaw 35] The committee consults> with the outgoing chairs of the Senate committees in making these appointments> (AM 7 Dec 76)~~
2. *(New #2, consists of language previously listed in B 1.)* **Appoint** ~~appoint~~ all other members of all ~~<other>~~ Senate committees that report to the Assembly, while ensuring conformity with the Senate Bylaws[see Bylaw 35] and in consultation ~~<The committee consults>~~ with the outgoing **and incoming** chairs of Senate committees ~~<in making these appointments>.~~ **The Committee shall send a letter of appointment to every appointee specifying the term of the appointment, the charge, and the duties of the appointee's committee.** (Am 7 Dec 76)
3. ~~<2>~~ *(New #3, previously #2)* Upon the President's request, confer, or nominate a committee to confer, with the President concerning the appointment of a chief campus officer or a University administrative officer. (Am 2 Dec 71)

155. Information Technology and Telecommunications Policy [formerly Computer Policy]

- A. Membership shall be determined in accordance with Bylaw 128 ~~<consist of: One representative of the committee of each Division that is most closely connected with information technology and telecommunications,~~ and shall include the Chair of the Library Committee who shall ~~<be an >~~ serve as ex officio member; 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 & 3. ~~<Members shall normally serve for two years or their terms of service on the Divisional committees, whichever is less. The Chair of the committee shall normally serve in that capacity for one year after having been a member of the committee for at least one year. (Am 7 May 87)>~~
- B. Duties: The Committee shall represent the Senate in all matters of instruction and research policy involving the use of information technology and telecommunications and shall advise the President, consistent with Bylaw 40, concerning the acquisition and use of information and telecommunications technology at the University either at its own initiative or at the President's request. (Am 7 May 87)

160. Editorial

- A. Membership shall consist of: twenty members, with at least one, but not more than four, from each Division, Divisional representation not otherwise being a criterion for appointment. ~~>Two Co-Chairs shall be appointed by the University Committee on Committees,>~~ A Chair and Vice Chair, normally one from a northern Division and one from a southern Division, shall be appointed to serve one year staggered terms. The Vice Chair shall normally succeed the Chair subject to the approval of University Committee on Committees. The Committee on Committees shall annually consult with the current ~~co-Chairs,~~ Vice Chair, and the Director of the University of California Press in regard to appointment of members of the Editorial Committee. The term of service of members of this committee normally shall be from July 1 to June 30 of the following year, five years of continuous service being the maximum. The Director of the University of California Press shall be ex officio Secretary without a vote. (Am 20 Nov 90)
- B. Duties: The Committee shall
1. ~~<The Committee~~ Review manuscripts as well as associated documents bearing on the quality and significance of material proposed for publication.

2. (New # 2) **Be consulted on policies governing the UC Press consistent with Bylaw 40.**

~~<2.>~~ **3.** (Previously #2) ~~<The Editorial Committee>~~ Have ~~has~~ the sole authority to allow use of the University imprints, "University of California Press, Berkeley, Los Angeles, and London." (Am 16 Mar 70, 4 Mar 86)

~~165.~~ ~~<Education Abroad Program>~~ *(Proposed renumbering and renaming – 182 International Education)*

A. Membership shall ~~<consist of:>~~ **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 & 3. On a campus that has no equivalent committee, the member shall be an at large Senate member.**

~~1. —<One member from each Divisional Committee on Education Abroad (and from the Senate membership at large on a campus that has no Divisional Committee on the Education Abroad Program), and the Vice Chair of the Academic Council, ex officio. No campus should be represented by the same person for more than three consecutive years, and the terms of the members will be staggered with three members rotating off of the Committee each year. (Am 4 May 89; Am 3 May 90; Am 4 May 95)>~~

~~<2. —The Chair(s) of the Divisional committee(s) charged with responsibility for course and credit review shall serve ex officio on the committee without vote. (Am 4 May 89)>~~

B. Duties. **Consistent with Bylaw 40 the Committee shall:**

~~1. —The committee shall represent the Senate and advise the President in the following matters:~~

~~a. —Continuing review of the Education Abroad Program and its policies;~~

~~b. —Future development of the Education Abroad Program, including modification of the programs of existing Study Centers and establishment of new Study Centers;~~

~~c. —Selection of Study Center Directors and Associate Directors;~~

~~d. —Promotion of effective communication between the Education Abroad Program and the constituencies it serves on the several campuses.~~

~~1. **Consider and report on matters of international education referred to the Committee by the President of the**~~



- University, The Academic Council, the Assembly, a Division, or any Senate Committee.
2. Provide continuing oversight of the Education Abroad Program and its policies.
  3. Consult with the University Office of Education Abroad Program on future program development, including modification of the programs of existing Study Centers, establishment of new Study Centers, and disestablishment of EAP Programs.
  4. Represent the Senate in the selection of Study Center Directors
  5. Maintain liaison with the Council of Campus Directors
  6. Advise the University Office of Education Abroad Program Director on all matters of international education.
- ~~<2.>7. The Committee Have ~~<has>~~ the responsibility for the final academic review of new Study Centers and Programs after the first three years, and for conducting regular reviews of all centers and programs every ten years or as conditions may require. (En 4 May 89; Am 4 Jun 91)~~
- ~~<3.>8. The committee shall authorize **Authorize** and supervise all courses and curricula in the Education Abroad Program ~~<; portions of this authority may be delegated to appropriate Senate or Divisional committees. (Am 2 Dec 71; Am 4 May 89)>~~~~

## 170. Educational Policy

- A. Membership shall be determined in accordance with Bylaw 128. One undergraduate and one graduate student shall sit with the Committee. (See Bylaw 128.E). The Vice Chair shall be chosen according to Bylaw 128.D. 1 & 3. ~~<of: The Chair of the Assembly, a Chair, a Vice Chair, and one member of each Divisional Committee on Educational Policy. The Chair of the committee shall be a former, but not present, Divisional Educational Policy Committee chair or member. The Vice Chair normally will succeed to the Chair after one year in office. (Am 29 Nov 72, 7 Dec 76)>~~
- B. Duties. Consistent with Bylaw 40, ~~the~~ committee shall:
  1. Consider and report on matters referred to it by the President of the University, the Assembly, a Division, or any Senate committee.
  2. Initiate appropriate studies and make reports thereon to the President, the Assembly, or any Division, on the establishment or disestablishment of curricula, colleges, schools, departments, institutes, bureaus, and the like, and on legislation

or administrative policies of a fundamental character involving questions of educational policy. (Am 15 Jun 71)

~~3. Health Sciences Subcommittee (Rp 12 May 94)~~

## 175. Faculty Welfare

### A. Membership:

- 1. Except as noted below, membership shall be determined in accordance with Bylaw 128. ~~consist of: A Chair, and a Vice Chair who shall normally succeed to the Chair after one year in office; one member of each Divisional committee concerned primarily with faculty welfare, normally serving three-year staggered terms; two at-large members; the Chair of the University Committee on Academic Personnel; one Academic Senate member of the Governing Board of the University of California Retirement System, who may be one of the members previously listed; and the Chair and Vice Chair of the Council of UC Emeriti Associations (CUCEA), ex-officio. (Am 9 May 84; Am 6 May 93; Am 23 May 96) > The Vice Chair shall be chosen in accordance with Bylaw 128 D. 1 &~~**  
**3**

### **In addition, the membership shall include:**

- 2. One Academic Senate member of the Advisory Board of the UC Retirement System, who may be a member already included on the committee and who will normally serve a two-year term.**
- 3. The Chair of the Council of UC Emeriti Associations (CUCEA), who shall serve ex officio.**
- 4. Up to two 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 committees**

### B. Duties. **Consistent with Bylaw 40** ~~T~~ the Committee shall:

Report to the Academic Council and other agencies of the Senate and confer with and advise the President and agencies of the University Administration on matters concerning the economic welfare of the faculty, such as salaries, benefits, insurance, retirement, housing, and conditions of employment. Procedures for treating issues with a major welfare component that are also the concern of other committees ~~will~~ shall be developed by the chairs of the committees involved, in consultation with the Chair of the Academic Council. (Am 2 Dec 81)

**180. Graduate Affairs, Coordinating Committee on**

- A. Membership shall be determined in accordance with Bylaw 128. ~~consist of: <The President of the University> , <and one member from each Divisional Graduate Council and two members-at-large who shall be former, but not present, Divisional Graduate Council chairs or members. All members shall be appointed for two-year terms. Each at-large member shall serve as Vice Chair in the first year and succeed to the Chair in the second year of the two-year term. > Two graduate students shall sit with the Committee.(See Bylaw 128 E.)<The Vice Chair shall be chosen in accordance with Bylaw 128 D. 1 & 3. <No more than four members of the committee shall be deans or other corresponding officers of Graduate Divisions. No dean or corresponding officer of a Graduate Division may serve as Chair or Vice Chair of the committee. >(Am 6 Jun 79)~~
- B. Duties. Consistent with Bylaw 40, T the Committee shall:
1. Advise the President of the University and all agencies of the Senate regarding the promotion of research and learning related to graduate affairs.
  2. Establish basic policies and procedures for coordinating the work of the various Graduate Councils and Divisions.
  3. Recommend to the Assembly minimum standards of admission for graduate students [see Bylaw 311.C.1].
  4. Act for the Academic Senate in the approval of new programs for established graduate degrees, including the joint doctoral degrees with campuses of the California State University.
  5. Review proposals from Graduate Councils for the establishment of new graduate degrees that require approval of the President, to whom The Regents have delegated authority of approval, and submit recommendations thereon to the Assembly [see SOR 110.1 and Bylaw 116.C]. (Am 24 May 00)
  6. Review standards and policies applied by Graduate Councils, and policies concerning relations with educational and research agencies.
  - ~~7. Report annually to the Assembly concerning its policies and practices. (Am 15 Jun 71, 29 Nov 72; EC 8 May 83)~~

**182 International Education (Previously 165 Education Abroad Program - proposed renumbering to 182 and renaming to International Education)**

- A. Membership shall ~~consist of: >~~ 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 & 3. On a

campus that has no equivalent committee, the member shall be an at large Senate member.

- ~~1. One member from each Divisional Committee on Education Abroad (and from the Senate membership at large on a campus that has no Divisional Committee on the Education Abroad Program), and the Vice Chair of the Academic Council, ex officio. No campus should be represented by the same person for more than three consecutive years, and the terms of the members will be staggered with three members rotating off of the Committee each year. (Am 4 May 89; Am 3 May 90; Am 4 May 95) >~~
- ~~2. The Chair(s) of the Divisional committee(s) charged with responsibility for course and credit review shall serve ex officio on the committee without vote. (Am 4 May 89) >~~

B. Duties. Consistent with Bylaw 40 the Committee shall:

- ~~1. The committee shall represent the Senate and advise the President in the following matters:
  - a. Continuing review of the Education Abroad Program and its policies;
  - b. Future development of the Education Abroad Program, including modification of the programs of existing Study Centers and establishment of new Study Centers;
  - c. Selection of Study Center Directors and Associate Directors;
  - d. Promotion of effective communication between the Education Abroad Program and the constituencies it serves on the several campuses.~~

1. Consider and report on matters of international education referred to the Committee by the President of the University, The Academic Council, the Assembly, a Division, or any Senate Committee.
2. Provide continuing oversight of the Education Abroad Program and its policies.
3. Consult with the University Office of Education Abroad Program on future program development, including modification of the programs of existing Study Centers, establishment of new Study Centers, and disestablishment of EAP Programs.
4. Represent the Senate in the selection of Study Center Directors
5. Maintain liaison with the Council of Campus Directors

6. **Advise the University Office of Education Abroad Program Director on all matters of international education.**
- ~~<2.>7. The Committee shall~~ Have ~~<has>~~ the responsibility for the final academic review of new Study Centers and Programs after the first three years, and for **conducting** regular reviews of all centers and programs every ten years or as conditions may require. (En 4 May 89; Am 4 Jun 91)
- ~~<3.>8. The committee shall~~ **Authorize and supervise all courses and curricula in the Education Abroad Program <; portions of this authority may be delegated to appropriate Senate or Divisional committees. (Am 2 Dec 71; Am 4 May 89)>**

## 185. Library

- A. Membership shall **be determined in accordance with Bylaw 128 <consist of: One member from each Divisional Library Committee, ->. 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 & 3.<= normally serving three year staggered terms. -><In addition, the ->A University <Librarian> librarian <who is currently Chair of the Library Council shall be an ex officio member of the Committee.-> and the <The> Chair of the Committee on Information Technology and Telecommunications Policy shall <also be an> serve ex officio <member of the Committee>.** (Am 7 May 87)
- B. Duties. **Consistent with Bylaw 40, T** the Committee shall:
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.

