

UNIVERSITY OF CALIFORNIA

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

Wednesday, May 10, 2006
10:00 am - 2:00 pm

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

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IX. PETITIONS OF STUDENTS (none)

X. UNFINISHED BUSINESS (none)

XI. NEW BUSINESS

I. ROLL CALL

2005-06 Assembly Roll Call May 10, 2006

President of the University:

Robert C. Dynes

Academic Council Members:

John Oakley, Chair
Michael T. Brown, Vice Chair
Alice Agogino, Chair, UCB
Ted Dejong alt. for Dan Simmons, Chair, UCD
Kenneth Janda, Chair, UCI
Adrienne Lavine, Chair, UCLA
Roland Winston, Chair UCM
Manuela Martins-Green, Chair, UCR
Jean-Bernard Minster, Chair, UCSD
Deborah Greenspan, Chair, UCSF
Walter Yuen, Chair, UCSB
Faye Crosby, Chair, UCSC
Michael T. Brown, Chair, BOARS
Duncan Lindsey, Chair, CCGA
Anthony Norman, Chair, UCAP
Denise Segura, Chair, UCEP
Raymond Russell, Chair, UCFW
George Sensabaugh, Chair, UCORP
Stan Glantz, Chair, UCPB

Berkeley (6)

Paula S. Fass
Judith E. Innes
Kyriakos Komvopoulos
Bernard Sadoulet
Herb Strauss
L. Ling-Chi Wang

Davis (6)

Andrea J. Fascetti
Robert Irwin
Lovell Tu Jarvis
Brian Morrissey
Terence Murphy
Judith Stern

Irvine (4)

Hoda Anton-Culver
James Earthman
Jodi Quas
Leslie Thompson

Los Angeles (9)

Philip Bonacich
Dalila Corry
Robert G. Frank, Jr.
Margaret Haberland
Margaret Jacob
Kathleen Komar
Vickie Mays
Jane Valentine
Jaime Villablanca

Merced (1)

Arnold D. Kim

Riverside (2)

Joseph W. Childers
Emory Elliot

San Diego (4)

Igor Grant
David Luft
Thomas O'Neil
Barbara Sawrey

San Francisco (3)

Dan Bikle
Barbara Gerbert
Lawrence Pitts

Santa Barbara (3)

Richard Church
Mary Hegarty
Ann M. Plane

Santa Cruz (2)

George Blumenthal
Quentin Williams

Secretary/Parliamentarian

Jean Olson

II. UNIVERSITY OF CALIFORNIA ACADEMIC SENATE
REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE
DRAFT MINUTES OF MEETING
APRIL 12, 2006 VIA TELECONFERENCE
10:00 A.M. – 1:00 P.M.

I. ROLL CALL OF MEMBERS

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, April 12, 2006 via teleconference. Academic Senate Chair John Oakley presided. Chair Oakley welcomed participants and called the meeting to order at 10:00 a.m. The order of business and procedures for discussion and voting via teleconference were reviewed. Academic Senate Executive Director Mariá Bertero-Barceló called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

II. MINUTES

ACTION: The Assembly approved the minutes of the regular meeting of February 8, 2006, and with amendments to Appendix B regarding attendance, the Assembly also approved the minutes of the special meeting of March 13, 2006.

III. ANNOUNCEMENTS BY THE PRESIDENT

- **Robert C. Dynes**

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

Compensation: The Board of Regents has scheduled a special meeting tomorrow, April 13, 2006, to receive the [Final Report of the Task Force on Compensation, Accountability and Transparency](#). President Dynes met with the Task Force once, and although he has not yet seen the final report, he expects it to be hard-hitting and include a multitude of recommendations that President Dynes expects to endorse and enact as soon as practicable. In the upcoming weeks, President Dynes will also receive the following three audit reports: (1) a PricewaterhouseCoopers report, ordered by Regent Chair Parsky; (2) an internal audit report from the University Auditor, Patrick Reed, ordered by President Dynes; and (3) a state audit report from the Bureau of State Audits, ordered by the California Legislature. President Dynes noted that these reports will most likely direct scrutiny on the campuses as well as the University of California Office of the President (UCOP), illuminate the broken communication structure between the campuses and UCOP, and condemn the "culture of exceptions" that has clouded decision-making and policy practices at UCOP.

University of California Retirement Program (UCRP): At its March meeting, the Regents approved a series of actions to address the decline in the funded status of UCRP which also incorporate the Academic Senate's comments and recommendations on the reinstatement of

UCRP contributions. The Regents acted to: (1) update the funding policy for UCRP to incorporate a long-term targeted funding level of 100 percent; (2) authorize the reinstatement of UCRP contributions effective July 2007, subject to funding and completion of the budget process; and (3) provide for a multi-year contribution strategy under which contribution rates will increase gradually over time to 16 percent of covered earnings, based on UCRP's current normal cost. Additional implementation decisions will be made at upcoming Regents' meetings.

Divestment from Sudan: The Regents also voted at the March meeting to divest from several companies associated with the Sudanese government, making the University the first in the nation to take a moral opposition to genocide in Sudan. President Dynes remarked on the impressive student movement that prompted this action, including substantial effort by student Regent Rosenthal.

