

# UNIVERSITY OF CALIFORNIA

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SAN DIEGO • SAN FRANCISCO • SANTA BARBARA • SANTA CRUZ



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

Wednesday, May 9, 2007

10:00 am - 4:00 pm

California State University, East Bay

Oakland Professional Development & Conference Center

1000 Broadway, Suite 109, Classroom 2 (OPDCC2)

Oakland, CA 94607

Tel. #: (510) 208-7001/987-9143

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*Next regular meeting of the Assembly: June 13, 2007, to be held via teleconference.*

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## **XI. NEW BUSINESS**

## **I. Roll Call**

### **2006-07 Assembly Roll Call May 9, 2007**

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

Robert C. Dynes

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

John Oakley, Chair

Michael T. Brown, Vice Chair

William Drummond, Chair, UCB

Linda F. Bisson, Chair, UCD

Martha L. Mecartney, Chair, UCI

Vivek Shetty, Chair, UCLA

Shawn Kantor, Chair UCM

Thomas Cogswell, Chair, UCR

Henry C. Powell, Chair, UCSD

Deborah Greenspan, Chair, UCSF

Joel Michaelsen, Chair, UCSB

Faye Crosby, Chair, UCSC

Mark Rashid, Chair, BOARS

Reen Wu, Chair, CCGA

James Hunt, Vice Chair, UCAP (alt. for Mary Croughan, Chair, UCAP)

Richard Weiss, Chair, UCEP

Susan French, Chair, UCFW

Wendy Max, Chair, UCORP

Christopher Newfield, Chair, UCPB

#### **Berkeley (6)**

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Stephen Mahin

Joseph Napoli

Bernard Sadoulet

Anne Wagner

Raymond Wolfinger

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Robert Irwin

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Vickie Mays

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Arnold D. Kim

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Richard Church

Mary Hegarty

Ann M. Plane

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

Quentin Williams

Kathy Foley

#### **Secretary/Parliamentarian**

Peter Berck

## II. MINUTES – APPROVAL OF THE DRAFT MINUTES OF THE MEETING OF FEBRUARY 14, 2007

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

**DRAFT** MINUTES OF MEETING

WEDNESDAY, FEBRUARY 14, 2007

10:00 A.M. – 2:00 P.M.

### I. ROLL CALL OF MEMBERS

Pursuant to call, the Assembly of the Academic Senate met by telephone on Wednesday, February 14, 2007. Academic Senate Chair John Oakley presided. Chair Oakley welcomed participants and called the meeting to order at 10:00 a.m. Academic Senate Executive Director Mariá Bertero-Barceló called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

### II. MINUTES

**ACTION:** The Assembly approved the minutes of the meeting of October 11, 2006, as noticed.

### III. ANNOUNCEMENTS BY THE PRESIDENT (VIA WRITTEN REPORT)

- **ROBERT C. DYNES (ABSENT)**

President Dynes' [Report to the Academic Assembly](#) was distributed electronically prior to the meeting. Provost Hume reported to the Assembly in his stead, as noted below.

### IV. ANNOUNCEMENTS BY THE PROVOST

- **WYATT R. HUME**

**REPORT:** Provost Hume announced that he is here today representing President Dynes, who is currently on his way to India to meet with governmental and academic leaders. He then reported on the following topics:

Governor's Budget: The governor's proposed budget includes operating funds for the California Institutes for Science and Innovation, matching funds for the Helios Project at Lawrence Berkeley National Laboratory, and matching funds for UC's attempt to win a national competition for the Petascale computer. The state intends to continue its partnership with UC in the form of a major research initiative, which is expected to include research development and delivery. The proposed budget also includes full funding for enrollment growth, and funding for investments in infrastructure and faculty and staff salaries. The proposed budget, however, does not yet include funding for the Labor Institutes and academic preparation. The Regents will consider student fee increases at their March meeting, to which President Dynes intends to propose a seven percent general increase. The governor has not yet proposed funding for the restart of contributions to the UC Retirement Program (UCRP), a major issue which the University and The Regents will continue to work on with the state.

UCOP Reorganization: As part of The Regents' efforts to ensure that UCOP management practices are accountable and transparent, the following four new hires are expected to be announced at the March Regents' meeting: Executive Vice President-Chief Financial Officer; Executive Vice President-Business Operations; Chief Compliance and Audit Officer; and the Chief of Staff-Secretary of the Regents.

New Chancellors at UCLA and UCM: At the January Regents' meeting, Gene Block was appointed Chancellor at UCLA, and Steve Kang was appointed Chancellor at UCM.

Academic Planning: Also at the January Regents' meeting, Provost Hume made a presentation on academic planning, which emphasized the primacy of academic roles, responsibilities of the individual scholar, and highlighted the entrepreneurial spirit of such researchers. He described research structures, including interdisciplinary work, and academic planning processes at the campus- and unit-levels. As for Provost Hume's systemwide academic planning efforts, he has completed visits with the campus Executive Vice Chancellors (EVCs), and now plans to return to the EVCs for a quick review of his findings, then consultations will begin with the Academic Senate and the Chancellors before presentation at the May Regents' meeting. The goal is to articulate the future academic direction of all campuses. Provost Hume reported that he is pleased that the process is going well, and he looks forward to Senate input on the process and content of the planning efforts.

## **Questions and Comments**

**Question:** In the Governor's proposed budget, what is the total amount allotted for faculty and staff salaries, including COLAs and merits?

**Answer:** The Governor's budget is only the beginning of the budget process, and we will know more about exact budget figures in the May revised budget. We know that merits for faculty cost 1.5 percent across UC. If we are able to put 5 percent of funding to faculty salaries, then we would allot 3.5 percent towards COLAs; if we can get 6 percent for faculty salaries, then 4.5 percent would be allotted for COLA increases. We want to put as much funding as possible towards faculty salaries to make the maximum possible available to COLAs, to quickly recapture faculty onto the salary scales.