## 190. Planning and Budget

- A. Membership shall **consist of: 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. 1 & 3.**
1. ~~A Chair, who shall be a former but not present Divisional Planning and Budget Committee chair or member;~~
  2. ~~A Vice Chair, who will normally succeed to the Chair after one year in office;~~
  3. ~~One member from each Divisional Committee on Planning and Budget (or equivalent committee concerned with academic planning) serving three-year staggered terms;~~

4. ~~The Vice Chair of the Assembly ex officio, who shall not serve as Chair;~~
5. ~~The Chair of the University Committee on Research Policy ex officio (see Bylaw 200.A.2).~~
6. ~~<The members of this committee shall be appointed by the University Committee on Committees with the advice of the Academic Council with due attention given to experience in planning and budgetary matters, and with consideration given to balance among the disciplines. (Am 25 May 78) >~~

- B. Duties. **Consistent with Bylaw 40** ~~T~~ the Committee shall:
1. Confer with and advise the President and agencies of the University Administration on policy regarding planning and budget matters and resource allocations.
  2. Initiate studies in planning and budget matters ~~<, and if necessary to accomplish the study, authorize establishment of ad hoc committees. >~~
  3. ~~<Receive reports from and maintain liaison with and among Divisional planning and resource allocation committees. >~~
  4. ~~Receive reports (on matters relating to planning and budget) from and maintain liaison with the University Committee on Educational Policy, the Coordinating Committee on Graduate Affairs, the Library Committee, and the Committee on Computer Policy.~~
  5. ~~Report regularly to the Academic Council and the Assembly on matters under consideration. (En 7 Dec 76) >~~

**192. Preparatory Education (Am 4 Jun 91) (Previously numbered 215, proposed renumbering to 192)**

- A. Membership shall be determined in accordance with Bylaw 128 ~~<consist of: A Chair,>~~ and include one member appointed from the Board of Admissions and Relations with Schools (BOARS). One undergraduate student and one graduate student shall sit with the Committee. (See Bylaw 128.E.) ~~<and one member from each Division who normally will be a member of the Divisional Committee on Undergraduate Preparatory and Remedial Education (or equivalent committee). >~~ The Vice Chair shall be chosen in accordance with Bylaw 128 D2 & 3
- B. Duties. **Consistent with Bylaw 40** ~~T~~ the committee shall:
1. Advise the President and appropriate agencies of the Senate on matters relating to preparatory and remedial education.
  2. Monitor and conduct periodic reviews and evaluations of preparatory and remedial education.

3. Supervise the Subject A requirement with special emphasis on establishing appropriate and uniform Universitywide standards for the Subject A examination.
4. Monitor the development and use of placement examinations in mathematics.
5. Work with BOARS to communicate these standards to all high schools and colleges in the State of California.
6. Monitor campuses' implementation of Senate Regulation 761.
7. Facilitate the establishment of Divisional committees with comparable responsibilities, and promote communication between them.
8. Report on preparatory and remedial education to the Academic Council, the Assembly, and other appropriate Senate agencies.  
(Am 30 Nov 83)

## 195. Privilege and Tenure

- A. Membership shall be determined in accordance with Bylaw 128 ~~<consist of: One member from each Division normally serving three year staggered terms and so selected that at least one half of the members currently serve on or have had previous service on a Divisional Committee on Privilege and Tenure.>~~ The Vice Chair shall be chosen in accordance with Bylaw 128 D. 2 & 3
- B. Duties. Consistent with Bylaw 40 the Committee shall: (Am 23 May 01)
1. ~~<The committee shall>~~ Advise the President, the Academic Senate and its Divisions, and the Divisional Privilege and Tenure Committees on general policies involving academic privileges and tenure [see Bylaw 334]. (Am 25 May 76)
  2. ~~<The Committee shall>~~ Constitute special Hearing Committees as provided for in Bylaw 336.A.
  3. ~~<The Committee shall>~~ Maintain statistical records of the grievance, disciplinary, and early termination cases taking place on each of the campuses, as specified in Bylaw 334.B.

## 200. Research Policy

- A. Membership shall be determined in accordance with Bylaw 128. ~~<consist of:>~~ 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. 1 & 3.
1. ~~One member from each Division, including the Vice Chair, and one member at large who shall also serve as Chair. The Vice Chair normally will succeed to the Chair after one year of service as Vice Chair. Members will be appointed to~~

~~two-year staggered terms. New appointees shall normally be selected from among those who have been members of their Divisional Committee on Research for at least the previous year. (Am 26 May 82; Am 6 May 86; Am 4 May 89)~~

- ~~2. The Chair will serve as a member of the University Committee on Planning and Budget.~~
- ~~3. One member shall serve as a member of the Intellectual Property Advisory Council. [See Bylaw 125.B.4]~~

- B. Duties. **Consistent with Bylaw 40,** ~~T~~ **the** Committee shall consider matters pertaining to:
1. Fostering research;
  2. Formulating, coordinating, and revising general research policies and procedures;
  3. Advising the President on research. Questions of policy and their implementation may be initiated by this committee, referred to it by the President, or brought to its attention by Divisions. (Am 15 Jun 72, 25 May 82)
  - ~~4. Report annually to the Assembly concerning its policies and practices. >~~

~~**215. Preparatory Education (Am 4 Jun 91) (Proposed renumbering to 192)**~~

- A. Membership shall **be determined in accordance with Bylaw 128**~~<consist of: A Chair,>~~ **and include** one member appointed from the Board of Admissions and Relations with Schools (BOARS). **One undergraduate student and one graduate student shall sit with the Committee. (See Bylaw 128.E.)** ~~<and one member from each Division who normally will be a member of the Divisional Committee on Undergraduate Preparatory and Remedial Education (or equivalent committee). >~~ **The Vice Chair shall be chosen in accordance with Bylaw 128 D. 2 & 3**
- B. Duties. **Consistent with Bylaw 40** ~~T~~ **the** committee shall:
1. Advise the President and appropriate agencies of the Senate on matters relating to preparatory and remedial education.
  2. Monitor and conduct periodic reviews and evaluations of preparatory and remedial education.
  3. Supervise the Subject A requirement with special emphasis on establishing appropriate and uniform Universitywide standards for the Subject A examination.
  4. Monitor the development and use of placement examinations in mathematics.
  5. Work with BOARS to communicate these standards to all high schools and colleges in the State of California.



6. Monitor campuses' implementation of Senate Regulation 761.
7. Facilitate the establishment of Divisional committees with comparable responsibilities, and promote communication between them.
8. Report on preparatory and remedial education to the Academic Council, the Assembly, and other appropriate Senate agencies.  
(Am 30 Nov 83)

**TABLE 1**

**PROPOSED BYLAW 128 D. 1. VICE CHAIRS  
THE VICE CHAIR OF THE FOLLOWING COMMITTEES  
SHALL BE AN AT-LARGE MEMBER, WHO HAS EXPERIENCE AS A  
MEMBER OF THE CORRESPONDING DIVISIONAL COMMITTEE.**

Academic Personnel  
Board of Admissions and Relations with Schools  
Committees  
Educational Policy  
Faculty Welfare  
Graduate Affairs, Coordinating Committee on  
Planning and Budget  
Research Policy

**TABLE 2**

**PROPOSED BYLAW 128 D. 2. VICE CHAIRS  
THE VICE CHAIR OF THE FOLLOWING COMMITTEES SHALL BE  
APPOINTED FROM AMONG THE DIVISIONAL APPOINTEES**

Academic Freedom  
Affirmative Action and Diversity  
Information Technology and Telecommunications Policy  
International Education (*Please note that there is a proposal to change the name  
of the Education Abroad Program Committee to International Education.*)  
Library  
Privilege and Tenure  
Preparatory Education

## **VII. REPORTS OF STANDING COMMITTEES (CONTINUED)**

### **A. Academic Council (Continued)**

#### **5. Proposed Amendments to APM 015 – Faculty Student Relations (Action)**

**George Blumenthal, Member, Academic Council**

#### **Proposed Revisions to APM 015 --Policy on Faculty-Student Relationships\***

**Endorsed by the Academic Council**

**on**

**April 23, 2003**

There is currently a proposal under review by the Academic Senate to modify the Faculty Code of Conduct with regard to faculty-student relationships. In essence, this proposal would prohibit a faculty member from engaging in a romantic or sexual relationship with a student for whom the faculty member has academic responsibility or should reasonably expect to have such responsibility.

What are the origins of this proposal? Twenty years ago, in November of 1983, the UC Academic Assembly passed a resolution on this issue, adopting a position taken by the previous year's University Committee on Privilege and Tenure. The resolution discussed the harmful consequences that ensue when a faculty member initiates a romantic or sexual relationship with a student or acquiesces in the initiation by a current student. The resolution also instructed UCP&T to consider proposing an addition to the Faculty Code of Conduct to give force to this resolution. However, there is no record of such a policy being proposed. In subsequent years, several Divisions adopted positions on romantic or sexual liaisons between faculty and students.

Much later, in 2001, UCP&T proposed (and the Academic Assembly approved) various procedural modifications to the Faculty Code of Conduct. When the revisions to the Code were approved by the Board of Regents, one Regent did inquire about the existence of a UC policy on sexual liaisons between faculty and students. Subsequently, UCP&T considered this question and submitted a draft proposal to the Academic Council, which modified it slightly at its January 03 meeting and again on the basis of the discussion at Academic Assembly in March 03.

A review of policies at other universities in the United States shows a wide variety of enforceable policies regarding sexual and romantic relationships between faculty and students. These policies include (1) strictly prohibiting all sexual or romantic relationships between faculty and either all students or all undergraduate students, (2) prohibiting a faculty member from teaching or supervising any student with whom the faculty member has such a relationship, (3) requiring full disclosure when a faculty member has a relationship with a student, (4) discouraging faculty members from having such relationships with students, and (5) no discernable policy at all.

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**\*For additional background information previously provided to the Assembly, please refer to:**

<http://www.universityofcalifornia.edu/senate/underreview/facrel.pdf>

The American Association of University Professors has expressed considerable concern about such relationships. The AAUP states in part:

"Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect... In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student."

**The current proposal before the Academic Assembly is adapted from the Yale University Faculty Handbook. It involves two pieces: (1) an addition to the ethical principles governing faculty behavior regarding teaching and students, and (2) the explicit addition of two examples of unacceptable conduct regarding faculty-student relationships. According to the Faculty Code of Conduct, to face disciplinary action, a faculty member's behavior must both violate the ethical principles and harm the University. More specifically, the Code states:**

"University discipline under this Code may be imposed on a faculty member only for conduct which is not justified by the ethical principles and which significantly impairs the University's central functions. The Types of Unacceptable Conduct listed below in Sections A through E are examples of types of conduct that meet the preceding standards and hence are presumptively subject to University discipline."

The procedures and rules by which the University disciplines faculty members are set forth in the Faculty Code of Conduct, the University Policy on Faculty Conduct and the Administration of Discipline (APM 016), and systemwide Senate Bylaw 336 governing how Divisional Privilege and Tenure committees handle disciplinary matters. If a faculty member is found in violation of the Faculty Code of Conduct, then that faculty member can face any of six different disciplinary sanctions, set forth in APM 016 and in the Code, ranging from a letter of censure to dismissal from the University. The only standards of behavior with which faculty members must comply in order to avoid disciplinary action are the standards set forth in the Faculty Code of Conduct.

The actual processes by which faculty face disciplinary action can vary somewhat among the campuses in their early stages, but not when the matter reaches a Privilege and Tenure hearing. What follows is a brief summary of the process. Once charges are filed, a campus administrator delegated with this authority from the Chancellor (usually the EVC) refers the matter to a faculty committee (which is an administratively appointed faculty committee on some campuses or a Divisional Senate committee on other campuses) for investigation. After receiving the recommendation of this faculty committee, the administrator must determine whether there is probable cause to believe that the Faculty Code of Conduct has been violated and if so, which disciplinary sanction would be appropriate. If discipline is proposed, the

matter is referred to the Divisional Privilege and Tenure Committee. Absent a negotiated resolution of the matter, the Divisional P&T Committee establishes a Hearing Committee, which then holds a full, formal evidentiary hearing on the matter. The Hearing Committee may recommend disciplinary action against an accused faculty member only if it finds "clear and convincing evidence" that the faculty member has violated the Code of Conduct, and in that case, the Hearing Committee may recommend a disciplinary sanction no more severe than what was originally proposed. This recommendation goes to the Chancellor, who, depending on the severity of the sanction, either makes a decision or passes on a recommendation to the President of UC for Regental action. APM 016 and Senate Bylaw 334 contain a mechanism to resolve any differences between the Chancellor and the P&T Committee, but in all cases, the Divisional Privilege and Tenure Committee should report agreement or disagreement with the Chancellor to the full Division.

The addition to the ethical principles proposed here raises the concern that a personal relationship of a romantic or sexual nature between a faculty member and a student jeopardizes the integrity of the educational process. It characterizes such relationships as inappropriate even if they are apparently consensual. In proposing this addition to the ethical principles, UCP&T has taken a middle ground between requiring disclosure of such relationships (which does not necessarily guarantee fairness) and forbidding all such relationships with any student (which would not necessarily be broadly supported by the faculty and might consequently be difficult to enforce).