University Budget: The state budget cycle is underway. President Dynes has recently testified in both houses of the Legislature, enjoying a warm and friendly reception. At the budget hearings, he emphasized the need to rebuild University funding from the cuts enacted over past several years, the University's success in upholding the performance end of the Compact, support for the Governor's budget, and support for academic preparation programs that are not yet included in the state budget. The federal budget process is also ongoing, and does not look positive for research funding; however new funding has been introduced under the President Bush's "American Competitiveness Initiative" that is expected to benefit the University's Science and Mathematics Initiative.

Other Highlights: President Dynes announced the launch of a new institutional stewardship program in Irvine next month, a UC Leadership Forum, which will concentrate on the support and development of new University leaders. A large focus of the forum will be on the need to encourage diverse talent. Further, President Dynes noted the recent inauguration of Michael Drake as Chancellor of UC Irvine and the resignation of Carol Tomlinson-Keasey as Chancellor of UC Merced. Both Chancellors represent the payoff of great University talent, and serve as testimony to what the University can and should look forward to in its future leaders.

Questions, Answers, and Comments

Comment: Many are concerned by the lack of leadership shown by UCOP regarding the University's response to the series of articles in the San Francisco Chronicle, and we do not see why your current proposals should fare any better given this history.

Response: Our response time was delayed because we were careful to research the facts and report the truth concerning the salary figures quoted by the Chronicle. Because of UCOP's meager information systems, we were unsure how the reported \$871 million "salaries and perks" figure was calculated. I felt that it was important to know the truth about the entire series of accusations made before I could respond.

Q: Do you have any comments about the recent sweatshop protests at Berkeley and Riverside?

A: There is a joint committee of students, administration, faculty and legal counsel working on proposals to address these issues and formulate an agreeable approach for the University.

Historically, the University has been at forefront of this issue and we look to get ahead even further. I anxiously await the joint committee's recommendations.

Comment: I have first-hand knowledge of the student protests at Riverside yesterday and can say that our Chancellor took all appropriate measures before the students were arrested. However, I heard concerns that the students felt they were not being heard at the joint committee's deliberations, and had no opportunity to voice their opinions.

Response: I will push this issue with the chair of the joint committee and ensure that the students have a full role in the creation of the proposals.

Q: I am concerned that the Regents have the ability to fix the UCRP contribution strategy, yet they have no direct power over the University budget to ensure higher salaries for faculty and staff. What is the likelihood that the Regents will include an escape clause in their recommendations, like the one included in the Regents' March action item, such that UCRP contributions could be halted when take-home pay does not increase?

A: The Regents are holding strong to their principle that take-home pay will not decrease in the process of re-instituting UCRP contributions. The Regents are extremely concerned about this issue, and actively seek the faculty perspective through Chair Oakley.

Comment: Chair Oakley confirmed President Dynes' comments, and reported that he sees the Regents' commitment to creating a responsible policy of funding the promises of our retirement benefits while avoiding diminution of take home pay, and increasing total remuneration compared to our comparative institutions.

Q: Out of the top 32 senior managers at UCOP, reports show that 75% are male, and 75% are Caucasian. We would like to see the exact numbers, and what are your goals for diversifying UCOP?

A: I can get you the numbers, and assure you that UCOP draws from all levels for its senior managers, including faculty. We need to look seriously at the academic channels at the University, and increase diversity from there first.

Q: Will the UC Leadership Forum include a discussion of long term and short term strategies that campuses might, or should, include in their campus planning processes?

A: This is a good suggestion, and I will forward it to the appropriate people so it can be addressed at the Forum.

Q: Could you provide an update on the UCLA Chancellor search, as well as searches for University Provost and Treasurer?

A: I am working hard on the UCLA Chancellor search, as interviews were completed a few weeks ago and we are discussing with the candidate their future at UCLA. We are in the same situation for the University Provost position. The University Treasurer search, however, is a joint one with the Regents, and may be delayed due to the outcome of any recommendations from the Regents regarding reorganization of UCOP.

Q: Do you believe the Los Alamos National Laboratory (LANL) contract and the Los Alamos National Security (LANS) arrangement has been good for the University, and how will these lessons impact the University's potential bid for Lawrence Livermore National Laboratory (LLNL)?

A: The LANS structure was the only way for the University to win the contract with the Department of Energy. It may not have been the best contract, but it was the only way for the University to continue to conduct the best science in the interest of national security and public service. We will have to study further the University's role in LANL and LLNL, while we continue to meet our academic and scientific obligations with DOE. It is unclear at best how this will occur with the LANS arrangement. Further, we will have to study the LANS relationship vis-à-vis the roles of the Science and Technology and Security Panels at LANL. Ultimately, we rely on faculty to play a key role in oversight of the national laboratories.

IV. ANNOUNCEMENTS BY THE CHAIR

- **John Oakley**

Mail Ballot on the Proposed Memorial on Non-Resident Tuition: Chair Oakley reminded all members of the Academic Senate to vote on the Proposed Memorial on Non-Resident Tuition, and to contact your local divisional Senate office if you have any questions or concerns on the voting process.