**Comment:** The University Committee on Faculty Welfare (UCFW) is working with Mercer and UCOP-HR&B on the second Mercer Total Remuneration Report for The Regents in March. Long-range concerns still exist about money available for faculty salaries, given the constraints of the Compact, and the possibility that UC will fall further behind our competitors. The important part of the upcoming presentation to The Regents is demonstrating the actual amount UC needs to catch-up faculty salaries, both in order for The Regents to see where we are, and where we are going. These are daunting figures for The Regents and the state, and this is a serious problem for faculty in the long run.

**Answer:** The good news is that The Regents are fully aware of the problems that lie ahead. In March, I will be giving a presentation to The Regents – "Faculty Salaries 101" – to understand faculty salaries, the mechanisms of the salary scales, and my understanding of the salary gap and the challenges The Regents currently face. The Regents share President Dynes' concerns about faculty salaries, and want to understand more.

**Question:** Do you have any sense about how the state might act in regards to UC's academic planning, and are there any plans for how UCOP will respond?

**Answer:** I represented UC at an Assembly hearing in Sacramento where the annual Legislative Analyst Office report was presented. I can say that draconian changes do not appear to be in the pipeline. The Legislature wants to understand UC's enrollment targets, and see that UC has rational planning processes in place. The Legislature knows of UC's value to the state in research, and is sympathetic to UC. Their principle recommendations will likely be for UC to budget for mitigation in the beginning of the planning process, not later; and have a full understanding of the negotiating parties. Overall, I am encouraged by the discussion at the Assembly hearing.

**Question:** Could you provide a brief update concerning UCOP's actions to address Non-Resident Tuition (NRT) for academic graduate students, and whether there is an opportunity to develop a joint working group to develop a systemwide consensus on addressing this problem?

**Answer:** Funding for academic graduate students is almost as high a priority as faculty salaries for President Dynes. The President has considered instructing the Chancellors to return money to the instructors directly, as the Senate would prefer, but has declined to do so because such a mandate goes against his principles. He has, however, encouraged the Chancellors to go this route. I thank you for the suggestion to continue work on this issue, and I believe it is beneficial for the Senate to keep pressing. Note that we have made some progress on this issue, as UC has made the funding process transparent on the books.

**Comment:** I am quite shocked by your response. After much debate on the Graduate Support Advisory Committee (GSAC), on which you and I served, consensus was achieved around how a system should be put in place to effectively eliminate NRT, through specific recommendations contained in GSAC's final report. Forming another committee to work on this is an outrageous notion, especially after all the work done last year, which President Dynes has apparently ignored.

**Answer:** The NRT money has been segregated in the books, and returned to campuses, but the principle of allowing the Chancellors to utilize the money given to them is an important principle that President Dynes believes in.

**Comment:** The original question shows that the Senate is still concerned about how this issue is being handled. The Academic Council is meeting with the campus EVCs on February 27, and we will include a full discussion of this issue on that agenda.

**Comment:** The consensus last year among GSAC members was that if UC was to operate as a system, then the NRT money must be handled the same at each campus. The Faculty Memorial to The Regents adopted last year, as well as the GSAC recommendations, are being completely ignored.

**Comment:** The Memorial was passed by 83 percent of the faculty, and Senate leadership will continue to press the issue with the President and work towards a collegial solution.

## **V. ANNOUNCEMENTS BY THE CHAIR**

### **• JOHN B. OAKLEY**

Chair Oakley announced the dates for the remaining meetings of the Academic Council and Assembly this academic year. He noted that depending on the outcome of today's meeting, the Assembly will most likely not need to meet again until its in-person meeting on May 9, 2007.

## **VI. SPECIAL ORDERS**

### **• JOHN B. OAKLEY**

#### **1. Consent Calendar – Divisional Legislation (Berkeley): Variance to Senate Regulation 730 to Allow Notation of Designated Emphases (DEs) on UC Berkeley Diplomas (action)**

**ISSUE:** At its June 21, 2006, meeting, the Academic Council approved the Berkeley divisional Senate's request for a variance to Senate Regulation 730 in order to note designated emphases on UC Berkeley Ph.D. diplomas. Council's approval was provisional, in accordance with Senate Bylaw 125.B.6, and therefore final approval is dependent on the Assembly's concurrence today.

**DISCUSSION:** One Assembly member noted that this variance would be beneficial to all campuses. Chair Oakley stated that any campus can apply for a similar variance, as Berkeley did. Campuses are encouraged to submit proposals to the Academic Council if they wish.

**ACTION:** The consent calendar was approved by unanimous consent of the Assembly.

## **VII. REPORTS OF SPECIAL COMMITTEES (NONE)**

## **VIII. REPORTS OF STANDING COMMITTEES**

### **Academic Council**

#### **1. Nomination and Election of the Vice Chair of the Assembly for 2007-08 (action)**

### **• John B. Oakley, Chair, Academic Council**

**ISSUE:** In accordance with Senate Bylaw 110.A, the Academic Council is submitting its nomination of Professor Mary Croughan for the 2007-08 Vice Chair of the Assembly. Professor Croughan was selected as the Council's nominee at its January 24, 2007, meeting.

**DISCUSSION:** After requesting that Professor Croughan leave the call during the discussion period, Chair Oakley reviewed with Assembly members the Council's deliberation process. He then asked for any nominations from the Assembly floor. Hearing none, Chair Oakley requested comments regarding Professor Croughan's qualifications and personal statement. Again hearing none, Chair Oakley requested unanimous consent for Professor Croughan's election.

**ACTION:** By unanimous consent, the Assembly elected Professor Mary Croughan as 2007-08 Vice Chair of the Assembly.

**ACTION:** By unanimous consent, the Assembly agreed to complete discussion of the following three agenda items no later than 1:00 p.m., to allow for a one hour discussion of agenda item VIII.5.