The two additional examples of unacceptable conduct follow from this added ethical principle. One of these prohibits a faculty member from academically supervising a student with whom the faculty member has a pre-existing romantic or sexual relationship. Such supervision would include teaching and grading them in a class and supervising their independent work in an independent study or in thesis research. The other example prohibits a faculty member from entering into a relationship with a student for whom the faculty member either has or should reasonably expect to have in the future an academic instructional, evaluative, or supervisory responsibility.

The clause about reasonably expecting to have future supervisory responsibility is intended to protect the student's future academic career. For example, if in pursuit of a degree, a student must take a course from a faculty member, then it would be irresponsible for a faculty member to enter into a relationship with that student, thereby either jeopardizing that student's ability to take the course or giving the appearance of conflict of interest by the faculty member. One might ask how a faculty member can be held accountable for predicting future responsibilities toward a student. A faculty member teaching a course required of all majors or all graduate students can reasonably expect a major or a graduate student in the department to take that course. In addition, a faculty member who is a specialist in an academic area known to the faculty member to be of interest to a student should expect that student to come under the faculty member's supervision. However, few faculty members could reasonably expect a student enrolled in a different School on campus to take the faculty member's graduate course; similarly, one would not expect a senior majoring in a different field to take one's introductory course in a faculty member's department. Once again, the standard of proof required is clear and convincing evidence, so to be disciplined for violating this clause, there must be clear and

convincing evidence that a faculty member should have reasonably expected to have supervisory responsibility over that student.

Who would be covered by this proposal? Formally, the Faculty Code of Conduct applies to only Senate faculty members, so that this change would affect only members of the Senate. However, we expect that if this proposal is approved, the University will modify its academic personnel policies so that a similar prohibition will apply to other University instructors such as Unit 18 lecturers and teaching assistants.

Under this proposal, precisely with which class of individuals would a faculty member be precluded from having a romantic or sexual relationship? This section of the Code of Conduct defines the term "student" to be all individuals under the academic supervision of faculty. It is understood that faculty have academic responsibility for such persons. However, the prohibition would not apply to faculty relationships with University staff such as administrative assistants or secretaries (who are not under the academic supervision of faculty). Perhaps (in part II C) the Code should be modified to include policies governing faculty sexual relationships with staff, but that change would be dependent on further University initiatives regarding employee-to-employee relationships. The policy would also not apply to fellow faculty members, who are not under the "academic supervision" of their colleagues.

### **Proposed Amendments to APM 015—The Faculty Code of Conduct**

#### Part II – Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct

##### **(Proposed new language underlined)**

##### A. Teaching and Students

Ethical Principles. “As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflects each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.” (AAUP Statement, 1966; Revised, 1987) ~~In this section, the term student refers to all individuals under the academic supervision of faculty.~~

**The integrity of the faculty-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty**

**member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.**<sup>1</sup>

**In this section, the term student refers to all individuals under the academic supervision of faculty.**

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
  - (a) arbitrary denial of access to instruction;
  - (b) significant intrusion of material unrelated to the course;
  - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
  - (d) evaluation of student work by criteria not directly reflective of course performance;
  - (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition, status as a covered veteran or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
6. **Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory).**
7. **Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.**

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<sup>1</sup> This section is modeled on the Yale University Faculty Handbook, XI.B. "Teacher-Student Consensual Relations." ([http://www.yale.edu/provost/handbook/handbook\\_xi\\_other\\_university\\_policies\\_a.html#T3](http://www.yale.edu/provost/handbook/handbook_xi_other_university_policies_a.html#T3))

## VII. REPORTS OF STANDING COMMITTEES (CONTINUED)

### A. Academic Council (Continued)

#### 6. Proposed Amendments to Academic Personnel Manual (APM) 010- Academic Freedom (Action)

Robert Post, Professor, Boalt Hall of Law

The following proposal to amend APM 010 was approved by the Academic Council at its April 23, 2003 meeting. The changes reflect Council's revisions to the draft submitted to the Council for its review by President Atkinson.

**(For a copy of the current APM-010, Academic Freedom statement, please refer to page 60 of this agenda or**

<http://www.ucop.edu/acadadv/acadpers/apm/apm-010.pdf> )

### Academic Freedom

**This section is intended to replace APM-010:<sup>1</sup>**

The University of California is committed to upholding and preserving principles of academic freedom. These principles protect guarantee freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. These principles reflect the University's fundamental mission of discovering knowledge and of disseminating knowledge to its students and to society at large. Knowledge cannot be advanced effectively unless there is freedom of exploration and investigation. It cannot be transmitted to our students and to the public unless there is freedom of expression and publication, both inside and beyond the classroom. The University also seeks to instill in its students a mature independence of mind, and this purpose cannot be achieved unless students and faculty teachers are free within the classroom to express the widest range of viewpoints within the norms of scholarly inquiry and professional ethics.

Academic freedom depends upon respect for the academic competence of the faculty. It is only by reference to that competence that the University may discover and disseminate the knowledge that is central to its mission. It is of the essence of academic freedom that the

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<sup>1</sup> The original language of § 10 of the APM, which was drafted in 1934, associated academic freedom with scholarship that gave "play to intellect rather than to passion." It conceived scholarship as "dispassionate" and as concerned only with "the logic of the facts." The revised version of § 10 supercedes repudiates this standpoint. It holds that academic freedom depends upon the quality of scholarship, which is to be assessed by the content of scholarship, not by the motivations that led to its production. The revision of § 10 therefore does not distinguish between "interested" and "disinterested" scholarship; it differentiates instead between competent and incompetent scholarship. Although competent scholarship requires an open mind, this does not mean that faculty are unprofessional if they reach definite conclusions. It means rather that faculty must always stand ready to revise their conclusions in the light of new evidence or further discussion. Although competent scholarship requires the exercise of reason, this does not mean that faculty are unprofessional if they are urgently committed to a definite point of view. It means rather that faculty must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion. Competent scholarship can and frequently does communicate definite and politically salient viewpoints about important and controversial questions.



assessment of teaching and scholarship reflect the application of academic standards.<sup>2</sup> The University expresses respect for faculty expertise in the application of such standards in the Standing Orders of the Regents, which establish a system of shared governance **between** ~~among the Regents~~, the Administration and the Academic Senate. Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to review by the Administration ~~for abuse of discretion~~, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care.

Members of the faculty are entitled as University employees to the full protections of the Constitution of the United States and of the Constitution of the State of California. These protections are in addition to whatever rights, privileges and responsibilities attach to the academic freedom of university faculty.

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<sup>2</sup> Academic freedom entails correlative duties of professional care when teaching, conducting research, or otherwise acting as a member of the faculty. The contours of these duties are more fully set forth in The Faculty Code of Conduct (APM 015).



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March 21, 2003

ACADEMIC COUNCIL CHAIR BINION

Dear Gayle:

As you may know, the current statement on academic freedom in the University's Academic Personnel Manual was first issued by President Sproul in 1934 and was incorporated into the Manual in 1944. There have been no modifications to it in 58 years. The statement is focused on the primacy of "dispassionate" scholarship. Although appropriate for the time, it has become outdated and does not provide an adequate basis for understanding and defending academic freedom at the University of California in the 21<sup>st</sup> century.

I believe the University's stance on academic freedom should reflect the modern university and its faculty. Accordingly, this past January I asked Professor Robert Post, who is a member of the Law School faculty at Berkeley and a respected scholar on First Amendment law, to draft a proposed revision of APM 010 Academic Freedom. After reviewing the statements at comparable institutions, he developed the enclosed proposed revision of APM 010 that integrates both traditional and modern notions of academic freedom, and focuses on the relationship between professional competence and academic freedom. Professor Post summarized that relationship in his letter to me forwarding the draft statement:

"The quality of scholarship is assessed by its content, not by the motivations that lead to its production. Because academic freedom is concerned with the quality of scholarship, it does not distinguish between 'interested' and 'disinterested' scholarship. It distinguishes instead between competent and incompetent scholarship."

The revised statement establishes a conceptual foundation for academic freedom based on the notion of the faculty as a professional body with distinctive competence and responsibilities, essential for the University to carry out its fundamental mission. His proposed revision also reinforces the principle that academic freedom exists within the norms of professional responsibility and scholarly ethics, and that

Academic Council Chair Binion  
March 21, 2003  
Page 2

academic freedom depends upon fulfillment of associated duties of professional care that are outlined in APM 015 Faculty Code of Conduct. His proposed revision confirms that these expectations are to be maintained by the Academic Senate, subject to appropriate review by the Administration.

I would appreciate it if the Academic Council would review Professor Post's draft and provide advice with regard to appropriate wording on a new statement on academic freedom which will serve as the revised APM 010. It would be in the University's best interest if this important project can be completed and issued this academic year, and I therefore seek the Council's response by June 15, 2003.

Sincerely,

Richard C. Atkinson  
President

Enclosure

cc: Provost King  
General Counsel Holst  
Associate President Hayashi

**DRAFT**

**Academic Freedom**

**This section is intended to replace APM-010:<sup>1</sup>**

The University of California is committed to upholding and preserving principles of academic freedom. These principles guarantee freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. These principles reflect the University's fundamental mission of discovering knowledge and of disseminating knowledge to its students and to society at large. Knowledge cannot be advanced unless there is freedom of exploration and investigation. It cannot be transmitted to our students and to the public unless there is freedom of expression and publication, both inside and beyond the classroom. The University also seeks to instill in its students a mature independence of mind, and this purpose cannot be achieved unless students and teachers are free within the classroom to express the widest range of viewpoints within the norms of scholarly inquiry and professional ethics.

Academic freedom depends upon respect for the academic competence of the faculty. It is only by reference to that competence that the University may discover and disseminate the knowledge that is central to its mission. It is of the essence of academic freedom that the assessment of teaching and scholarship reflect the application of academic standards.<sup>2</sup> The University expresses respect for faculty expertise in the application of such standards in the Standing Orders of the Regents, which establish a system of shared governance among the Regents, the Administration and the Academic Senate. Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to review by the Administration for abuse of discretion, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care.

**DRAFT**

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<sup>1</sup> The original language of § 10 of the APM, which was drafted in 1934, associated academic freedom with scholarship that gave “play to intellect rather than to passion.” It conceived scholarship as “dispassionate” and as concerned only with “the logic of the facts.” The revised version of § 10 repudiates this standpoint. It holds that academic freedom depends upon the quality of scholarship, which is to be assessed by the content of scholarship, not by the motivations that led to its production. The revision of § 10 therefore does not distinguish between “interested” and “disinterested” scholarship; it differentiates instead between competent and incompetent scholarship. Although competent scholarship requires an open mind, this does not mean that faculty are unprofessional if they reach definite conclusions. It means rather that faculty must always stand ready to revise their conclusions in the light of new evidence or further discussion. Although competent scholarship requires the exercise of reason, this does not mean that faculty are unprofessional if they are urgently committed to a definite point of view. It means rather that faculty must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion. Competent scholarship can and frequently does communicate definite and politically salient viewpoints about important and controversial questions.

<sup>2</sup> Academic freedom entails correlative duties of professional care when teaching, conducting research, or otherwise acting as a member of the faculty. The contours of these duties are more fully set forth in The Faculty Code of Conduct (APM 015).

**DRAFT**

Members of the faculty are entitled as University employees to the full protections of the Constitution of the United States and of the Constitution of the State of California. These protections are in addition to whatever rights, privileges and responsibilities attach to the academic freedom of university faculty.

**DRAFT**

For a copy of the current APM-010, Academic Freedom statement, please refer to:

<http://www.ucop.edu/acadadv/acadpers/apm/apm-010.pdf>



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12 March 2003

Richard C. Atkinson  
President, University of California  
1111 Franklin St.  
Oakland, CA 94607-5200

Dear President Atkinson:

You have asked me to draft a proposed revision of the academic freedom regulations of the University of California. References to academic freedom are of course scattered throughout official University documents, and they appear in many locations in the APM. These references have accumulated over time, and they are inconsistent, one with the other. To locate and edit all these references would be a monumental, time-consuming task. I concluded, therefore, that I should focus my attention on APM § 10, which is the only section of the APM that directly and exclusively addresses the question of academic freedom. I am accordingly enclosing with this letter a proposed revision of APM § 10. I am also enclosing an Appendix (“A”) that summarizes what I have been able to learn about the academic freedom regulations of 18 comparable institutions, and an Appendix (“B”) that contains a brief annotated bibliography of books and articles about academic freedom. Appendices A and B should assist you in evaluating the proposed revision of § 10.