Special Meetings of the Board of Regents: Chair Oakley announced that the April 13 and April 24 special meetings of the Regents will be held at UCLA, are open to the public, and are also available via webcast from the Regents' website. He invited all faculty to listen to the meeting and read the Task Force report, and upcoming audit reports, as the Senate has an important role to play in this crucial time for the future of the University.

V. SPECIAL ORDERS (none)

VI. REPORTS OF SPECIAL COMMITTEES (none)

VII. REPORTS OF STANDING COMMITTEES

A. Academic Council

- **John Oakley, Vice Chair**

1. Election of the Vice Chair of the Assembly for the Remainder of 2006-2007 (action)

ISSUE: At its March 13, 2006 special meeting, the Assembly voted to remove from Office the Chair of the Academic Senate. In accordance with Senate Bylaw 110, the Vice Chair became Chair. The vacancy of the Vice Chair is then filled *pro tempore* by the Academic Council until such time the Assembly meets for an election. The Academic Council has appointed Michael T. Brown, current chair of the Board of Admissions and Relations with Schools (BOARS), UCSB professor of education, and 2006-07 Vice Chair-elect, as Vice Chair Pro Tem. Michael T. Brown will commence the term as Vice Chair to which he was previously elected on September 1, 2006. Following, the Academic Council has requested that the Academic Assembly elect Michael T. Brown as Academic Senate Vice Chair for the remainder of the term (through August 31, 2006) to which John Oakley was elected Vice Chair.

DISCUSSION: After requesting that Michael T. Brown leave the teleconference, Chair Oakley noted Michael T. Brown's biographical information and curriculum vitae that were provided in the Notice of Meeting. Chair Oakley then called for members' comments on proceeding with the election, to which many responded with praise and applause.

ACTION: The Academic Assembly unanimously elected Michael T. Brown as Academic Senate Vice Chair for the remainder of the Vice Chair term for the 2005-06 academic year.

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

REPORT: After a brief history and overview of the current LANS-University of California partnership, Chair Oakley announced that ACSCONL has completed a report proposing a new faculty oversight structure given the new LANS partnership arrangement. The Academic Council is likely to consider this proposal its April 19 meeting.

B. Board of Admissions and Relations with Schools (BOARS) (oral report)
• **Michael T. Brown, Chair**

REPORT: BOARS Chair Brown reported that BOARS is currently studying the role of the bonus point given to students for participation in UC-approved honors level courses. BOARS has studied this issue since 1998, and in earnest since 2004. BOARS has concluded that awarding the bonus point to the UC eligibility calculation is not educationally warranted. BOARS is in the process of producing a communiqué summarizing the analyses performed, making clear the distinction between the determination of eligibility and admissions, and highlighting the role of admissions selection in rigorous course-taking. BOARS is also in the midst of conducting unofficial eligibility studies to communicate to the faculty and the Regents whether or not to increase the minimum gpa used in determining UC eligibility from 2.8 to 3.0, an action approved by the Regents in June 2004 which is to take effect in 2007 upon completion of these studies. BOARS Chair Brown noted that this is the first year of the new test pattern for students applying to the University, which could have an impact on eligibility rates.

DISCUSSION: One member asked what items will be placed on the agenda of the Regents' Eligibility and Admissions Study Group 2, which has been recently reactivated. BOARS Chair Brown noted that the group is expected to meet sometime in May, and has no additional information on its agenda, membership, or what generated its reactivation. Another Assembly member suggested that in BOARS' final recommendations on the honors grade point bump, BOARS should show data that there will not be a loss in advanced placement courses across the state should the University decide to eliminate the grade bump. BOARS Chair Brown responded in the affirmative, and noted that BOARS will emphasize how it will consider

participation in advanced placement courses, not whether such courses will be considered.

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

- **Susan French, Vice Chair**

REPORT: UCFW Vice Chair French, participating in UCFW Chair Russell's absence, provided a brief update to the Assembly on UCFW's current activities, including the committee's continued concerns about potential changes to the University retiree health plans and UCRP. Although UCFW has not yet seen specific proposals to change either system, the committee has been in close consultation about possible options with various UCOP consultants, including Deloitte Consulting and Mercer Human Resource Consulting. UCFW is evaluating how the changes are being framed, and insisting on further information from the UCOP consultants analyzing the changes' potential impact on workforce management and planning, which the proposals have not yet shown. In addition, UCFW is working on a number of family friendly initiatives and recommendations on childcare, for future implementation systemwide.