**2. Amendment to Academic Senate Bylaw 110.A – Chairs and Vice Chairs – Suspension and Removal of Officers of the Assembly (action)**

- **John B. Oakley, Chair, Academic Council**
- **Michael T. Brown, Chair, Academic Council Subcommittee on Systemwide Senate Leadership and Office Structure**

**ISSUE:** By a vote of 17 in favor, 1 opposed, the Academic Council approved the proposed new Senate Bylaw 110.A at its meeting of January 24, 2007. The bylaw was drafted by the Academic Council Subcommittee on Systemwide Senate Leadership and Office Structure, which, among other duties, was charged by the 2005-06 Academic Council to draft and recommend an appropriate removal provision for the Chair and Vice Chair of the Assembly (see full background and justification in the Assembly bluebook materials). Council Vice Chair Brown noted that the Subcommittee sought to articulate a removal provision specifically applicable to the Senate Chair and Vice Chair; to lay out a clear process that assured a fair hearing and permitted the Senate to operate as a parliamentary body; to address the confidentiality of the process and protect the reputation of the officer at issue; and to articulate who is to preside over the suspension and removal proceedings. He also stated that the proposed bylaw includes a two-step process, with suspension of the officer intended to begin with the Academic Council, and final removal to be decided and acted upon by the Assembly. Lastly, Vice Chair Brown reported that the critical issue that dominated Council's discussions was what magnitude of vote was necessary to affect the process: to make it not overly easy to remove an officer, and to provide adequate assurance to the officer for handling their Senate responsibilities, while still allowing for the Senate to operate as a parliamentary body. Council therefore developed and recommended a two-step process: first suspension, then removal, with both actions requiring majority votes.

**DISCUSSION:** Assembly members opened the discussion session by questioning whether the majority vote requirement included in the proposed bylaw set too low a threshold for such serious actions as suspension and removal of a Senate officer.

**Motion 1:** A motion was introduced and seconded to amend the suspension and removal provisions to require a supermajority (2/3) vote for both actions. Vice Chair Brown noted that the Council wrestled with this issue as well, and they agreed that since Senate officers are elected by a majority, and in parliamentary style, therefore they should be removed by the same principles. Council also balanced the Senate officers' need to feel reassured in their position, with the implicit notion that the power of the Senate leadership rests in the body that they represent and not the leaders themselves; and that this governing philosophy should be explicitly codified in the Senate Bylaws. Vice Chair Brown also noted that Council intentionally allowed for either the Assembly or the Academic Council to commence the suspension of an officer, but to allow removal to occur only in the Assembly. Those in favor of the motion felt that the supermajority requirement was necessary to prevent suspension and removal from becoming too easy to accomplish, and to prevent Senate officers from feeling overly constrained in their positions. A few Assembly members, who also served on the 2005-06 Council and experienced the removal of the 2005-06 Council Chair, strongly suggested keeping the majority vote requirement because: if the Chair or Vice Chair has lost confidence of a



majority of the Council, Council is left in a very unfortunate situation; if Council cannot garner a supermajority vote for removal, the Senate would thereafter be paralyzed and the officer in question and the Senate would be ineffective; the Council Chair and Vice Chair have many opportunities to lay positions before the Council, so that a majority vote of the Council should be allowed to express their need to move forward with new leadership; many protections are in place already, including that the Assembly meeting would be held in-person and in closed session, with no call-ins allowed; and although not mandated in the proposed bylaw, normally, as in the case of the 2005-06 removal, the Council would conduct an appropriate fact-finding investigation into any allegations or concerns raised, including interviews and a report, before the Assembly acts to remove the officer.

Substitute Motion: A substitute motion was then introduced to retain the majority vote requirement for suspension provided in the proposed bylaw, but to require a supermajority (2/3) vote for removal of the Chair or Vice Chair. Many Assembly members suggested that this was a good compromise action on behalf of the Assembly. Some members noted that suspension, which would require a majority vote of the Academic Council, could occur repeatedly if, for example, the Assembly failed to reach a supermajority vote in a removal action. Vice Chair Brown commented that recurrent suspension actions would be allowed under the proposed bylaw, however, we should expect this to be a rare occurrence because the officer would likely step down to avoid necessitating a removal action. Finally, some Assembly members questioned whether Sturgis' Parliamentary Procedure would have to be used under the proposed bylaw, to define "reasons" as used in the following proposed bylaw provision: "... The notice of the proposed action must state the proposed reasons for suspending the person from office." Chair Oakley, Vice Chair Brown, and Secretary/Parliamentarian Berck answered in the negative, stating that Sturgis would set the standard for removal only if the proposed bylaw is not enacted. If the proposed bylaw is enacted, the reasons for removal listed in Sturgis would serve only as recommendations that the Council or Assembly could follow, or not, as each body chooses.

VOTE ON SUBSTITUTE MOTION: By a vote of 27 in favor, 23 against, the substitute motion carried, amending the proposed Senate Bylaw 110.A to require a 2/3 vote of Assembly members present for removal of the Chair or Vice Chair of the Assembly.

**ACTION: By a vote of 46 in favor, 3 against, the Assembly approved the proposed Senate Bylaw 110.A.4 – Suspension and Removal (Chair and Vice Chair of the Academic Assembly), with the following amendment:**

110. Officers and Consultants of the Assembly  
A. Chair and Vice Chair

#### 4. Suspension and Removal

Elected officers of the Assembly may be suspended from office by action of the Assembly or of the Academic Council, and may subsequently be removed from office by action of the Assembly. In any emergency, regular, or special meeting of the Assembly or Academic Council for which the proposed action is noticed, any member may move to

suspend an elected officer from office. The notice of the proposed action must state the proposed reasons for suspending the person from office. The discussion and action must be considered in a closed face-to-face session. The officer who is the subject of the suspension motion shall not preside during discussion of the motion. The suspension motion requires an affirmative vote of a majority of the members present to pass. If the suspension motion carries, the officer who is the subject of the motion is immediately suspended from office and relieved of all duties and responsibilities associated with the elected Senate office. The suspended officer is no longer empowered to represent the Senate in any way. At its next emergency, regular, or special meeting, which shall be held no later than 30 days following the action to suspend, the Assembly must decide whether to remove the suspended officer from office. This item must be noticed in the Assembly's agenda. Any officer so suspended shall have the right at this meeting of the Assembly to present his or her case against removal from office. For this purpose, the suspended officer shall be granted such time as agreed to with the presiding officer but not less than one hour. The suspended officer shall also have the right, at personal expense, to be aided or represented by another person during the proceedings concerning removal. Removal requires ~~an affirmative vote of the majority~~ **a two-thirds vote** of the Assembly members present. If the action to remove the officer fails to carry the majority, the suspension of the officer shall end and the person shall immediately return to office with all its duties and responsibilities.