After reviewing § 10, I concluded that the present version should be altogether scrapped. Section 10 originated as a statement by President Robert G. Sproul that was issued on August 27, 1934; in 1944 it became University Regulation No. 5. The statement was issued in response to student political protests which had aroused public hostility.<sup>1</sup> The thrust of § 10 is to propose a political bargain with the State: the University will confine itself to the “dispassionate” task of dissecting “the logic of the facts,” and the State, in return, will “protect” the “indispensable freedom” of the University to “transmit knowledge.” President Kerr essentially sought to enforce the terms of this bargain in 1964 during the days of the Free Speech Movement, when it

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<sup>1</sup> The background of the statement may be found in C. Michael Otten, *University Authority and the Student: The Berkeley Experience* 106-131 (1970); Robert Cohen, *When the Old Left Was Young* 118-33 (1993).

sparked bitter controversy and was ultimately abandoned as a defensible account of academic freedom.<sup>2</sup>

As Appendix A demonstrates, no modern university understands academic freedom in these terms. Most would now agree that scholarship can be both politically engaged and also professionally competent. In fact political passion is the engine that drives some of the best scholarship and teaching at the University of California, particularly in the humanities and social sciences. The quality of scholarship is assessed by its content, not by the motivations that lead to its production. Because academic freedom is concerned with the quality of scholarship, it does not distinguish between “interested” and “disinterested” scholarship. It distinguishes instead between competent and incompetent scholarship.

It is of course true that scholarship requires an open mind, but this does not mean that faculty are unprofessional if they reach definite conclusions. It means rather that faculty must always stand ready to revise their conclusions in the light of new evidence or further discussion. It is also true that scholarship requires the exercise of reason, but this does not mean that faculty are unprofessional if they are urgently committed to a definite point of view. It means rather that faculty must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion. There is no academic norm that prohibits scholarship from communicating definite and politically salient viewpoints about important and controversial questions, like democracy or human rights or the welfare state.

I have therefore sought to revise § 10 to reflect modern understandings of academic freedom. These understandings derive academic freedom from two main principles. The first principle concerns the mission of the university, which is roughly articulated in terms of the advancement and dissemination of knowledge. This principle is stated in the first paragraph of the proposed revision of § 10. The second principle concerns roughly the professional expertise of the professoriate. Because the “knowledge” which the University exists to advance is defined by reference to this expertise, academic freedom requires a large measure of faculty self-regulation. That is why I have drafted the second paragraph of the statement in terms of the prerogatives and obligations of the Academic Senate.

I have drafted § 10 as a general statement of principles. As the bibliography cited in Appendix B indicates, academic freedom is a vast and complicated subject, with applications to a myriad of distinct and unforeseeable circumstances. Section 10 is not the location to craft a code of conduct that seeks to anticipate and resolve specific disputes about academic freedom that may arise in these diverse contexts. Such rules as the University wishes to adopt belong in §15 of the APM. I have conceived § 10 as a declaration of the basic ideas that make up the concept academic freedom, in the hope

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<sup>2</sup> The story is told in Robert Post, “Constitutionally Interpreting the FSM Controversy,” in Robert Cohen & Reginald E. Zelnik, *The Free Speech Movement: Reflection on Berkeley in the 1960s* (2002).



that they may assist readers to think through unanticipated controversies that may arise in the future.

The first paragraph of the proposed revision of § 10 defines the mission of the University in terms of discovering and disseminating knowledge to our students and to the public. This definition of the University's mission is relatively uncontroversial, and Appendix A suggests that it is in fact quite common. The paragraph then deduces three aspects of academic freedom from this mission: freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. These freedoms attach to individual faculty members. The tripartite division of academic freedom originated in "General Report of the Committee on Academic Freedom and Tenure (1915),"<sup>3</sup> which in my view remains the deepest and most satisfying account of academic freedom in American universities. The tripartite division is also referenced in the "1940 Statement of Principles on Academic Freedom and Tenure,"<sup>4</sup> which has received almost universal endorsement. The right to freedom of expression and publication refers both to the right to speak in public as a scholar, and to the right to speak in public as a citizen. It also refers to the right to speak within the University as a participant in its affairs.

The first paragraph also advances a second and logically independent objective of the University. It states that we seek to educate our students so as to instill independence of mind. Academic freedom in teaching is sometimes justified solely in terms of the need to disseminate to students the fruits of scholarly research; the fifth sentence of the first paragraph adopts this rationale. But in my view academic freedom in teaching also depends on the need to attain the distinct educational objective, characteristic of universities, of fostering in our students the ability to think for themselves as mature adults. This objective can be realized only if teachers are free in the classroom to model intellectual independence.

The second paragraph of the proposed revision of § 10 addresses the relationship between academic freedom and the professional autonomy of the professoriate.<sup>5</sup> The historical roots of academic freedom lie in this autonomy. The basic idea is that what counts as knowledge, scholarship, and teaching, turns on the application of professional standards of judgment. This idea has many implications. The most important is that the quality of faculty work is to be judged *only* by reference to professional standards of academic judgment. It is not to be determined by reference to the political decisions of the electorate, the priorities of financial donors, or the managerial priorities of the administration. Academic freedom historically developed in this country precisely because of the need to insulate faculty from these inappropriate bases of judgment. In the second paragraph of the proposed revision of § 10, I associate this respect for the professional autonomy of the faculty with the exemplary tradition of shared governance,

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<sup>3</sup> The Statement may be found at pages 291-301 of AAUP, *Policy Documents and Reports* (9<sup>th</sup> Edition 2001).

<sup>4</sup> *Id.* at 3-10.

<sup>5</sup> The history and logic of this relationship are well discussed in Thomas L. Haskell, "Justifying the Rights of Academic Freedom in the Era of Power/Knowledge," in Louis Menand, ed., *The Future of Academic Freedom* (1996).

which is expressed in Standing Orders of the Regents, including Standing Orders 105.2 and 103.9.<sup>6</sup>

A second important implication of the idea that the mission of the university depends upon the application of professional standards is that faculty have the responsibility both to assess the work of their peers and also to submit to the assessment of their peers. This responsibility is what underlies decisions concerning hiring, promotion, awarding tenure, approval of course descriptions, evaluations of teaching, and so forth. A third implication is that faculty must undertake to comply with professional standards in the performance of their duties. In the realm of teaching, for example, professional standards require that faculty accord students the right to think freely and to exercise independent judgment; that they evaluate students solely on the merits of their work; and that they not penalize students merely because of their political, ethical, or religious perspectives. If academic freedom implies professional autonomy, it also implies professional responsibility. Academic freedom does not shield faculty from judgment or evaluation if they act in ways that are professionally unethical or incompetent. We specify the nature of the professional responsibility of faculty in § 15 of the APM (*Faculty Code of Conduct*).

The third and final paragraph of the proposed revision of § 10 makes clear that University faculty also enjoy constitutional rights under the Constitution of the United States and the Constitution of the State of California. Nothing in § 10 is meant to qualify or limit these rights.

Sincerely,

Robert Post

Enc.

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<sup>6</sup> For a discussion of shared governance at the University of California, see Daniel L. Simmons, “Shared Governance in the University of California: An Overview (1995) (Manuscript). On the history of shared governance at the University of California, see John A. Douglass, “Shared Governance at UC: An Historical Review (1995) (Manuscript). I am grateful to General Counsel James Holst for sharing these manuscripts with me.

## Appendix A

### Academic Freedom Policies At Comparable Institutions

#### Columbia University

Columbia's Faculty Handbook contains a section entitled "Obligations and Responsibilities of Officers of Instruction and Research." Columbia Faculty Handbook, Obligations and Responsibilities—Introduction and Academic Freedom, available at <http://www.columbia.edu/cu/vpaa/fhb/c7/intro.html>. This section states:

The University is committed to maintaining a climate of academic freedom, in which officers of instruction and research are given the widest possible latitude in their teaching and scholarship. However, the freedoms traditionally accorded those officers carry corresponding responsibilities. By accepting appointment at the University, officers of instruction and research assume varied obligations and duties.

The section goes on to briefly sketch the duties of officers of instruction and research and refers to the guidelines governing those duties. In a paragraph labeled "Academic Freedom," the section notes that:

The University's commitment to the principle of academic freedom...assures officers of the freedom to determine the content of what they teach and the manner in which it is taught and the freedom to choose the subjects of their research and publish the results. It also guarantees that they will not be penalized for expressions of opinion or associations in their private or civic capacity.

**It also refers the reader to §70a of the University Statutes, the University's Code of Academic Freedom and Tenure. Columbia Faculty Handbook, Appendix B, Code of Academic Freedom and Tenure, available at [http://www.columbia.edu/cu/vpaa/fhb/app/app\\_b.html](http://www.columbia.edu/cu/vpaa/fhb/app/app_b.html).** §70a states that:

Academic freedom implies that all officers of instruction are entitled to freedom in the classroom in discussing their subjects; that they are entitled to freedom in research and in the publication of its results; and that they may not be penalized by the University for expressions of opinion or associations in their private or civic capacity; but they should bear in mind the special obligations arising from their position in the academic community.

## **Dartmouth College**

The Dartmouth College Faculty Handbook contains a statement on Freedom of Expression and Dissent. Dartmouth College Faculty Handbook, Part III: Policies and Procedures, Freedom of Expression and Dissent, available at [http://www.dartmouth.edu/~dof/handbook/policies/freedom\\_expression.html](http://www.dartmouth.edu/~dof/handbook/policies/freedom_expression.html). This statement provides that:

Dartmouth College prizes and defends the right of free speech, and the freedom of individuals to make independent decisions, while at the same time recognizing that such freedom exists in the context of law and of responsibility for one's actions. The exercise of these rights must not deny the same rights to any other individual. The College therefore both fosters and protects the rights of individuals to express their dissent. Protest or demonstration shall not be discouraged so long as neither force nor the threat of force is used, and so long as the orderly processes of the College are not deliberately obstructed.

In addition, the Dartmouth College Organization of the Faculty's Council on Academic Freedom and Responsibility promulgated an Agreement Concerning Academic Freedom, Tenure, and Responsibility of Faculty Members Voted by the Board of Trustees (January 15, 1971) after approval by the Faculty (October 19, 1970), available at <http://www.dartmouth.edu/~dof/ofdc/charter/councils/freedom.html>. This agreement sets out the College's tenure policies and in its first section states:

The Trustees and Faculty of Dartmouth College agree that the principle of academic freedom is fundamental to the life and work of the institution and of all who serve it in the responsible performance of teaching and scholarly pursuits.

The Trustees and Faculty accept the principle of academic tenure as a means conducive to that independence of mind and speech essential to higher learning in a free society. Academic tenure is a status which presupposes rigorous, sustained, professional preparation and performance, and the obligation on the individual's part to work according to the spirit and methods of responsible inquiry and teaching.

## **Duke University**

The Duke University Faculty Handbook contains a policy on Academic Freedom and Academic Tenure. Duke University Faculty Handbook, Appendix C, Academic Freedom and Academic Tenure, page 81 of 231, available at <http://www.provost.duke.edu/fhb.pdf>. This statement defines academic freedom as a professor's freedom:

To teach and to discuss in his or her classes any aspect of a topic pertinent to the understanding of the subject matter of the course being taught.

To carry on research and publish the results subject to the adequate performance of his or her other academic duties.

To act and to speak in his or her capacity as a citizen without institutional censorship or discipline.

In a section entitled “Mutual Obligations” the policy also states:

As members of learned professions, faculty members of Duke University should remember that the public may judge their professions and their institution by their actions. They should also remember that in a deeper sense they cannot separate freedom as a member of the academic community from their responsibility as a privileged member of society. While the university will always protect freedom to espouse an unpopular cause, faculty members have a responsibility not to involve the university. Hence, when speaking, writing, or acting in the capacity of a private citizen, they should make every effort to indicate that they are not spokespersons or representatives of the university. *Id.* at 83 of 231, subsection G.

### **Georgetown University**

The Georgetown University Faculty Handbook contains a statement on Academic Freedom. Georgetown University Faculty Handbook, VII. Faculty Rights and Responsibilities, Academic Freedom, pages 16-17, available at <http://www.georgetown.edu/facultysenate/FacHbk.pdf>. This policy states:

Academic freedom is essential to teaching and research. Such freedom requires free inquiry, free expression, intellectual honesty, respect for the academic rights of others, and openness to change. The rights and responsibilities exercised within the academic community must be compatible with these requirements. All members of the faculty, in common with all other members of the community, share the responsibility for maintaining a professional atmosphere in which violations of academic freedom and responsibility are unlikely to occur. The University endorses the American Association of University Professor’s *1940 Statement of Principles on Academic Freedom and Tenure*, with clarifications that place it in the Georgetown University context (see Section XXI) [on page 130].

A Faculty member has rights and responsibilities common to all citizens, free from institutional censorship. In furtherance of this principle, a Faculty member may be held accountable by the University for his or her private acts only as they substantially affect teaching, research or University service. However, in his or her private pursuits the services of the University shall not be used nor shall the University affiliation be used so as to indicate University approval. When speaking or writing in a controversial field, members of the Faculty should indicate that their viewpoints do not necessarily reflect the official position of the University authorities.