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

- **Stan Glantz, Chair**

REPORT: UCPB Chair Glantz reported that UCPB has addressed a number of important issues this year, including the development of a review protocol for the California Institutes for Science and Innovation (Cal ISI), and a series of position statements on University compensation issues and the Regents' interim proposal for slotting of senior management salaries. UCPB has advocated that the slotting structure be based on actual compensation, and not base salary alone. Further, UCPB is actively inquiring into details surrounding the new LANS-UC relationship, and is concerned about the University's future with this private entity. The committee has submitted a series of detailed questions to President Dynes on this matter, and has received unsatisfactory answers. Lastly, UCPB is in the process of completing its "Futures Report," which looks at detailed projections based on four budget scenarios (the Compact with the Governor; a frozen model where budget increases are grounded on student fee increases; a budget from the 2000-2001 academic year; and a budget based on the "good days" of the early 1990s). UCPB Chair Glantz requested that the campuses and anyone interested should send UCPB their comments on this report as soon as possible.

DISCUSSION: One Assembly member questioned whether there was still opportunity for the campuses to review the final Cal ISI review protocol. UCPB Chair Glantz noted that the review protocol was agreed upon by then-Council Chair Brunk and Acting Provost Hume, and UCPB followed their lead in getting it approved. UCPB understands that the review protocol is being implemented and after one cycle of reviews, the Senate can revisit the process and change it as necessary. Finally, another Assembly member expressed gratitude to UCPB for looking at the faculty relationship with LANS, and encouraged all Assembly

members to get involved with the issue and think carefully about the University's academic mission in this new endeavor.

VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)

IX. PETITIONS OF STUDENTS (none)

X. UNFINISHED BUSINESS (none)

XI. NEW BUSINESS

May 10, 2006 Assembly Meeting: Chair Oakley reminded the Assembly that the next scheduled meeting of the Assembly is on May 10, 2006, which under normal practice would be a face-to-face meeting. Since the Assembly held a special face-to-face meeting on March 13, 2006, Chair Oakley proposed that the May 10 meeting be held via teleconference. After a brief discussion, an unrecorded straw poll of the Assembly indicated a substantial preponderance of support for holding the May 10 meeting as a teleconference. Chair Oakley announced that he would consult with Council and announce a decision in the following weeks. For future consideration, however, some Assembly members suggested that the first face-to-face meeting of the Assembly should be held at the beginning of the academic year.

Meeting adjourned at 12:20 p.m.

Attest: John Oakley, Academic Senate Chair

Minutes Prepared by: Michelle Ruskofsky, Academic Senate Analyst

Distributions:

1. President Robert C. Dynes Discussion Topics for the Meeting of the Assembly of the Academic Senate, Wednesday, April 12, 2006.

Appendix A

2005-2006 Assembly Attendance Record, Meeting of April 12, 2006

President of the University:

Robert C. Dynes

Academic Council Members:

John Oakley, Chair

Michael T. Brown, Vice Chair Pro Tem

Alice Agogino, Chair, UCB

Dan Simmons, Chair, UCD

Kenneth Janda, Chair, UCI

Adrienne Lavine, Chair, UCLA

Roland Winston, Chair UCM

Manuela Martins-Green, Chair, UCR

Jean-Bernard Minster, Chair, UCSD

Deborah Greenspan, Chair, UCSF

Walter Yuen, Chair, UCSB

Faye Crosby, Chair, UCSC

Michael T. Brown, Chair, BOARS

Duncan Lindsey, Chair, CCGA (absent)

Anthony Norman, Chair, UCAP (absent)

Denise Segura, Chair, UCEP

Susan French alt. for Raymond Russell, Chair, UCFW

George Sensabaugh, Chair, UCORP

Stan Glantz, Chair, UCPB

Berkeley (6)

Paula S. Fass

Judith E. Innes

Kyriakos Komvopoulos

Bernard Sadoulet

Herb Strauss

Beatriz Manz alt for L. Ling-Chi Wang

Davis (6)

Andrea J. Fascetti (absent)

Robert Irwin

Lovell Tu Jarvis

Brian Morrissey (absent)

Terence Murphy

Judith Stern

Irvine (4)

Hoda Anton-Culver

James Earthman

Jodi Quas

Leslie Thompson

Los Angeles (9)

Philip Bonacich

Dalila Corry

Robert G. Frank, Jr.

Margaret Haberland

Margaret Jacob (absent)

Kathleen Komar

Vickie Mays

Jane Valentine

Jaime Villablanca

Merced (1)

Arnold D. Kim

Riverside (2)

Joseph W. Childers

Emory Elliot

San Diego (4)

Igor Grant (absent)

David Luft

Thomas O'Neil

Barbara Sawrey (absent)

T. Guy Masters (alt)

San Francisco (3)

Dan Bikle (absent)

Denis Deen (alt.)

Barbara Gerbert

Lawrence Pitts

Santa Barbara (3)

Richard Church

Mary Hegarty

Ann M. Plane

Santa Cruz (2)

George Blumenthal

Quentin Williams

Secretary/Parliamentarian

Jean Olson

III. Announcements by the President

- Robert C. Dynes

President Dynes is unable to attend; in his stead Acting Provost Rory Hume will present the President's Announcements to the Assembly.

In addition, and as time permits, Senior Vice President Bruce Darling and Vice President Larry Hershman will join Acting Provost Hume for a discussion of current events.