**3. Proposed New Academic Senate Bylaw 16 – Executive Director of the Academic Senate (action)**

- **Michael T. Brown, Chair, Academic Council Subcommittee on Systemwide Senate Leadership and Office Structure; Vice Chair, Academic Council**

**ISSUE:** Following systemwide review initiated by the Academic Council on July 26, 2006, proposed new Senate Bylaw 16 was approved by the Academic Council at its January 24, 2007, meeting. The proposed bylaw was originally drafted by the Academic Council Subcommittee on Systemwide Senate Leadership and Office Structure, and among other reasons, it is intended to ensure appropriate recognition by administrative bodies of the importance of the Executive Director, as a non-Senate officer of the Academic Senate, to the effective functioning of the Senate as it fulfills its shared governance responsibilities.

**DISCUSSION:** Following a brief introduction and background of proposed Bylaw 16, Vice Chair Brown drew attention to the justification, duties and policies, and procedures included in the Assembly bluebook materials. He also noted that the proposal addresses the following issues: it declares the roles and responsibilities of the Executive Director, as to which the current bylaws are silent; and it articulates the role of the Senate in regard to the responsibilities and roles of the Executive Director, while recognizing that the Executive Director is an employee of UCOP, and subject to UCOP's terms of employment. After a brief discussion, at 1:00 p.m. Chair Oakley deferred further discussion and action on this item until the next Assembly meeting.

**ACTION:** **Approval of proposed Senate Bylaw 16 is postponed to the next meeting of the Assembly.**

4. **Proposed Amendment to Academic Senate Bylaw 185 – Library (action)**
  - **John B. Oakley, Chair, Academic Council**

[Due to lack of time, this item was deferred until the next Assembly meeting.]

**ACTION:**     **Approval of the proposed amendment to Senate Bylaw 185 is postponed to the next meeting of the Assembly.**

5. **Regents' Request for Senate Action Regarding RE-89's Proposed Restriction of Research Funding from the Tobacco Industry (discussion)**
  - **John B. Oakley, Chair, Academic Council**

**ISSUE:** At their January meeting, The Regents discussed RE-89 (see page 37 of the Assembly bluebook), a proposed action item and policy restricting University acceptance of funding from the tobacco industry. During Regental discussion of this item, the October 11, 2006, Assembly resolutions were raised, however, The Regents expressed dissatisfaction with the Senate's failure to provide clear up-or-down advice about a ban on tobacco funding. The Regents Committee on Finance therefore postponed the issue until May, when the Senate could report clear advice. Following the January Regents' meeting, Chair Oakley received a letter from Regent Moores (see page 43 of the Assembly bluebook), asking for guidance on a number of specific questions.

**DISCUSSION:** Chair Oakley requested guidance on how to respond to The Regents regarding RE-89 and Regent Moores' letter, and suggested a possible plan of action on both issues (reflected in the consensus, below). Chair Oakley stated his view that a unified Senate response to Regent Moores' letter would be difficult to achieve because of unique institutional challenges inherent in determining a Senate response, and because academic freedom is such a contested issue. During discussion, Assembly members expressed widespread support for Chair Oakley's proposed actions, some noting that it was important to have a clear, up-or-down vote on RE-89 and not provide a nuanced statement as in prior years. Concerning Regent Moores' letter, members highlighted the formal nature of the request as coming from the Board of Regents and not just Regent Moores; and that it is crucial to the credibility of the Senate that a good-faith, well-reasoned response be provided so as not to have policies dictated to the Senate, but rather formed by the Senate. One Assembly member read aloud portions of APM 010, and noted that the Senate has primary responsibility for matters involving academic freedom. Some Assembly members advocated for a strong Senate response in favor of the proposed Regental policy banning tobacco funding (RE-89), reporting their intimate involvement in the issue and their belief that the debate has changed significantly as of late due to the ruling in *U.S. v. Philip Morris USA, Inc.*, U.S.D.C.D.C. Civ. No. 99-2496. One Assembly member nominated Dean David Kessler (UCSF) to the proposed Academic Council workgroup that will be charged with developing a response to Regent Moores' letter, to which Chair Oakley said he would refer the suggestion to the Council. Finally, one Assembly member drew attention to point #3 in Regent Moores' letter concerning a letter sent to the University last October from the American Cancer Society (ACS), and expressed his concern about the administration's alleged failure to act on the allegations contained in that letter. Chair Oakley stated that he would consult with the Academic Council about distributing the ACS letter.

**CONSENSUS OF THE ASSEMBLY:** Chair Oakley will move forward with the following plan in responding to RE-89 and Regent Moores' letter:

1. RE-89 will be distributed for systemwide Senate committee and divisional review, with responses due to the Academic Council on April 13. Council will then decide how to summarize the committee/division responses, and if it wants, propose a recommendation to the Assembly for its face-to-face meeting on May 9, where an up or down vote on the matter will be conducted.
2. The Academic Council will be asked to assume the task of responding to Regents Moores' letter via action at its March and/or April meetings, possibly through a subcommittee of Senate members. It will be the Council's decision whether direct Assembly action is required on this matter.