## Harvard University

The Harvard University Faculty of Arts and Sciences website contains fairly extensive Free Speech Guidelines. Harvard University Faculty of Arts and Sciences Free Speech Guidelines, adopted February 13 and May 15, 1990, available at <http://www.fas.harvard.edu/~secfas/>. The Preamble to these guidelines states:

Free speech is uniquely important to the University because we are a community committed to reason and rational discourse. Free interchange of ideas is vital for our primary function of discovering and disseminating ideas through research, teaching, and learning. Curtailment of free speech undercuts the intellectual freedom that defines our purpose. It also deprives some individuals of the right to express unpopular views and others of the right to listen to unpopular views.

Because no other community defines itself so much in terms of knowledge, few others place such a high priority on freedom of speech. As a community, we take certain risks by assigning such a high priority to free speech. We assume that the long term benefits to our community will outweigh the short term unpleasant effects of sometimes noxious views. Because we are a community united by a commitment to rational processes, we do not permit censorship of noxious ideas. We are committed to maintaining a climate in which reason and speech provide the correct response to a disagreeable idea.

Members of the University do not share similar political or philosophical views, nor would such agreement be desirable. They do share, however, a concern for the community defined in terms of free inquiry and dissemination of ideas. Thus they share a commitment to policies that allow diverse opinions to flourish and to be heard. In the words of the Resolution on Rights and Responsibilities, the University must protect "the rights of its members to organize and join political associations, convene and conduct public meetings, publicly demonstrate and picket in orderly fashion, advocate and publicize opinion by print, sign, and voice."

\* \* \*

It is expected that when there is a need to weigh the right of freedom of expression against other rights, the balance will be struck after a careful review of all relevant facts and will be consistent with established First Amendment standards.

The policy goes on to offer specific guidance for preventing disruption (defined as "any repeated or continuous action which effectively prevents members of the audience from adequately hearing or seeing the event") of campus events and providing for sanctions against disruptors. The Free Speech Guidelines conclude with a Resolution on Rights and Responsibilities, which begins:

The central functions of an academic community are learning, teaching, research and scholarship. By accepting membership in the University, an individual joins a community ideally characterized by free expression, free inquiry, intellectual honesty,

respect for the dignity of others, and openness to constructive change. The rights and responsibilities exercised within the community must be compatible with these qualities.

The rights of members of the University are not fundamentally different from those of other members of society. The University, however, has a special autonomy and reasoned dissent plays a particularly vital part in its existence. All members of the University have the right to press for action on matters of concern by any appropriate means. The University must affirm, assure and protect the rights of its members to organize and join political associations, convene and conduct public meetings, publicly demonstrate and picket in orderly fashion, advocate, and publicize opinion by print, sign, and voice.

The University places special emphasis, as well, upon certain values which are essential to its nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement. Interference with any of these freedoms must be regarded as a serious violation of the personal rights upon which the community is based. Furthermore, although the administrative processes and activities of the University cannot be ends in themselves, such functions are vital to the orderly pursuit of the work of all members of the University. Therefore, interference with members of the University in performance of their normal duties and activities must be regarded as unacceptable obstruction of the essential processes of the University.

## **New York University**

New York University's Faculty Handbook contains a Statement in Regard to Academic Freedom and Tenure. NYU Faculty Handbook and Resources, Title I: Statement in Regard to Academic Freedom and Tenure, available at <http://www.nyu.edu/academic.appointments/faculty.html>. In sections entitled "The Case for Academic Freedom," "The Case for Academic Tenure," and "Academic Freedom" the statement reads:

Academic freedom is essential to the free search for truth and its free expression. Freedom in research is fundamental to the advancement of truth. Freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. Academic freedom imposes distinct obligations on the teacher such as those mentioned hereinafter.

Academic tenure is a means to certain ends, specifically: (1) freedom of teaching and research; and (2) a sufficient degree of economic security to make the profession of teaching attractive to men and women of ability.

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties, but outside occupations and research for pecuniary gain, except in the case of sporadic and wholly

unrelated engagements, should be based upon an understanding with the administration of the University.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should not introduce into their teaching controversial matter that has no relation to their subject.

Teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but this special position in the community imposes special obligations. As men and women of learning and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they at all times should be accurate, should exercise appropriate restraint, should show respect for the opinions of others and for the established policy of their institution, and while properly identifying themselves to outside audiences as associated with the University should clearly indicate that they are not institutional spokespeople unless specifically commissioned to serve in such a capacity.

### **Northwestern University**

Northwestern University's Faculty Handbook contains a statement on Academic Freedom. Northwestern Faculty Handbook, Academic Freedom, page 6, available at <http://www.northwestern.edu/provost/faculty/handbook.pdf>. This policy states:

Northwestern University subscribes to the principles of academic freedom stated by the American Association of University Professors (AAUP) as follows:

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of [his/her] other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing [his/her] subject, but [he/she] should be careful not to introduce into [his/her] teaching controversial matter which has no relation to [his/her] subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When [he/she] speaks or writes as a citizen, [he/she] should be free from institutional censorship or discipline, but [his/her] special position in the community imposes special obligations. As a [person] of learning and an educational officer, [he/she] should remember that the public may judge [his/her] profession and [his/her] institution by [his/her] utterances. Hence [he/she] should at all times be accurate, should exercise appropriate restraint, should show respect for the



opinions of others, and should make every effort to indicate that [he/she] is not an institutional [spokesperson].

Northwestern University's Faculty Handbook also includes a Trustee Statement on Disruption. Northwestern Faculty Handbook, Trustee Statement on Disruption, page 44, available at <http://www.northwestern.edu/provost/faculty/handbook.pdf>. This policy indicates that disruption of campus activities is not considered part of freedom of expression, stating:

Northwestern University stands for freedom of speech, freedom of inquiry, freedom of dissent, and freedom to demonstrate in peaceful fashion. The University recognizes that freedom requires order, discipline, and responsibility and stands for the right of all faculty and students to pursue their legitimate goals without interference. The University, therefore, will not tolerate any attempt by any individual, group, or organization to disrupt the regularly scheduled activities of the University. Any such effort to impede the holding of classes, the carrying forward of the University's business, or the arrangements for properly authorized and scheduled events would constitute an invasion of the rights of faculty and students and cannot be permitted.

## **Princeton University**

Princeton University publishes "Rights Rules and Responsibilities," a document "intended to provide a concise reference and guide for all members of the Princeton University community." Princeton University, Rights Rules and Responsibilities, 2002 Edition, available at <http://www.princeton.edu/pr/pub/rrr/02/index.htm>. This document does not contain a statement specifically addressing academic freedom, but it includes the following statements under the heading "University Wide Regulations":

### **Introduction**

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the teaching and general development of students, and the transmission of knowledge and learning to society at large. Free inquiry and free expression within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depends upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in classrooms and lecture halls. All members of the academic community share the responsibility for securing and sustaining the general conditions conducive to this freedom.

The primary purposes of regulations and discipline in a university are to protect the well-being of the community and to advance its educational mission by defining and establishing certain norms of behavior. At Princeton, disciplinary proceedings have a role that is subordinate to positive guidance, rational admonition, and reasonable appeal to members of the University to observe its stated norms. The disciplinary system establishes procedures for a fair hearing, including advising a person fully of the

charges against him or her, affording him or her ample opportunity to speak on his or her behalf, and requiring a clear explanation of his or her rights of appeal. Disciplinary proceedings are instituted only for violations of standards of conduct defined in advance and published, or for actions that can be reasonably deduced as violations in light of those specifically defined as such. Regulations governing the conduct of members of the University community will be revised only after deliberations in which representatives of the appropriate groups are invited to participate. Introduction to University Principles of General Conduct and Regulations, available at <http://www.princeton.edu/pr/pub/rrr/02/01.htm>.

### **Protests and Demonstrations**

Free speech and peaceable assembly are basic requirements of the University as a center for free inquiry and the search for knowledge and insight. These rights involve a concurrent obligation on the part of all members of the University to maintain on the campus an atmosphere conducive to scholarly pursuits and to respect the rights of all individuals. Demonstrations and the distribution of leaflets, statements, or petitions, therefore, are permitted on the campus unless, or until, they disrupt regular and essential operations of the University or significantly infringe on the rights of others. On the same grounds, the campus is open to speakers whom students, faculty, or staff wish to hear, and to recruiters for agencies and organizations in whom students or faculty have an interest.

1. It is a *violation* of these policies for a member of the faculty, staff, or student body (a) to prevent, or willfully attempt to prevent, the orderly conduct of a University function or activity, such as lectures, meetings, interviews, ceremonies, and public events; (b) to block, or willfully attempt to block, the legitimate activities of any person on the campus or in any University building or facility. Violations of this provision, if persisted in after due warning, will be regarded as serious offenses.

### **Distribution of Written Materials by Members of the University Community**

Free inquiry, free expression and civility within this academic community are indispensable to the University's objectives. Inclusion of the name, telephone number and/or e-mail address of the University sponsoring organization or individual member of the University community on material resembling petitions, posters, leaflets distributed on campus, including materials disseminated using campus information technology resources or University internet access is encouraged, since such attribution promotes and facilitates civility as well as vigorous debate in the academic community. Anonymous public postings without sponsorship of a registered University organization shall be removed or deleted if a complaint by a member of the University is lodged with the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School. University-Wide Conduct Regulations, available at <http://www.princeton.edu/pr/pub/rrr/02/04.htm>.

## **Guidelines Relating to the Tax-Exempt Status of the University and Political Activities**

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3. While the University's name has traditionally been used in limited ways for purposes of identification by individuals and/or organizations connected with the University, individuals and groups must take special care to make it clear that when expressing political views they are speaking only for themselves and not for the University.

\* \* \*

8. Faculty, staff, and students have an obligation to fulfill all of their normal responsibilities at the University, and while they are free to engage in political activities, such activities must not be at the expense of their responsibilities at the University. *Id.*, available at <http://www.princeton.edu/pr/pub/rrr/02/12.htm>.

### **Stanford University**

Stanford's Faculty Handbook contains a Statement on Academic Freedom. Stanford Faculty Handbook, Chapter 4: Core Policy Statements, Section II. Statement on Academic Freedom, available at

<http://www.stanford.edu/dept/provost/faculty/policies/handbook/ch4.html#statementonacademicfreedom>. In its Preamble, the policy notes that:

Stanford University's central functions of teaching, learning research, and scholarship depend upon an atmosphere in which freedom of inquiry, thought, expression, publication and peaceable assembly are given the fullest protection. Expression of the widest range of viewpoints should be encouraged, free from institutional orthodoxy and from internal or external coercion. Further, the holding of appointments at Stanford University should in no way affect the faculty members' rights assured by the Constitution of the United States.

Section I of the Statement goes on to state:

Decisions concerning (1) the search for, and appointment and promotion of, faculty; (2) the assignment of teaching and other primarily academic responsibilities; (3) the support and sponsorship of scholarly research; and (4) any other granting or withholding of benefits or imposition of burdens shall be made without regard to a person's political, social, or other views not directly related to academic values or to the assumption of academic responsibilities or is determined, in a proceeding pursuant to the Statement on Faculty Discipline, to come within the provisions of Section 1 of that Statement; and without regard to an individual's race, ethnic origin, sex or religion. Nothing in the forgoing shall be deemed to affect the University's application of affirmative action policies in its faculty search procedures.

Sections II and III describe the purpose and substance of appeal procedures designed to address violations of academic freedom.

## **University of Michigan**

The University of Michigan Faculty Handbook contains a statement of the Fundamental Tenets of Membership in the University Community. University of Michigan Faculty Handbook: Fundamental Tenets of Membership in the University Community, available at <http://www.umich.edu/~provost/handbook/1/1.1.html>. This policy states:

The University of Michigan is a community devoted to learning. Members of our community advance, preserve, and transmit knowledge through study, teaching, artistic expression, research, and scholarship. As a public university, we have a special obligation to serve the public interest.

All who join the University community gain important rights and privileges and accept equally important responsibilities. We believe in free expression, free inquiry, intellectual honesty, and respect for the rights and dignity of others. We respect the autonomy of each person's conscience in matters of conviction, religious faith, and political belief. We affirm the importance of maintaining high standards of academic and professional integrity. In defining the rights we enjoy and the responsibilities we bear, we must keep those basic principles in mind.

All members of the University have civil rights guaranteed by the Bill of Rights. Because the search for knowledge is our most fundamental purpose, the University has an especially strong commitment to preserve and protect freedom of thought and expression. Reasoned dissent plays a vital role in the search for truth; and academic freedom, including the right to express unpopular views, is a cherished tradition of universities everywhere. All members of the University have the right to express their own views and hear the views of others expressed, but they must also take responsibility for according the same rights to others. We seek a University whose members may express themselves vigorously while protecting and respecting the rights of others to learn, to do research, and to carry out the essential functions of the University free from interference or obstruction.

A statement on Freedom of Speech directly follows:

Free speech is at the heart of the academic mission. The University encourages open and vigorous discussion and strives to maintain an environment where the free exchange of ideas and opinions can flourish. The University also strives to encourage responsible dialogue in which the learning made possible by these exchanges can occur. University of Michigan Faculty Handbook: Freedom of Speech, available at <http://www.umich.edu/~provost/handbook/1/1.2.html>.