IV. Announcements by the Chair

- John Oakley

V. Special Orders (None)

VI. Reports of Special Committees (None)

VII. REPORTS OF STANDING COMMITTEES

A. Academic Council

- John Oakley, Chair

1. Nomination and Election of the University Committee on Committees (UCOC) Vice Chair (member-at-large) for 2006-07/ Chair 2007-08 (**action**)

In accordance with [Senate Bylaw 150.A.1](#), Committees, "... 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."

Upon the recommendation of UCOC, the Council nominates Professor Jerry Powell of U.C. Davis for election by the Assembly as a member at large of UCOC for 2006-08, to serve as Vice Chair of UCOC for 2006-07 and as Chair of UCOC for 2007-08.

Professor Powell is a member of the Division of Hematology and Oncology in the Department of Internal Medicine of the School of Medicine at U.C. Davis. He has served as the UC Davis representative to UCOC since 2004-05. In addition, Professor Powell has also served on the Davis Divisional Academic Senate's Oversight Committee on CAP and on the Executive Council of the Davis Divisional Academic Senate.

Professor Powell's summary c.v., reprinted as Appendix B (pages 21-23), is posted on the Internet at this URL:

http://faculty.ucdmc.ucdavis.edu/ucdhs/biophys.cfm?siteroot=http://www.ucdmc.ucdavis.edu/healthconsumers/&physician_id=100&location=&specialty=&p_name=Powell&keyword=&type=OR&fromPage=/ucdhs/results.cfm&menuarray.js&searchtype=1

ACTION REQUESTED: Assembly is asked to elect Professor Jerry Powell to serve as the 06-07 UCOC Vice Chair and to succeed as its Chair in 07-08.

VII. REPORTS OF STANDING COMMITTEES (Continued)

A. Academic Council (Continued)

2. Report from the Academic Council Special Committee on Scholarly Communication (SCSC) including a Proposed UC Policy on Scholarly Work Copyrights (**action**)
 - **Lawrence “Larry” Pitts, SCSC Chair**

SCSC White Papers and Proposal Responding to the Challenges Facing Scholarly Communications

The Special Committee on Scholarly Communication’s set of white papers and copyright policy proposal were sent out Divisions and Committees for systemwide review in December 2005. The five white papers offer principles and best practices related to copyright issues, book and journal publishing, evolving publication technology/practices and the academic personnel process, and the role of scholarly societies. The accompanying recommended policy change proposes a copyright agreement that, as a default position, would retain faculty copyright and grant permission to the Regents to put the work into an open access forum. At its meeting on April 19, 2006, the Academic Council endorsed the white papers in principle and approved a revised version of the proposed copyright policy with amended policy language and recommendations for further development and review. At its meeting on April 19, 2006, the Academic Council endorsed the white papers in principle and approved a revised version of the proposed copyright policy with amended policy language and recommendations for further development and review. Council is submitting the white papers to Assembly for information; the copyright policy proposal is submitted for Assembly endorsement.

The SCSC White Papers on Responding to the Challenges Facing Scholarly Communication

1. [The Case of Scholars’ Management of Their Copyright](#)
2. [The Case of Journal Publishing](#)
3. [The Case of Scholarly Book Publishing](#)
4. [Evaluation of Publications in Academic Personnel Processes](#)
5. [Scholarly Societies and Scholarly Communication](#)

BACKGROUND

During University of California negotiations with publishers of scholarly works in 2004, it became clear to UC faculty that the current models of scholarly communication had become unsustainable. UC Librarians and budget officers had seen this crisis approaching for some years. But, as long as library budgets could be managed and access to the most critical work could be maintained, faculty members were largely insulated from the growing crisis. When it became clear, in the face of falling university budgets and rising costs of publications, that the UC community’s access to new knowledge would progressively be limited, and that the access by others to UC-produced scholarship would similarly be limited, the Academic Council (effectively the Executive Committee of the UC Academic Senate) established a Special Committee on Scholarly Communication (SCSC) to consider what role the faculty should take in addressing these important issues. The accompanying five short papers and appendices are the

result of SCSC's work. The papers define and explain the faculty's view of changes that could improve dissemination of scholarly work to enhance the discovery and communication of new knowledge, and best serve the public interest.

The current model for many publications is that faculty members write articles and books, referee them, edit them and then give them to a publisher with the assignment of copyright. The publisher then sells them back to the faculty and their universities, particularly to university research libraries. While there clearly are costs of publication, a number of publishers (particularly, but not always, for-profit corporations) earn munificent profits for their shareholders and owners. However, maximizing profits for these latter groups may work to the detriment of faculty, educational institutions and the public. Meanwhile, opportunities to reduce production and distribution costs and to create innovative forms of publication and dissemination are increasingly manifest, and enabled by networked digital technologies, new business models, and new partnerships. The papers explore this simultaneous challenge and opportunity from five starting points: copyright issues, recommended best practices, from a faculty viewpoint, for journal and book publishers respectively; the role of scholarly societies in publishing, new methods of publishing and presenting new knowledge.