**IX. UNIVERSITY AND FACULTY WELFARE REPORT (NONE)**

**X. PETITIONS OF STUDENTS (NONE)**

**XI. UNFINISHED BUSINESS (NONE)**

**XII. NEW BUSINESS (NONE)**

Meeting adjourned at 2:00 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, February 14, 2007.
2. [Chronological List of Actual Policies on Tobacco Funding at Other Universities](#), submitted by Assembly Member Stan Glantz re: Agenda Item VIII.5.
3. [Glantz, Stan, Presentation to The Regents re: Tobacco Funding, January 2007.](#)

Attachment:

Appendix A – 2006-07 Assembly Attendance Record, Meeting of February 14, 2007

## **II. Minutes – Appendix A: 2006-07 Assembly Attendance Record, Meeting of February 14, 2007**

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

Robert C. Dynes

### **Academic Council Members:**

John Oakley, Chair

Michael T. Brown, Vice Chair

William Drummond, Chair, UCB

Linda F. Bisson, Chair, UCD

Martha L. McCartney, Chair, UCI

Vivek Shetty, Chair, UCLA

Shawn Kantor, Chair UCM

Thomas Cogswell, Chair, UCR

Henry C. Powell, Chair, UCSD

Deborah Greenspan, Chair, UCSF

Joel Michaelsen, Chair, UCSB

Faye Crosby, Chair, UCSC

Mark Rashid, Chair, BOARS (absent)

Reen Wu, Chair, CCGA (absent)

Mary Croughan, Chair, UCAP

Richard Weiss, Chair, UCEP

Susan French, Chair, UCFW

Wendy Max, Chair, UCORP (absent)

Christopher Newfield, Chair, UCPB

### **Berkeley (6)**

Lydia Chavez (alt)

Lowell Dittmer (alt)

Suzanne Fleiszig

Stephen Mahin

Joseph Napoli (absent)

Bernard Sadoulet

Anne Wagner (absent)

Raymond Wolfinger

### **Davis (6)**

Matthew K. Farrens

Robert Irwin

Brian Morrissey

Terence Murphy

Brigit Puschner (alt)

Margaret Rucker (absent)

W. Jeffrey Weidner

### **Irvine (3)**

Dennis J. Aigner

Jodi Quas

Leslie Thompson

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

Dalila Corry

Arvan Fluharty (absent)

Robert G. Frank, Jr.

Gary Galbraith (alt)

Margaret Haberland

Kathleen Komar (absent)

Jodie Kreiman (alt)

Steven Loza (absent)

Vickie Mays

Jane Valentine

Jaime Villablanca

### **Merced (1)**

Arnold D. Kim

### **Riverside (2)**

Joseph W. Childers

Carol J. Lovatt

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

Alain J.J. Cohen (alt)

David Luft (absent)

Thomas O'Neil

Charles Perrin

Andrew T. Scull

Virgil Woods (alt)

### **San Francisco (4)**

Dan Bikle (absent)

David Gardner (alt)

Barbara Gerbert

Lawrence Pitts

Stan Glantz

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

Richard Church

Mary Hegarty

Ann M. Plane

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

Quentin Williams

Kathy Foley

### **Secretary/Parliamentarian**

Peter Berck

## **II. MINUTES – CONTINUED – APPROVED MINUTES OF THE MEETING OF JUNE 14, 2006**

**UNIVERSITY OF CALIFORNIA**

**ACADEMIC SENATE**

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

**OCTOBER 11, 2006**

### **APPROVED MINUTES OF MEETING**

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

Pursuant to call, the Assembly of the Academic Senate met on Wednesday, October 11, 2006. Academic Senate Chair John Oakley presided. Chair Oakley welcomed participants and called the meeting to order at 10:00 a.m. Academic Senate Executive Director Mariá Bertero-Barceló called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

#### **II. MINUTES**

**ACTION:** The Assembly approved the minutes of the meeting of June 14, 2006 as noticed.

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

- **Robert C. Dynes**

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

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

The size of UC is a major reason for the amount of influence we have, and is also the basis for the guiding concept for our future planning – what we are calling “the power of ten.” This term was coined to describe the future vision of UC. It connotes that each campus has its individual

strength and that the ten campuses make up a whole greater than the sum of its parts. We are encouraging all of the UC Chancellors to build on those individual campus strengths and at the same time are working to enhance cross-campus access and collaboration in order to counteract the forces that disconnect and dissociate campuses from each other. The unique assets of individual campuses allow us to compete with smaller private universities. Each campus has the opportunity to rise to world class status; six UCs are currently members of the Association of American Universities, and the other three aspire to that status. We must, though, act as one University, and as an effective system, we will also fulfill our public service mission.

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

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

## **Questions and Comments**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **John Oakley**

Chair Oakley made these announcements:

Meeting procedures. All Senate members have the right to be heard at an Assembly meeting; however only members of the Assembly or their official alternates can make a motion or vote. Barring any member's objection, the following procedure will be adhered to in the Assembly's deliberations: the presenter of item will be the first and final speaker. Other members may speak



when they are recognized, will have two minutes to speak, and may speak a second time only after everyone else who wishes to has spoken.

Assembly meeting schedule. There are typically two to four Assembly meetings per year. Last year, it was necessary to hold an additional “special meeting” of the Assembly, which was called at relatively short notice. In an effort to avoid short notice and scheduling conflicts, and to help ensure that the largest number of members is available for all of our meetings, we have pre-preserved times for one meeting per month for the 2006-07 year. Not all of these times will be used; it is expected that only two-to-four meetings will be convened, either as an all day face-to-face meeting, or as a briefer teleconference. Teleconferences are typically scheduled to run from 10:00 in the morning until 1 p.m.

Parliamentary concerns relating to upcoming action items.