The Freedom of Speech statement goes on to refer to a Statement on Freedom of Speech and Artistic Expression issued by the Civil Liberties Board addressing the rights of speakers and

protesters at campus activities. This statement “safeguards the rights of members of the University community and individuals invited to the University to express their views and opinions, and of those in attendance to hear [and] recognizes and protects the rights of free expression of those who would protest a speech or performance.” The text of this statement is available at <http://spg.umich.edu/pdf/601.01.pdf>.

## **University of Minnesota**

The University of Minnesota Board of Regents has adopted a policy on Academic Freedom and Responsibility. University of Minnesota Board of Regents Policy, Academic Freedom and Responsibility, available at <http://www1.umn.edu/regents/policies/academic/AcademicFreedom.pdf>. This policy states in its entirety:

The Regents of the University of Minnesota reaffirm the Principles of Academic Freedom and Responsibility. These are rooted in the Belief that the Mind is ennobled by the Pursuit of Understanding and the Search for Truth, and the State well served when Instruction is available to All at an Institution dedicated to the Advancement of Learning. These Principles are also refreshed by the Recollection that there is COMMUNE VINCULUM OMNIBUS ARTIBUS—a Common Bond through all the Arts.

Academic Freedom is the Freedom to discuss all relevant matters in the Classroom, to explore all Avenues of Scholarship, Research, and Creative Expression and to speak or write as a public citizen without institutional Discipline or Restraint. Academic Responsibility implies the faithful Performance of Academic Duties and Obligations, the Recognition of the Demands of the Scholarly Enterprise and the Candor to make it clear that the Individual is not speaking for the Institution in Matters of public Interest.

In the Preamble to the University of Minnesota’s Official Policy on Faculty Tenure, the Board of Regents makes several observations regarding academic freedom. University of Minnesota Official Policy on Faculty Tenure, available at <http://www1.umn.edu/usenate/policies/tenurecp.html>. The Preamble states:

The Board of Regents adopts these regulations with the conviction that a well-defined statement of rules is essential to the protection of academic freedom and to the promotion of excellence at the University of Minnesota.

\* \* \*

Tenure is the keystone for academic freedom; it is essential for safeguarding the right of free expression and for encouraging risk-taking inquiry at the frontiers of knowledge. Both tenure and academic freedom are part of an implicit social compact which recognizes that tenure serves important public purposes and benefits society. The people of Minnesota are best served when faculty are free to teach, conduct research,

and provide service without fear of reprisal and to pursue those activities with regard for long term benefits to society rather than short term rewards. In return, faculty have the responsibility of furthering the institution's programs of research, teaching, and service and are accountable for their performance of these responsibilities.

## **University of North Carolina**

The University of North Carolina's Code of the Board of Governors contains a section entitled "Academic Freedom and Tenure." The Code of the Board of Governors of the University of North Carolina, Chapter VI-Academic Freedom and Tenure, page 21, available at <http://www.northcarolina.edu/legal/policymanual/100.1TheCode.pdf>. Section 600 of Chapter VI addresses Freedom and Responsibility in the University Community. It states:

(1) The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

(2) The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.

(3) Faculty and students of the University of North Carolina shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.

Section 601, Academic Freedom and Responsibility of Faculty, goes on to state:

(1) It is the policy of the University of North Carolina to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of the academic staffs of the constituent institutions. Members of the faculty are expected to recognize that accuracy, forthrightness, and dignity befit their association with the University and their position as men and women of learning. They should not represent themselves, without authorization, as spokespersons for the University of North Carolina or any of its constituent institutions.

(2) The University and its constituent institutions shall not penalize or discipline members of its faculties because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

## University of Pennsylvania

In its Faculty Policies and Procedures, the University of Pennsylvania “recognizes the importance of a system of tenure for faculty members as the preeminent means of fostering and protecting academic freedom in teaching, and in scholarly inquiry.” Faculty Policies and Procedures, Section II.A. Academic Freedom and Responsibility, available at [http://www.upenn.edu/assoc-provost/handbook/ii\\_a.html](http://www.upenn.edu/assoc-provost/handbook/ii_a.html). The policy goes on to describe the Senate and Faculty Committees on Academic Freedom and Responsibility and to state:

It is the policy of the University of Pennsylvania to maintain and encourage freedom of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, that would restrict him or her in the exercise of these freedoms in his or her area of scholarly interest.

The teacher is entitled to freedom in research and in the publication of results, subject to the adequate performance of his or her other academic duties, and to the institutional policies and procedures as set forth in the research policies of the University. Research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject.

The teacher is a member of a learned profession and of an educational institution. When speaking or writing as an individual, the teacher should be free from institutional censorship or discipline, but should note that a special position in the community imposes special obligations. As a person of learning and a member of an educational institution, the teacher should remember that the public may judge the profession and the institution by his or her utterances. Hence the teacher should at all times show respect for the opinions of others, and should indicate when he or she is not speaking for the institution.

## University of Texas

The Board of Regents of the University of Texas System has included a statement on academic freedom in its Rules and Regulations. Rules and Regulations of the Board of Regents of the University of Texas System, Part 1, Chapter III, Section 7, Rights and Responsibilities of Faculty Members as Citizens and as Teachers, available at [http://www.utsystem.edu/bor/rules/MasterRRR.htm#\\_Toc29353322](http://www.utsystem.edu/bor/rules/MasterRRR.htm#_Toc29353322). This section states:

### 7.1 Freedom in Research and Publication

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties.

## 7.2 Freedom in the Classroom

The teacher is entitled to freedom in the classroom in discussing his or her subject, but is expected not to introduce into his or her teaching controversial matter that has no relation to his or her subject.

## 7.3 Special Obligations

The university teacher is a citizen, a member of a learned profession, and an officer of an educational institution supported by the State of Texas. When the teacher speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but the teacher's special position in the community imposes special obligations. As a person of learning and an educational officer, the teacher should remember that the public may judge the profession and the institution by his or her utterances. Hence, the teacher should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make it plain that the teacher is not an institutional spokesman.

### **University of Virginia**

The University of Virginia's Faculty Handbook does not contain a statement on academic freedom. It does, however, contain a statement on Political Activity. University of Virginia Vice President and Provost: Policies, available at <http://www.virginia.edu/provost/political.html>. This policy states:

A faculty member is entitled to engage freely in political activity consistent with obligations as a teacher and scholar. The political positions assumed by members of the faculty are personal ones, and faculty members must ensure that they do not necessarily, nor even inferentially, imply that such positions are endorsed by the University. For this reason, a faculty member should avoid expressing such political positions on University letterhead.

### **University of Wisconsin-Madison**

The Faculty Policies and Procedures of the University of Wisconsin at Madison include a section on Faculty Rights. Faculty Policies and Procedures University of Wisconsin-Madison, Chapter 8 Faculty Rights and Responsibilities, Section 8.01 Faculty Rights, available at [http://wiscinfo.doit.wisc.edu/secfac/governance/FPP/Chapter\\_8.htm#804](http://wiscinfo.doit.wisc.edu/secfac/governance/FPP/Chapter_8.htm#804). This section states:

- A. Members of the faculty enjoy and exercise all rights secured to them by the Constitutions of the United States and the State of Wisconsin, and by the principles of academic freedom as they are generally understood in higher education, as well as rights specifically granted to them by Regent action, University of Wisconsin System rules, these policies and procedures and relevant practices or established custom of their colleges or schools and departments.



B. In any consideration of matters of tenure and academic freedom, the following statement of policy is relevant. It was enunciated at the time of the previous codification of the Laws and Regulations of the University of Wisconsin by the Regents of the University of Wisconsin on January 10, 1964. "In adopting this codification of the rules and regulations of the University of Wisconsin relating to tenure, the Regents reaffirm their historic commitment to security of professorial tenure and to the academic freedom it is designed to protect. These rules and regulations are promulgated in the conviction that in serving a free society the scholar must himself be free. Only thus can he seek the truth, develop wisdom and contribute to society those expressions of the intellect that ennoble mankind. The security of the scholar protects him not only against those who would enslave the mind but also against anxieties which divert him from his role as scholar and teacher. The concept of intellectual freedom is based upon confidence in man's capacity for growth in comprehending the universe and on faith in unshackled intelligence. The university is not partisan to any party or ideology, but it is devoted to the discovery of truth and to understanding the world in which we live. The Regents take this opportunity to rededicate themselves to maintaining in this university those conditions which are indispensable for the flowering of the human mind."

## **Vanderbilt University**

The Vanderbilt University Faculty Manual contains a statement on Academic Freedom and Responsibility. Vanderbilt University Faculty Manual, Part III. University Principles and Policies, A Statement of Principles, Section A. Academic Freedom and Responsibility, available at <http://www.vanderbilt.edu/facman/statemnt.htm>. This policy states:

"Academic freedom" in the traditional sense refers to the University's continuing policy of maintaining conditions of free inquiry, thought, and discussion for every member of the faculty in professional activities of research, teaching, public speaking, and publication. These conditions are regarded as necessary rights accruing to appointment on the faculty. Faculty members have the correlative obligation to speak and write with accuracy, with due respect for the opinions of others, and with proper care to specify that they speak on the authority of their own work and reputation, not as special pleaders for any social group or as purporting to represent the University. Such rights and obligations presuppose that faculty members adequately perform other academic duties and that they do not accept pecuniary return for activities outside of the University without a proper understanding with University authorities.

Some persons broaden the meaning of academic freedom beyond individual rights and duties to include faculty participation in determination of University policy. At Vanderbilt, the faculties of the College of Arts and Science, the Graduate School, and the professional schools (the Executive Faculty in the School of Medicine) determine the requirements and recommend all candidates for degrees. Through their collegial bodies and their elected representatives in the Faculty Senate, the faculties are free at any time to examine, debate, and make recommendations concerning any educational

policy, program, or practice of the University.

"Academic responsibility" means adherence to the following values and standards of conduct (adapted from the *Beach Report on Issues of Conscience and Academic Freedom*, 1960):

Vanderbilt University is a community of men and women devoted to the search for truth. A self-governing institution, it professes freedom from both internal and external interference which hinders accomplishment of that purpose. It is an institution that transcends, as much as it challenges and accepts, the customs and values of society. It has its own standards of excellence and responsibility that do not always conform to those of the persons and groups who support it.

The University is also part of the civic community in which it exists. Its members, both faculty and students, are entitled to exercise the rights of citizens and are subject to the responsibilities of citizens. A member of the Vanderbilt community gives thoughtful consideration to the image of the University reflected in his or her public behavior.

Members of the Vanderbilt community share a due regard and respect for law. In the event that one of its members is in jeopardy before the law, either for the sake of conscience or for the purpose of testing the validity of particular provisions of law through deliberate violation, the University will not seek to protect him or her from due process of law. Regardless of the action of the courts, however, the University reserves the right to determine whether a faculty member is fit to retain membership in the academic community, and maintains its own procedures for taking action upon, hearing, and deciding complaints against one of its members.

## **Yale University**

Yale's Faculty Handbook contains the University Policy on Freedom of Expression. Yale University Faculty Handbook, Section II. University Policy on Freedom of Expression, available at

[http://www.yale.edu/provost/handbook/handbook\\_ii\\_university\\_policy\\_on\\_freedom.html](http://www.yale.edu/provost/handbook/handbook_ii_university_policy_on_freedom.html).

This policy states:

The primary function of a university is to discover and disseminate knowledge by means of research and teaching. To fulfill this function a free interchange of ideas is necessary not only within its walls but with the world beyond as well. It follows that a university must do everything possible to ensure within it the fullest degree of intellectual freedom. The history of intellectual growth and discovery clearly demonstrates the need for unfettered freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable. To curtail freedom of expression strikes twice at intellectual freedom, for whoever deprives another of the right to state unpopular views necessarily also deprives others of the right to listen to those views.

In a second paragraph, the policy makes clear Yale's position that disruption of campus activities is not considered free expression that the policy protects:

Members of this University have freely associated themselves with Yale and in doing so have affirmed their commitment to a philosophy of mutual tolerance and respect. Physical restriction, coercion, or intimidation of any member of the community is contrary to the basic principles of the University. It is also a violation of these principles and of the University's rules of conduct for any member of the faculty, staff, or student body to prevent the orderly conduct of a University function or activity, such as a lecture, meeting, interview, ceremony, or other public event. It is similarly a violation of these principles to block the legitimate activity of any person on the Yale campus or in any Yale building or facility.

## Appendix B

### A Brief Annotated Bibliography on the Subject of Academic Freedom

#### Primary Documents

American Association of University Professors, *1915 Declaration of Principles on Academic Freedom and Academic Tenure*, in *Policy Documents and Reports* 291 (9th ed. 2001).