A Proposal for UC Faculty – Scholarly Work Copyright Rights Policy

BACKGROUND

The proposed change in copyright policy is a default position, with an 'opt-out' clause, that grants license to the Regents to place in an open on line repository, work published in a scholarly journal or conference proceedings. It encourages faculty authors to grant to publishers non-exclusive copyright of their research results, while retaining copyright for other educational purposes. The proposal includes the recommendation that a joint Senate/Administrative effort further refine the policy, after which a full review by both Senate and Administration will be conducted.

These changes must be carefully reviewed to ensure that the quality of presentation of scholarly research remains as high as or higher than in the past, principally by continued application of the well-established and tested process of peer-review. In addition, faculty, University administration, publishers and societies can work collaboratively not only to improve and sustain dissemination of scholarship, but can materially improve it using new technology.

Proposal for UC Faculty – Scholarly Work Copyright Rights Policy

(Approved for Systemwide Academic Senate Review by the Academic Council on December 14, 2005.)

Revised April 14, 2006 – Re-revised by member of OGC 4/15/06

Revised and adopted by Academic Council on April 19, 2006

WHEREAS, in order to facilitate scholarly communication and maximize the impact of the scholarship of UC faculty,¹ the Academic Council’s Special Committee on Scholarly Communication (SCSC) has proposed that the Academic Council consider the following recommended UC copyright policy change, and support and control mechanisms:

“A faculty member’s ownership of copyright is controlled by the University of California Policy on Ownership of Copyright [<http://www.universityofcalifornia.edu/copyright/>]. University of California faculty shall routinely grant to The Regents of the University of California a limited, irrevocable, perpetual, worldwide, non-exclusive² license to place in a non-commercial open-access online repository the faculty member’s scholarly work published in a scholarly journal or conference proceedings. In the event a faculty member assigns all or a part of his or her copyright rights to a publisher as part of a publication agreement, the faculty member must retain the right to grant this license to the Regents. Faculty may opt out of this requirement for any specific work or invoke a specified delay before such work appears in an open-access repository. Such a license would preserve copyright ownership in the faculty-author, thereby enabling him or her to control subsequent uses of the work.”

The Regents will direct the Academic Senate, in collaboration with UC Administration, to establish support and control mechanisms for the use of scholarly work covered by this policy. The University, including assistance, as appropriate, from the Office of the General Counsel, will support faculty in their efforts to retain copyright with attention to maintaining a broad spectrum of publication venues. No income will accrue to the Regents, the University or the Academic Council by this non-exclusive copyright license.

WHEREAS the intent of this policy proposal is clear, but the most appropriate language to accomplish this may need further development,

THEREFORE BE IT RESOLVED, that the Academic Council [Academic Assembly] recommends that the President appoint a working group of faculty, administrators and counsel to develop promptly such language, and proposes this change in policy for wide review and ultimately for adoption as soon as feasible.

¹ This proposal follows and implements the intent and specific principles contained in *Responding to the Challenges Facing Scholarly Communication: The Case of Scholars’ Management of Their Copyright*, <http://www.universityofcalifornia.edu/senate/committees/scsc/copyright.whitepaper.scsc.12.05.pdf>.

² A “non-exclusive” license means that the copyright holder may license others to use the work as well; an “exclusive” license means that the copyright holder may not license others to use the work.

NOTES [Some comments offered by SCSC that may be helpful to reviewers.]

1. Terminology: If a copyright owner retains ownership, he or she "licenses" another to exercise some/all of the copyright rights granted by statute. If a copyright owner "assigns" a copyright to another, ownership of the copyright is transferred to the other party. It is possible to assign ownership of copyright but to reserve a license to use the work in a way specified by a publishing agreement. From SCSC's perspective, the ideal is for the faculty to retain copyright ownership but grant a *license* to the publisher to publish on an exclusive basis for X period of time but with the copyright owner reserving the right during that period of time to license the right to another body for the kind of publication we envision.

2. License: An earlier draft policy called for faculty to "assign" to the Academic Senate a limited right to place their work in a scholarly repository. A better route would be to grant a "license," not an assignment, since a license allows the author to continue to own the copyright. Additionally, it is preferable to grant the license to a legally recognized body, such as a corporation. Thus, the current policy proposal calls for the faculty to reserve a license to The Regents (i.e., the corporation), with the intention that The Regents will ask the Senate to oversee the placement and use of the scholarly work in an open access repository. As an internal matter, a policy could be adopted clarifying that The Regents is authorized to do only X, Y, and Z with the licensed material.

3. Opt-out statement: SCSC was divided on whether or not to include the opt-out option. Its inclusion would give faculty greater flexibility in handling their scholarly work, but perhaps makes a weaker statement by the UC faculty about the importance of retaining copyright. An intermediate stance might be to have a body (a committee of the Senate?) designated to decide whether the policy can be waived and internal guidelines/standards for such waiver could be adopted. These would be available to anyone who asked for such and might strengthen the faculty's leverage more than simply allowing the faculty to opt out.