1) Relating to agenda item VII. A. 3, *Proposed Statement of the Academic Senate on Interaction Between UC’s Faculty and UC-Associated National Laboratories (action)*: This proposed statement was originally drafted by the Academic Council Special Committee on the National Labs (ACSCONL) as a proposed statement to the Assembly. It was adopted as such by the Academic Council. When we address this agenda item, a motion will be made that the Senate Chair turn the meeting over to the Senate Vice Chair, so as to allow the Senate Chair, who is also the Chair of ACSCONL to present the issue.

2) Relating to agenda item VII.A. 4, *Proposed Academic Senate Statement to the UC Regents on Research Funding Sources (action)*: The Regents have requested faculty guidance on research funding. In September, the Academic Council adopted this statement by a vote of 12 in favor, 5 against, and one abstention. This text is a statement of the Council and is presented for the Assembly’s ratification. If the Assembly wishes to make a different statement, that will require a substitute motion, which will then be debated.

**V. SPECIAL ORDERS (none)**

**VI. REPORTS OF SPECIAL COMMITTEES (none)**

**VII. REPORTS OF STANDING COMMITTEES**

**A. Academic Council**

- **John Oakley, Vice Chair**

**ACTION:** By a vote of 47 in favor, 36 against, the Assembly agreed to change the order of the agenda as represented below.

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

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

*UCOP reorganization and new senior manager positions.* In the context of the current reorganization of the UC Office of the President, several new executive and other top positions are being recruited. The Systemwide Senate, which is in a favorable position at the moment, has been concerned about maintaining the overall integrity of the

University as an academic enterprise first and foremost. We are strongly urging that top positions be filled by academic managers, and have expressed our firm opposition to using the corporate title of Chief Operating Officer for the new Executive Vice President position that will be in charge of business operations. In addition, there was recently formed a joint Regents/Office of the President/Senate study group on salary slotting for UC senior managers, led by Regent Judith Hopkinson. The suggested slotting structure that was originally considered by The Regents last year proposed differential slotting for top campus positions. The Senate strongly opposed this plan because it would be highly divisive and would in effect stratify campuses on the basis of top managers' salaries. This group will be looking at alternate plans for structuring senior management compensation.

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

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

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

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

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

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

**ISSUE:** The Chairman of the Board of Regents, Gerald Parsky, has requested input from the Academic Senate as to whether the legal finding in *United States v. Philip Morris USA, Inc.*, U.S.D.C.D.C. Civ No. 99-2496, Aug. 17, 2006, provides an appropriate basis for instituting a University ban on accepting tobacco funding from the tobacco industry or agencies acting on behalf of the tobacco industry. The Academic Council at its September 27, 2006, meeting, considered The Regents' request in light of the *Resolution of the Academic Senate on Research Funding Sources*, adopted by the Academic Assembly on May 11, 2005. By a vote of 12 in favor, 5 against, with one abstention, the Academic Council approved the following statement to be considered by the Academic Assembly today:

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

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

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

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

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

**ISSUE:** The Academic Council has requested the Assembly's consideration of the *Proposed Statement of the Academic Senate on Interaction Between UC's Faculty and UC-Associated National Laboratories*, first proposed by the Academic Council Special Committee on the

National Laboratories (ACSCONL) and subsequently adopted by the Council at its June 21, 2006, meeting.

**DISCUSSION:** Due to his position as ACSCONL Chair, Council Chair Oakley turned over the meeting chair duties to Council Vice Chair Brown. Assembly members reviewed the history and intent of the proposed Statement, noting its value in assisting ACSCONL and other systemwide Senate committees in better understanding the management structure of the Los Alamos National Security (LANS) LLC, and in gaining the ability to affect issues such as retirement, scientific management, planning and budget. Assembly members expressed wide support for the statement, and soundly agreed to approve the statement and the amendments as reflected below.

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

1) Amend Recommendation 8 as follows:

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

2) Add new Recommendation 9:

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

- A) Consult with the relevant Senate committees on major policy issues affecting (Lab) LLC – University relations;  
B) Specify a process of co-drafting Standing Orders and Regental Policies with The Regents, including orders or policies that modify current science management structures.

**VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)**

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

**X. UNFINISHED BUSINESS (none)**

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

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

**DISCUSSION:** Assembly members debated the two resolutions as proposed, and agreed upon some minor amendments. Some members spoke against the resolutions for reasons such as they specifically identify the tobacco industry, and that they may not be adequately specific. Other

members supported the resolutions, noting that they will be helpful statements should the Senate face similar research funding issues in the future, and that the resolutions are consistent with prior Senate statements on this topic.

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

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

**- and -**

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

Meeting adjourned at 4:00 p.m.

Attest: John Oakley, Academic Senate Chair

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

Distributions:

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

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

## **II. Minutes - Appendix A: 2006-07 Assembly Attendance Record, Meeting of October 11, 2006**

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

Robert C. Dynes

### **Academic Council Members:**

John Oakley, Chair

Michael T. Brown, Vice Chair

William Drummond, Chair, UCB

Linda F. Bisson, Chair, UCD

Martha L. McCartney, Chair, UCI

Vivek Shetty, Chair UCLA (absent)

Shawn Kantor, UCM (absent)

Thomas Cogswell, Chair, UCR

Henry C. Powell, Chair, UCSD

Deborah Greenspan, Chair, UCSF

Joel Michaelsen, Chair, UCSB

Faye Crosby, Chair, UCSC

Mark Rashid, Chair, BOARS

Reen Wu, Chair CCGA (absent)

Mary Croughan, Chair, UCAP

Richard Weiss, Chair, UCEP (absent)

Keith Williams, Vice Chair, UCEP (alt.)

Susan French, Chair, UCFW (absent)

Jim Chalfant, Vice Chair, UCFW (alt.)

Wendy Max, Chair, UCORP

Christopher Newfield, Chair, UCPB

### **Berkeley (6)**

Emilie Bergmann

Judith E. Innes (absent)

Stephen Mahin

Joseph Napoli

Bernard Sadoulet

Raymond Wolfinger (absent)

Loy Volkman (alt.)