The *1915 Declaration* is the first definitive American articulation of principles of academic freedom. Drafted by an AAUP committee chaired by Columbia economist Edwin R. A. Seligman, the statement identifies the elements of a professor's academic freedom as (1) freedom of inquiry and research, (2) freedom of teaching within the college or university, and (3) freedom of extramural utterance and action. The report considers the basis and scope of the power conferred upon the governing boards of universities, the nature of the university teaching profession, and the purpose of academic institutions, concluding a university cannot perform its function without fully protecting academic freedom.

American Association of University Professors, *1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments*, in *Policy Documents and Reports* 3 (9th ed. 2001).

The AAUP and the Association of American Colleges (now the Association of American Colleges and Universities) adopted the *1940 Statement* after a series of conferences begun in 1934. Over 170 educational organizations have endorsed the Statement and many colleges and universities have incorporated it into their faculty handbooks. It is generally regarded as the definitive account of academic freedom at American Universities. The Statement identifies three components to a teacher's academic freedom: (1) freedom in research and publication of results (2) freedom in classroom discussion and (3) freedom from institutional censorship or discipline resulting from extramural utterances.

American Association of University Professors, *Joint Statement on Rights and Freedoms of Students*, in *Policy Documents and Reports* 261 (9th ed. 2001).

The AAUP, the United States National Student Association (now the United States Student Association), the Association of American Colleges (now the Association of American Colleges and Universities), the National Association of Student Personnel Administrators, and the National Association of Women Deans and Counselors (now the National Association for Women in Education) authored the *Joint Statement* in 1967. The statement outlines minimal standards of academic freedom for university

students. The policy includes sections covering freedom of access to higher education, student freedom in the classroom (including freedom of expression, protection against improper academic evaluation, and protection against improper disclosure), student records, student affairs (setting forth standards to protect freedom of association, freedom of inquiry and expression, student participation in institutional government, and student publications), off-campus freedom of students, and procedural standards in disciplinary proceedings.

## **Books and Compilations**

Aby, Stephen H. & Kuhn, James C. IV, *Academic Freedom: A Guide to the Literature* (2001).

This extensive guide to academic freedom literature contains 481 descriptive annotations of sources relating to academic freedom. It is organized into eleven chapters covering different aspects of academic freedom including its philosophy, history, and relationship to different issues such as religion and tenure.

American Association of University Professors, *Policy Documents and Reports* (9th ed. 2001).

This volume contains a wide range of policies and reports formulated by the American Association of University Professors (AAUP). Of particular interest is the *1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments*; *1915 Declaration of Principles on Academic Freedom and Academic Tenure*, and other policy statements, including the *Committee A Statement on Extramural Utterances*, the *Statement on Professors and Political Activity*, a policy on *Academic Freedom and Artistic Expression*, and a number of documents addressing procedural and tenure-related issues. An appendix offers examples of cases in which state and federal courts have referred to AAUP policies in adjudicating academic disputes and lists articles that discuss AAUP policies as a basis for a ‘common law’ of higher education. Many documents in this book are also available on the AAUP’s website at <http://www.aaup.org/statements/index.htm>.

DeGeorge, Richard T., *Academic Freedom and Tenure: Ethical Issues* (1997).

In part one of this volume, DeGeorge discusses the justifications for and ethical issues surrounding academic freedom and tenure. Following a general treatment of the subject, DeGeorge considers two specific academic freedom cases arising at the City College of the City University of New York, *Levin v. Harleston* and *Jeffries v. Harleston*. He then discusses the importance of academic freedom in a technological age and answers some modern criticisms of academic freedom. Part two contains a number of historically important academic freedom documents including the AAUP’s *1940 Statement* and articles by Ralph F. Fuchs (*Academic Freedom—Its Basic Philosophy, Function, and History*), Robert McGee and Walter Block (*Academic Tenure: An Economic Critique*), Richard Rorty (*Does Academic Freedom Have*

*Philosophical Presuppositions?*), and John Searle (*Rationality and Realism: What is at Stake?*).

Hofstadter, Richard & Metzger, Walter P., *The Development of Academic Freedom in the United States* (1955).

This book provides a detailed analytical history of academic freedom in the United States. In Part One, *The Age of the College*, Hofstadter briefly sketches the history of academic freedom in the universities of Western Europe up until the time of the Reformation. He then describes developments preceding the appearance of academic freedom in the United States. In Part Two, *The Age of the University*, Metzger describes the emergence of the modern university and its commitment to a model of truth seeking that justifies intellectual freedom.

Hollingsworth, Peggie J., ed., *Unfettered Expression: Freedom in American Intellectual Life* (2000).

This book is a compilation of nine lectures on academic freedom delivered during the 1990's. The lecture series was established as an apology to three University of Michigan faculty members who were dismissed in 1954 because they refused to explain their political beliefs to the House Un-American Activities Committee. It includes chapters by Lee Bollinger (*The Open-Minded Soldier and the University*); Avern Cohn (*A Federal Trial Judge Looks at Academic Freedom*); David A. Hollinger (*Money and American Freedom a Half-Century after McCarthyism: Universities amid the Force Fields of Capital*); Walter P. Metzger (*A Stroll along the New Frontiers of Academic Freedom*); Robert M. O'Neil (*Academic Freedom in Retrospect and in Prospect*); Linda Ray Pratt (*Academic Freedom and the Merits of Uncertainty*); Eugene Roberts Jr. (*Free Speech, Free Press, Free Society*); Catharine R. Stimpson (*Dirty Minds, Dirty Bodies, Clean Speech*); and Roger Wilkins (*Opportunity and Academic Integrity*).

Menand, Louis, ed., *The Future of Academic Freedom* (1996).

This collection of essays is organized into three sections entitled *What Does Academic Freedom Protect?*, *The Problem of Hate Speech*, and *The Ethics of Inquiry*. It includes articles by Ronald Dworkin (*We Need a New Interpretation of Academic Freedom*); Henry Louis Gates Jr. (*Critical Race Theory and Freedom of Speech*); Thomas L. Haskell (*Justifying the Rights of Academic Freedom in the Era of "Power/Knowledge"*); Evelyn Fox Keller (*Science and Its Critics*); Louis Menand (*The Limits of Academic Freedom*); Richard Rorty (*Does Academic Freedom Have Philosophical Presuppositions?*); Edward W. Said (*Identity, Authority, and Freedom: The Potentate and the Traveler*); Joan W. Scott (*Academic Freedom as an Ethical Practice*); and Cass R. Sunstein (*Academic Freedom and Law: Liberalism, Speech Codes, and Related Problems*). The Haskell essay is a particularly illuminating account of the origins and theory of American academic freedom.

Pincoffs, Edmund L., ed., *The Concept of Academic Freedom* (1975).

This volume contains articles drafted for a conference about academic freedom at The University of Texas at Austin in 1972. It contains essays by Hugo Adam Bedau (*Free Speech, the Right to Listen, and Disruptive Interference; Reply to Alan Pasch*); Bertram H. Davis (*Academic Freedom, Academic Neutrality, and the Social System*); Milton Fisk (*Academic Freedom in a Class Society; Comments on Hardy Jones and Bertram Davis*); Graham Hughes (*Tenure and Academic Freedom*); Hardy E. Jones (*Academic Freedom as a Moral Right*); Alan Pasch (*Comments on Bedau's "Free Speech, the Right to Listen, and Disruptive Interference"; Comments on Bedau's Reply*); Alexander Ritchie (*Tenure and Academic Freedom*); Amelie Oksenberg Rorty (*Dilemmas of Academic and Intellectual Freedom; Some Comments on Sartorius's Paper on Tenure*); Rolf Sartorius (*Tenure and Academic Freedom; Tenure, Academic Freedom, and the Nature of the University*); T. M. Scanlon (*Academic Freedom and the Control of Research*); Richard Schmitt (*Academic Freedom: The Future of a Confusion*); John R. Searle (*Two Concepts of Academic Freedom*); Judith Jarvis Thomson (*Academic Freedom and Research; A Proposed Statement on Academic Freedom*); and William Van Alstyne (*The Specific Theory of Academic Freedom and the General Issue of Civil Liberty; Reply to Comments*). The chapters by Searle, Scanlon, Thomson and Van Alstyne are particularly helpful.

Symposium on Academic Freedom, 66 Texas Law Review 1247-1659 (1988).

This Symposium on Academic Freedom contains articles by Paul Brest (*Protecting Academic Freedom Through the First Amendment: Raising the Unanswered Questions*); Rebecca S. Eisenberg (*Academic Freedom and Academic Values in Sponsored Research; Defining the Terms of Academic Freedom: A Reply to Professor Rabban*); Matthew W. Finkin (*Intramural Speech, Academic Freedom, and the First Amendment*); Julius G. Getman & Jacqueline W. Mintz (*Foreword: Academic Freedom in a Changing Society*); Walter P. Metzger (*Profession and Constitution: Two Definitions of Academic Freedom in America*); David M. Rabban (*Does Academic Freedom Limit Faculty Autonomy?*); and Mark G. Yudof (*Intramural Musings on Academic Freedom: A Reply to Professor Finkin*).

Van Alstyne, William W., ed., *Freedom and Tenure in the Academy* (1993).

This book reprints articles originally published in a symposium entitled *Freedom and Tenure in the Academy: The Fiftieth Anniversary of the 1940 Statement of Principles* in vol. 53, no. 3 of the journal *Law and Contemporary Problems* (Summer 1990). It contains essays by Ralph S. Brown & Jordan E. Kurland (*Academic Tenure and Academic Freedom*); Matthew W. Finkin (*"A Higher Order of Liberty in the Workplace": Academic Freedom and Tenure in the Vortex of Employment Practices and the Law*); Michael W. McConnell (*Academic Freedom in Religious Colleges and Universities*); Walter P. Metzger (*The 1940 Statement of Principles on Academic Freedom and Tenure*); Robert M. O'Neil (*Artistic Freedom and Academic Freedom*); David M. Rabban (*A Functional Analysis of "Individual" and "Institutional"*

*Academic Freedom Under the First Amendment*); Rodney A. Smolla (*Academic Freedom, Hate Speech, and the Idea of a University*); Judith Jarvis Thomson (*Ideology and Faculty Selection*); and William W. Van Alstyne (*Academic Freedom and the First Amendment in the Supreme Court of the United States: An Unhurried Historical Review*). The volume also includes an unannotated bibliography of academic freedom literature and the AAUP's *1915 Report*, *1940 Statement*, and *Joint Statement on Rights and Freedoms of Students*.

## Articles

Byrne, J. Peter, *Academic Freedom: A "Special Concern of the First Amendment,"* 99 Yale L. J. 251 (1989).

Byrne describes and criticizes the Supreme Court's academic freedom jurisprudence, finding it to offer little guidance. After tracing the concept of academic freedom from its professional roots to its role as a constitutional principle, he concludes that the professional and constitutional notions differ in ways that cause confusion. He then argues that whereas professional academic freedom encompasses the rights of individual faculty members, constitutional academic freedom should principally protect a university's administration of academic affairs from state intrusion.

Euben, Donna R., Staff Counsel American Association of University Professors, *Academic Freedom of Individual Professors and Higher Education Institutions: The Current Legal Landscape*, May 2002, available at <http://www.aaup.org/Com-a/aeuben.HTM>.

This article provides an overview of the legal doctrine surrounding different types of academic freedom claims, those involving the individual rights of professors as well as the rights of universities to institutional autonomy. It compares professional and constitutional protections for academic freedom and details the development of First Amendment jurisprudence relating to academic freedom, providing many sources for further inquiry.

Lovejoy, Arthur O., *Academic Freedom*, in 1 Encyclopaedia of the Social Sciences 384-88 (Edwin R. A. Seligman ed., 1937).

A member of the AAUP committee that drafted the first American articulation of academic freedom principles, *The 1915 Declaration of Principles*, Lovejoy defines academic freedom and explains why it is indispensable to the scholarly enterprise. He then describes the means for maintaining academic freedom, including academic tenure and peer review of professional competence. Finally, he sketches the history and development of American notions of academic freedom.

Olivas, Michael A., *Reflections on Professorial Academic Freedom: Second Thoughts on the Third "Essential Freedom,"* 45 Stan. L. Rev. 1835 (1993).



Olivas briefly summarizes current professional and constitutional definitions of academic freedom and discusses academic freedom in the context of the freedom to decide how material will be taught in the classroom.

Rabban, David M., *Academic Freedom*, in 1 *Encyclopedia of the American Constitution* 12-14 (Leonard W. Levy ed., 1986).

This encyclopedia entry briefly describes the Supreme Court's First Amendment protection of academic freedom, concluding that the constitutional definition of academic freedom remains uncertain. Rabban sketches the history of the American notion of academic freedom, describing the concept's journey from a contractual principle first codified by the AAUP to a constitutional principle based on general freedom of expression.