ACTION REQUESTED: ***Endorsement of the Proposal for UC Faculty – Scholarly Work Copyright Rights Policy.***

VII. REPORTS OF STANDING COMMITTEES (Continued)

A. Academic Council (Continued)

3. Proposed UC Statement on Diversity (action)

- **John Oakley, Academic Council Chair**
- **Daniel Weiss, University Committee on Affirmative Action (UCAAD) Chair**

The University Committee on Affirmative Action and Diversity (UCAAD) asked Academic Council to endorse its proposed statement about the place of diversity in the mission of the University and its fundamental importance to the excellence of the University. UCAAD determined that this was an ideal moment for the Academic Senate to express its support for diversity, and noted that a Task Force on Faculty Diversity was conducting a comprehensive review of faculty diversity efforts at UC. Council resolved to act on the statement in time for it to be announced as a Statement of the Academic Senate at the President's Systemwide Summit on Faculty Diversity, which will meet on May 23 to discuss the findings and recommendations of the Task Force. The inclusion of the statement in the Summit's proceedings would underscore the Senate's commitment to diversity and equal opportunity.

Academic Council sent the draft statement to Senate divisions and Systemwide committees for review and comment, and entered into a dialogue with UCAAD about the final form and content of the statement. Based on responses, the following statement was endorsed at the April 19 meeting of the Academic Council.

PROPOSED UC ACADEMIC DIVERSITY STATEMENT (As amended and approved by the Academic Council on 04/19/06)

The diversity of the people of California has been the source of innovative ideas and creative accomplishments throughout the state's history into the present. Diversity – a defining feature of California's past, present and future – refers to the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, socioeconomic status, and geographic region, and more.

Because the core mission of the University of California is to serve the interests of the State of California, it must seek to achieve diversity among its student bodies and among its employees. The State of California has a compelling interest in making sure that people from all backgrounds perceive that access to the University is possible for talented students, staff, and faculty from all groups. The knowledge that the University of California is open to qualified students from all groups, and thus serves all parts of the community equitably, helps sustain the social fabric of the State.

Diversity should also be integral to the University's achievement of excellence. Diversity can enhance the ability of the University to accomplish its academic mission. Diversity aims to broaden and deepen both the educational experience and the scholarly environment, as students and faculty learn to interact effectively with each other, preparing them to participate in an increasingly complex and pluralistic society. Ideas, and practices based on those ideas, can be made richer by the process of being born and nurtured in a diverse community. The pluralistic university can model a process of proposing and testing ideas through respectful, civil communication. Educational excellence that truly incorporates

diversity thus can promote mutual respect and make possible the full, effective use of the talents and abilities of all to foster innovation and train future leadership.

Therefore, the University of California renews its commitment to the full realization of its historic promise to recognize and nurture merit, talent, and achievement by supporting diversity and equal opportunity in its education, services, and administration, as well as research and creative activity. The University particularly acknowledges the acute need to remove barriers to the recruitment, retention, and advancement of talented students, faculty, and staff from historically excluded populations who are currently underrepresented.

Action Requested: **Endorse the Statement on Diversity and transmit it to the President present with the following requests that this statement: 1) is adopted as the policy of the University of California; and 2) is forwarded to the Task Force on Faculty Diversity in time for its May summit meeting.**

VII. REPORTS OF STANDING COMMITTEES (Continued)

A. Academic Council (Continued)

- **John Oakley, Chair**

4. Report on the Results of the [Mail Ballot \(Memorial to the Regents\) on Non-Resident Tuition for Graduate Students](#) **(oral report)**

At its regular meeting of February 8, 2006, the Academic Assembly voted in favor of initiating a mail ballot of the UC Senate faculty on the Proposed Memorial to the Regents, as noticed on [pages 12-13 in the February 8, 2006 Notice of Meeting](#), in accordance with [Senate Bylaw 90](#).

5. Report from President's Council on the National Laboratories and the Academic Council Special Committee on the National Labs (ACSCONL) **(oral report)**
6. Apportionment of Representatives to the Assembly, 2006-2207 **(information)**

In accordance with [Senate Bylaw 105. A. 4.](#), the Academic Council at its April 19, 2006 meeting approved the apportionment of the 40 Divisional Representatives for 2006-07. On the basis of Divisional Academic Senate membership as of March 2006, [the Webster Method of Calculation](#) was used to determine the number of Divisional representatives. The apportionment of representatives for 06-07 is as follows:

DIVISION	NUMBER OF REPRESENTATIVES/DIVISION
Berkeley	6
Davis	6
Irvine	3
Los Angeles	9
Merced	1
Riverside	2
San Diego	4
San Francisco	4
Santa Barbara	3
Santa Cruz	2
TOTAL:	40

VII. REPORTS OF STANDING COMMITTEES (Continued)

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

• Michael Brown, Chair

An update on 05-06 BOARS activities

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

• Raymond “Rusty” Russell, Vice Chair,

An update on 05-06 UCFW activities

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

• Stanton “Stan” Glantz, Chair,

An update on 05-06 UCPB activities

VII. REPORTS OF STANDING COMMITTEES (Continued)

E. University Committee on Committees (UCOC) (information)

• Gershon Shafir, Chair

Appointments of the 2006-2007 Systemwide Senate Committees
Chair and Vice Chair

The University Committee on Committees has made the following appointments of Chairs and Vice Chairs for 2006-2007:

Academic Freedom (UCAF)

Chair: Jerold Theis (D)

Vice Chair: Lisa Hajjar (SB)

Academic Personnel (UCAP)

Chair: Mary Croughan (SF)

Vice Chair: James Hunt (B)

Affirmative Action (UCAAD)

Chair: Gibor Basri (B)

Vice Chair: Pauline Yahr (I)

Board of Admissions and Relations with Schools (BOARS)

Chair: Mark Rashid (D)

Vice Chair: Trish Stoddart (SC)

Coordinating Committee on Graduate Affairs (CCGA)

Chair: Reen Wu (D)

Vice Chair: Bruce Schumm (SC)

Editorial

Chair:

Vice Chair:

International Education (UCIE)

Chair: Anita Guerrini (SB)

Vice Chair:

Educational Policy (UCEP)

Chair: Richard Weiss (LA)

Vice Chair: Keith Williams (D)

Faculty Welfare (UCFW)

Chair: Susan French (LA)

Vice Chair: James Chalfant (D)

Information Technology and Telecommunications Policy (ITTP)

Chair: David G. Messerschmitt (B)

Vice Chair: Lisa Naugle (I)

Library (UCOL)

Chair: Ben Crow (SC)

Vice Chair: Elaine Tennant (B)

Planning and Budget (UCPB)

Chair: Chris Newfield (SB)

Vice Chair:

Preparatory Education (UCOPE)

Chair: John Eggers (SD)

Vice Chair:

Privilege and Tenure (UCP&T)

Chair: Kathleen Montgomery (R)

Vice Chair: Stephen Bundy (B)

Research Policy (UCORP)

Chair: Wendy Max (SF)

Vice Chair: Jose Wudka (R)

Rules and Jurisdiction (UCR&J)

Chair: Eric Smith (SB)

VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)

IX. PETITIONS OF STUDENTS (none)

X. UNFINISHED BUSINESS (none)

XI. NEW BUSINESS

Next regular meeting of the Assembly: June 14, 2006, to be held via teleconference.

Jerry S. Powell, M.D.



Clinical/Research Interests

Jerry S. Powell directs the Hemophilia Treatment Center. He specializes in hemophilia, hematopoietic growth factors, and thrombosis and hemostatic disorders, and has expertise in gene therapy. His research includes a Centers for Disease Control and Prevention study on prevention and treatment of hemophilia. He also is investigating new drugs and gene therapy for use in treating this disease.

Title: Director of Hemophilia and Thrombosis Center
Professor

Specialty: Hematology and Oncology
Center/Program: [UC Davis Cancer Center](#)

Affiliation:

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4501 X St.
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Undergraduate Education: Stanford University
Palo Alto, California
A.B. 1972

Medical Education: University of Washington School of Medicine
Seattle, Washington
M.D. 1976

Internships: University of Chicago Hospitals and Clinics
Chicago, Illinois 1976-79
Internal Medicine

Residency: University of Washington
Seattle, Washington 1979-80
Internal Medicine
University of Chicago Hospitals and Clinics
Chicago, Illinois 1976-79
Internal Medicine

Fellowships: University of Washington Seattle, Washington 1980-81
Hematology/Oncology

Board Certifications: American Board of Internal Medicine, Medical Oncology, 1981
American Board of Internal Medicine, 1979
American Board of Internal Medicine, Hematology, 1982

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Professional Memberships:

American Federation for Clinical Research
American Heart Association
American Society of Hematology
Hemophilia Research Society
International Society on Thrombosis and Hemostasis
Western Society for Clinical Investigation

Publications:

Abshire, T.C., H.-H. Brackmann, I. Scharrer, K. Hoots, C. Gazengel, J.S. Powell, E. Gorina, E. Kellermann, E. Vosburgh, and the International Kogenate-FS Study Group. Sucrose formulated recombinant human antihemophilic factor VIII is safe and efficacious for treatment of hemophilia A in home therapy: Results of a Multicenter, International, Clinical Investigation. *Thrombosis and Haemostasis*. 83(6): 811-816. 2000

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Seremetis, S., J. M. Lusher, C.F. Abildgaard, C.K. Kasper, R. Allred, D. Hurst, and the Kogenate Study Group. Human recombinant DNA-derived antihaemophilic factor (factor VIII) in the treatment of haemophilia A: conclusions of a 5-year study of home therapy. *Haemophilia*, 5:9-16. 1999

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Malone, R.W., M.A. Hickman, K. Lehmann, T. Sih, R. Walzem, D.M. Carlson, J.S. Powell. Dexamethasone enhancement of gene expression after direct hepatic DNA injection. *Journal of Biological Chemistry* 269(47): 29903-29907. 1994

Hickman, M.A., R. W. Malone, K. Lehmann-Bruinsma, T. R. Sih, D. Knoell, F. C. Szoka, R. Walzem, D. M. Carlson, and J. S. Powell. Gene Expression Following Direct Injection of DNA into Liver. *Human Gene Therapy* 5:1477-1483. 1994