### **Davis (6)**

Matthew K. Farrens

Robert Irwin

Brian Morrissey

Terence Murphy

Margaret Rucker

W. Jeffery Weidner (absent)

### **Irvine (3)**

Dennis J. Aigner

Jodi Quas

Leslie Thompson

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

Dalila Corry (absent)

Arvan Fluharty

Robert G. Frank, Jr.

Gary Galbraith (alt.)

Margaret Haberland

Kathleen Komar (absent)

Jodie Kreiman (alt.)

Steven Loza (absent)

Vickie Mays (absent)

Jane Valentine

Jaime Villablanca (absent)

### **Merced (1)**

Arnold D. Kim (absent)

### **Riverside (2)**

Joseph W. Childers

Carol J. Lovatt

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

David Luft

Thomas O'Neil (absent)

Charles Perrin

Vivian Reznik (absent)

Andrew Scull (alt)

### **San Francisco (4)**

Dan Bikle

David Gardner (alt.)

Barbara Gerbert

Stan Glantz

Lawrence Pitts (absent)

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

Richard Church

Mary Hegarty

Ann M. Plane (absent)

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

Quentin Williams

### **Secretary/Parliamentarian**

Peter Berck

### III. ANNOUNCEMENTS BY THE PRESIDENT

- Robert C. Dynes

### IV. ANNOUNCEMENTS BY THE CHAIR

- John B. Oakley

### V. SPECIAL ORDERS (none)

### VI. REPORTS OF SPECIAL COMMITTEES (none)

### VII. REPORTS OF STANDING COMMITTEES

#### Academic Council

- John B. Oakley, Chair
- 1. Nomination and Election of the University Committee on Committees (UCOC) Vice Chair (member-at-large) for 2007-00/ Chair 2008-09 (**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."

At its March 28, 2007, meeting, the Academic Council endorsed the nomination of Professor William Coles (UCSD) as the Council's recommendation for the Assembly's consideration.

Brief Bio:

[Professor William Coles](#) (San Diego)  
Electrical and Computer Engineering

I am an electrical engineer by training. I have been at UC since 1965. My research, from the Electrical Engineering perspective, is on the propagation of waves through turbulent media. The primary applications of that research are to Radio Astronomy, in particular to the remote sensing of turbulent astrophysical plasmas using electromagnetic waves, to Space Physics, specifically in sensing the solar wind, and to Atmospheric Science in sensing the atmosphere. Some of the techniques we have developed for Radio Astronomy have been used in Oceanography and Geophysics.

My university service timeline is:

1965-66	UCB graduate student
1966-68	UCSD graduate student
1969-pres	UCSD faculty
<b>1988-93</b>	<b>UCSD Admissions Committee (Divisional Senate service)</b>
<b>1990-93</b>	<b>BOARS rep from UCSD (Systemwide Senate service)</b>

1996-99	UCSD Chair of Electrical and Computer Engineering
<b>2004-07</b>	<b>UCSD Committee on Committees: member - vice-chair – chair (Divisional Senate service)</b>
<b>2005-07</b>	<b>UCOC rep from UCSD (Systemwide Senate service)</b>

**ACTION REQUESTED:** Assembly is asked to elect Professor Williams Coles, as member-at-large to serve as the 07-08 UCOC Vice Chair and to succeed as its Chair in 08-09.



## VII. REPORTS OF STANDING COMMITTEES (continued)

### Academic Council (continued)

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

(This item was briefly discussed at the February 14, 2007, meeting of the Assembly, but because of lack of time, it was postponed until the May 9, 2007, Assembly Meeting. For a record of that discussion please refer to Page 8 of this *Notice of Meeting*)

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 Regulations requires the approval of a majority of all voting members of the Assembly present. ...Modifications of legislation shall take effect immediately following approval unless a different date is specified or required.”

The following proposed new Senate Bylaw 16 was approved by the Academic Council at its January 24, 2007, meeting and was found to be consonant with the Code of the Academic Senate by the University Committee on Rules and Jurisdiction (UCR&J). Further, the University Committee on Academic Personnel (UCAP) has requested that the divisions of the Academic Senate consider adopting a similar bylaw for many of the same reasons noted in the justification, below.<sup>1</sup>

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

### Justification

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

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

responsibilities. The Academic Council wishes to acknowledge the essential role of the Executive Director in the work of the systemwide Senate and the complexity of the Executive Director's responsibilities.

### **Duties**

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

The Academic Council endorses the following policies and procedures referenced in proposed Bylaw 16<sup>1</sup>:

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

- A. Appointment Process. The Executive Director, as a non-Senate officer of the Academic Senate, shall be appointed in accordance with applicable UC personnel policies, local Office of the President implementing procedures ("OP implementing procedures"), and the following appointment process:
  - 1. Should a vacancy occur, the Chair of the Assembly shall appoint an advisory search committee upon consultation with the Academic Council and OP Human Resources;
  - 2. The advisory search committee shall recommend one or more candidates to the Chair of the Assembly;
  - 3. The Chair of the Assembly shall recommend one or more candidates to the Academic Council for consideration;
  - 4. The Academic Council shall, by majority vote, recommend a final candidate to the President of the Academic Senate for approval and appointment on terms commensurate with the personnel classification assigned to the Executive Director position.
- B. Personnel Actions. The Executive Director shall report to and shall receive general direction from the Chair of the Assembly, with guidance and input from the Academic Council as necessary. The President of the Academic Senate shall retain ultimate managerial authority over the terms and conditions of the Executive Director's University employment. Applicable UC personnel policies, guidelines and OP implementing

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<sup>1</sup> The Policies and Procedures of proposed new Senate Bylaw 16, if approved by the Assembly, will be part of the Code of the Academic Senate – Appendix V. See [Senate Bylaw 80.A](#) (Code of the Academic Senate).

procedures shall be followed regarding all terms and conditions of employment, including but not limited to: performance appraisals, promotions, salary increases, discipline and separation from employment. Consistent with these policies, guidelines and procedures, the Chair of the Assembly shall annually prepare a draft written performance appraisal of the Executive Director which shall be presented to the President of the Academic Senate for final approval and implementation of any recommended merit increases or performance based awards. In consultation with the Chair of the Assembly (and with the Academic Council as necessary), the President of the Academic Senate shall be responsible for the approval and implementation of all personnel actions. All personnel actions shall be treated in a confidential manner consistent with UC policy.