**VII. REPORTS OF STANDING COMMITTEES (CONTINUED)**

**A. Academic Council (Continued)**

**7. Report from the President's Council on the National Laboratories  
(Oral Report)**

**B. Appointments of Chairs and Vice Chairs for 2003-04**

**University Committee on Committees (UCOC)**

**Neal Garrett, Chair**

The University Committee on Committees has made the following appointments of Chairs and Vice Chairs for 2003-2004:

**Academic Freedom**

Chair: Gary Watson (R)

**Academic Personnel**

Chair: Ramon Gutierrez (SD)

Vice Chair: John Ganim (R)

**Affirmative Action**

Chair: Ross Frank (SD)

Vice Chair: Allan Stewart-Oaten (SB)

**Board of Admissions and Relations with Schools**

Chair: Barbara Sawrey (SD)

Vice Chair: Michael Brown (SB)

**Coordinating Committee on Graduate Affairs**

Chair: Kent Erickson (D)

Vice Chair: Quentin Williams (SC)

**Editorial**

Co-Chair, North: Brent Mishler (B)

Co-Chair, South: Stephen Cullenberg (R)

**Education Abroad Program**

Chair: Richard Godbeer (R)

**Educational Policy**

Chair: Lisa Alvarez-Cohen (B)

Vice Chair: Joseph Kiskis (D)

**Faculty Welfare**

Chair: Ross Starr (SD)

Vice Chair: John Oakley (D)

**Information Technology and Telecommunications Policy**

Chair: Alfonso Cardenas (LA)

**Library**

Chair: Abdelmonem Afifi (LA)

**Planning and Budget**

Chair: Richard Goodman (LA)

Vice Chair: Michael Parrish (SD)

**Preparatory Education**

Chair: Arvan Fluharty (LA)

**Privilege and Tenure**

Chair: Carolyn Martin-Shaw (SC)

**Research Policy**

Chair: Janis Ingham (SB)

Vice Chair: Max Neiman (R)

**Rules and Jurisdiction**

Chair: Jean Olson (SF)

**VII. REPORTS OF STANDING COMMITTEES (CONTINUED)**  
**C. Board of Admissions and Relations with Schools (BOARS)**  
**Barbara Sawrey, Chair**

**1. Proposed amendment to Senate Regulation 418 Article 1.**  
**Submission of Test Scores (Action)**

The proposed Senate Regulation amendments specified below concern undergraduate admissions. Specifically, they are proposed to address the fact that the ACT and SAT tests will change effective for freshmen applying to enter UC in fall 2006.

These proposed changes were approved by the Academic Council in April 2003 and sent to the University Committee on Rules and Jurisdiction to ensure that these regulations are consonant with the Bylaws and Regulations of the Academic Senate.

**PROPOSED CHANGE TO SENATE REGULATION (SR) 418**

**Present Wording:**

**Article 1. Submission of Test Scores**

**(Existing language, to be valid for freshmen entering through spring 2006)**

**418.**

Each applicant for admission must submit scores either in the SAT I: Reasoning Test or the American College Test. The applicant must also submit scores in three tests of the SAT II: Subject Test of the College Board. The SAT II tests must include English Composition (i.e., Writing Test), Mathematics, and one from the following areas: English Literature, Foreign Language, Science, or Social Studies. (Am 4 May 95)

The minimum scores acceptable shall be determined by the Board of Admissions and Relations with Schools, and may vary depending upon the overall grade-point record of the applicant.

**Article 1. Submission of Test Scores**

**(New language, to be valid for freshmen class entering fall 2006)**

**418.**

Each applicant for admission must submit scores ~~either in the SAT I: Reasoning Test or the American College Test.~~ **on an approved core test of Mathematics, Language Arts, and Writing.** The applicant must also submit scores ~~in three tests of the SAT II: Subject Test of the College Board. The SAT II tests must include English Composition (i.e., Writing Test);~~

~~Mathematics, and one from the following areas: English Literature, Foreign Language, Science, or Social Studies.~~ **on approved supplementary subject matter tests to be taken in two different “a-f” subject areas: History/Social Science, English, Mathematics, Laboratory Science, Language other than English, or Visual Performing Arts.** (Am 4 May 95)

**Approval of tests shall be determined by the Board of Admissions and Relations with Schools, with the concurrence of Academic Council and the Assembly of the Academic Senate.** The minimum scores acceptable shall be determined by the Board of Admissions and Relations with Schools, and may vary depending upon the overall grade-point record of the applicant.

#### **JUSTIFICATION:**

A change is necessary because the nature of the ACT and SAT tests will be changing, effective for freshmen applying to enter the University of California in fall 2006. Both the ACT and SAT tests will include writing components beginning in spring 2005, and will have a name change. At that time prospective applicants will be able to take any of the new tests that BOARS, Council, and Assembly have approved. Rather than list the new names of the tests in the proposed bylaw change, we believe they should be removed all together.

The proposed regulation is now completely generic, with responsibility for approving specific tests assigned to BOARS, with concurrence of the Academic Council and Assembly. This means that tests could be added or subtracted from an approved list by Senate vote, but without changing the regulations. In BOARS' view it is inappropriate to name commercial companies or agencies in the Academic Senate regulations.

Inclusion of a writing component in the new core tests will obviate the need for the SAT II Writing exam, and the College Board will eliminate the administration of that test. Therefore the supplementary subject tests will be reduced in number from three to two. Similar to the removal of the names of the core tests, the removal of the reference to the SAT II exams as specific supplementary subject matter tests allows us to maintain our flexibility for approving tests that other testing agencies may present in the future to the University and BOARS for approval as tests of subject matter.

A mathematics subject matter test will no longer be required since the level of the new ACT and SAT I core tests in mathematics will be approximately equivalent to the SAT II Mathematics Level 1C test.

The names of the areas in which the subject matter tests will be taken have been changed to correspond exactly with wording of the “a-f” requirements for high school courses. A new Visual and Performing Arts requirement was

added, effective 2003 (the “g” requirement is now an elective course). Foreign Language is changed to Language Other than English, and English Literature to English, Science to Laboratory Science, and Social Studies to History/Social Science.

## **2. Proposed transition planning for testing (Action)**

BOARS seeks the approval of the Assembly for its proposed transition plan with respect to admissions testing. This transition plan was approved unanimously by BOARS on April 25, 2003, and approved by the Academic Council on April 30, 2003

As a transition plan, BOARS recommends that beginning with the entering freshman class of 2006, the University will accept on an interim basis scores on the ACT with Writing and the new SAT examinations in satisfaction of the core test requirement. These interim approvals will be in effect for two years.

BOARS will complete a comprehensive review of admissions tests and their alignment with the University testing principles no later than 2008. In the intervening years BOARS will undertake to collect data that will enable an evaluation, according to BOARS principles, of the tests for which the University accepts scores.

### **JUSTIFICATION**

This plan allows the University to temporarily accept scores on the new ACT with Writing and SAT core exams for meeting eligibility requirements of the University during the period of transition from the current tests to the newly developed tests. Both ACT and the College Board are developing their new tests to be ready for administration in early 2005. This corresponds in timing to when applicants for admission to the University for fall 2006 would take the tests.

ACT will continue to offer their current core test, but will add a writing component (optional for other schools, mandatory for University of California applicants). The College Board is revising their SAT exam more extensively, including the addition of a writing component. BOARS is confident that ACT with Writing will align with BOARS testing principles, and see positive signs that the SAT will do so also.

At the present time students who will enter the University in fall 2006 are preparing to enter their sophomore year in high school in fall 2003. They must know very soon which test scores will be acceptable to the University when they apply, since they are preparing for them now. The University does not yet have the new tests to review and judge, so BOARS feels we should give only provisional approval until the time we are able to ascertain whether

a test satisfies BOARS testing principles. BOARS continues to work with the testing agencies, and will have information and data forthcoming over the next few years. Yet BOARS will not have its own University of California data until after the tests are administered in 2005. So there will be a time period when BOARS may still be assessing a test or tests, but when the students need to know which test scores BOARS will accept. Thus BOARS' request for an interim/provisional acceptance of scores from ACT with Writing and SAT during their first two years of use in the University of California system (for students entering fall 2006 and 2007). By the end of this time period, BOARS expects to have determined longer term acceptability. In addition, BOARS is committed to periodic reviews of any approved tests, plus any new tests that may be proposed to satisfy admissions requirements.

UNIVERSITY OF CALIFORNIA, SAN DIEGO

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DEPARTMENT OF CHEMISTRY AND BIOCHEMISTRY, 0303

9500 GILMAN DRIVE  
LA JOLLA, CALIFORNIA  
92093-0303

January 18, 2003

GAYLE BINION  
Chair, Academic Council

Subject: Admissions Tests

Dear Gayle,

At its meeting on December 16, BOARS discussed the process and timeline for completing the Senate discussion of our recommendations regarding the University's policy on admissions tests. Several members indicated that their campus divisions had received the BOARS paper "Proposal for Use of Supplemental Subject Matter Tests in the UC Admissions Process," but had questions about its relationship to our earlier paper ("The Use of Admission Tests by the University of California," January 2002) and about the nature and timing of input Academic Council is seeking. At the request of BOARS, I am writing to address some of these questions and suggest an approach and timetable—which I hope the Council can discuss at our January 29 meeting—to completing Senate deliberations on this issue.

*As you know, the context for our discussion of admissions tests has changed substantially since BOARS issued its first discussion paper in January 2002. At that time, BOARS recommended a new "core" test of critical reading, writing, and mathematics, to be supplemented by two tests in specific subject areas—a concept BOARS refers to as "Core-Plus-Two." Because at that time neither the ACT nor the SAT I included a test of writing and the SAT I was generally found to be insufficiently related to the college preparatory curriculum to meet BOARS' requirements, BOARS*

*concluded that “no currently available test” met its requirements. Thus it appeared that new core tests—possibly unique to California—would have to be developed.*

*Since that time, however, both of the major national testing agencies have announced changes to their existing tests that appear to bring those tests into conformance with BOARS’ recommendations. Thus it now appears that, in terms of actual policy changes, the action required by the Senate in order to adopt BOARS’ recommendations may be relatively narrow: essentially conforming the names of the two currently accepted core tests to their new names, changing the number of subject tests required from three to two, and modifying the language specifying the mix of tests that can be used to meet the subject test requirement.*

At the same time, however, BOARS faces some challenges with regard to timing. We have proposed that the first applicants to whom the new requirement will apply would be the high school class graduating of 2006. Both testing agencies have announced that their new core tests will be available in 2004 and BOARS is working actively with them to review blueprints and specifications as these become available. However, the exact timetable for when additional details on these core tests become available is out of the University’s hands and it is not in the interests of the faculty or our future students to rush this review process.

With regard to finalizing the subject matter portion of the requirement, however, we face some urgency. As you know, at present students are required to take three subject examinations in addition to the core (SAT II Math, SAT II Writing, and one additional SAT II exam), only one of which they are allowed to choose. Under the new policy, the SAT II Mathematics and SAT II Writing exams will no longer be required, their content essentially being subsumed in the core exams. So students will now need to identify two subjects, not one, in which they will take supplemental tests. Students who will apply for Fall 2006 are already high school freshmen and many of them will enroll during their sophomore year (2003-04) in courses for which they may want to take subject matter tests. They would take these tests in May or June of 2004 and we would need to inform them of the new requirement in Fall 2003 publications and at counselors’ conferences scheduled for September 2003. Thus there is pressure to take action on the subject matter test portion of the new policy this spring, so that it can be taken to The Regents no later than their July 2003 meeting.

In order both to ensure sufficient time to continue BOARS’ work with the testing agencies and to address our need to inform potential applicants of the expanded subject test requirement, I would like to suggest that Academic Council consider taking the following actions no later than its April meeting.

1. Endorse in concept the “Core-plus-Two” testing proposal recommended by BOARS in January 2002.
2. Endorse BOARS’ recommendation that the number of additional subject tests required be reduced from three to two, to be chosen from two of the six “a-g” subject areas.
3. Affirm that the approval of specific examinations that meet requirements is delegated to BOARS and renew Council’s previous endorsement of BOARS’ continued work with ACT, Inc. and the College Board/Educational Testing Service in specifying the overall design of new core examinations.



4. Pass these actions onto the Academic Assembly for approval at the Assembly meeting on May 28.

On behalf of BOARS, let me express our deep appreciation for the continued support and advice we have received from you and the members of the Academic Council.

Sincerely,

Barbara A. Sawrey  
Chair, Board of Admissions and Relations with Schools (BOARS)

cc: BOARS members

**(For additional background please refer to the March 12, 2003 Assembly's NOTICE OF MEETING or to the following website: <http://www.universityofcalifornia.edu/senate/assembly/mar2003/mar2003viib.pdf> )**

**VIII. PETITIONS OF STUDENTS (None)**

**IX. UNFINISHED BUSINESS (None)**

**X. UNIVERSITY AND FACULTY WELFARE REPORT**

**Mark Traugott, Chair, University Committee on Faculty Welfare (Oral Report)**

**XI. NEW BUSINESS**

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**Next meetings of the Assembly:**

**Special Meeting of the Assembly, July 30, 2003, UC Berkeley**

**Regular Meeting of the Assembly, October 29, 2003, UC Berkeley-Clark Kerr Campus**