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

### **PROPOSED NEW BYLAW 16:**

*(Proposed language is noted in bold and underlined.)*

#### **Title II. Officers (Am 12 May 2004)**

##### **10. President and Vice President**

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

##### **15. Secretary/Parliamentarian**

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

##### **16. Executive Director**

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

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

## VII. REPORTS OF STANDING COMMITTEES (continued)

### Academic Council (continued)

- John B. Oakley, Chair

#### 3. Proposed Amendment to [Senate Bylaw 185. Library](#) (action)

(This item was noticed in the February 14, 2007, *NOTICE of Meeting* but because of lack of time, it was postponed to the May 9, 2007, meeting of the Assembly.)

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

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

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

### **Background and Justification**

#### **Statement of Purpose**

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

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

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

### **Statement of Intended Effect**

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

### **CURRENT LANGUAGE:**

#### **185. Library**

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

### **PROPOSED LANGUAGE**

#### **185. Library and Scholarly Communication**

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

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

- B. Duties. Consistent with [Bylaw 40](#), the Committee shall: (Am 28 May 2003)
1. Advise the President concerning the administration of the libraries of the University **and issues related to innovations in forms of scholarly communication**, 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.

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

## VII. REPORTS OF STANDING COMMITTEES (continued)

### Academic Council (continued)

- **John B. Oakley, Chair**
- 4. Proposed Amendments to Academic Senate Bylaws: 125A.4, 140.A, and Table 1 attached to Senate Bylaw 128.D.1. and Table 2 attached to Senate Bylaw 128.D.2 (action)

**BACKGROUND:** In April 2006, the Academic Council voted to give the chair of the University Committee on Affirmative Action and Diversity (UCAAD) an interim seat on Council as a non-voting guest beginning at the May 2006 meeting, and continuing through the 2006-2007 academic year. The UCAAD chair has attended Council meetings regularly since May 2006. In February 2007, Council unanimously approved the addition of the UCAAD chair as a standing member of the Academic Council.

**JUSTIFICATION:** In May 2006, the Assembly unanimously approved the University of California Statement on Diversity as a Statement of the Academic Senate, making clear that the Senate deems diversity to be integral to the mission and excellence of the University. The UCAAD chair has attended Academic Council meetings as a non-voting guest since May 2006. UCAAD's permanent presence as a Standing Committee represented in the Council will emphasize this commitment and provide more knowledge, insight, and weight to diversity-related discussions and actions of the Council. It will also stimulate UCAAD to undertake helpful considerations or actions relevant to the Council in ways that might be missed if it were not present.

**Proposed Amendment to Senate Bylaw 125 A.4.**  
(*Proposed language is noted in bold and underlined.*)

### 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

**Affirmative Action and Diversity**

Board of Admissions and Relations with Schools

Educational Policy

Faculty Welfare

Graduate Affairs



Planning and Budget  
Research Policy (Am 28 May 2003)

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)

**ACTION REQUESTED: That the Academic Assembly approve an amendment to Senate Bylaw 125 adding the Chair of the University Committee on Affirmative Action and Diversity (UCAAD) to the membership of the Academic Council.**

**Proposed conforming amendments of Senate Bylaw 140.A, and of Table 1 attached to Senate Bylaw 128.D.1 and Table 2 attached to Bylaw Senate 128.D.2.**  
*(Proposed language is noted in bold and underlined. Deleted language is noted as strikethrough.)*

**128. Membership of Standing Committees of the Assembly (En 28 May 2003)**

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 be appointed to the following committees to serve a two-year term. [[See Bylaw 150](#)]. This member shall normally be the chair or a member of the corresponding Divisional committee; otherwise, the Assembly committee member shall serve as 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  
Educational Policy  
Information Technology and Telecommunication Policy  
International Education  
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 not represented on the Academic Council, with the exception of the University Committee on Committees, 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](#)]

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  
**Affirmative Action and Diversity**  
Board of Admissions and Relations with Schools  
Committees  
Educational Policy  
Faculty Welfare  
Graduate Affairs, Coordinating Committee on  
Planning and Budget  
Research Policy  
Enacted by the Assembly on May 28, 2003

TABLE 2  
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 (*Formerly the University Committee on Education Abroad Program.*)

Library

Privilege and Tenure

Preparatory Education

Enacted by the Assembly on May 28, 2003

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

- 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 in accordance with Bylaw 128.D.~~2~~ **1.** and 3. (Am 4 Jun 91; Am 28 May 03)

**JUSTIFICATION:** Should the Academic Assembly approve the amendment to Senate Bylaw 125 that adds the University Committee on Affirmative Action and Diversity (UCAAD) then the Assembly is asked to adopting conforming amendments of Senate Bylaw 140.A, and of Table 1 attached to Senate Bylaw 128.D.1 and Table 2 attached to Bylaw Senate 128.D.2.

**ACTION REQUESTED:** Approval of conforming amendments of Senate Bylaw 140.A, and of Table 1 attached to Senate Bylaw 128.D.1 and Table 2 attached to Bylaw Senate 128.D.2.

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

### **Academic Council (continued)**

- **John B. Oakley, Chair**

5. Proposed Resolution of the Academic Senate Calling for Rejection of the Senior Leadership Compensation Group (SLCG) Salary Structure That Differentiates Grades by Campus (**action**)

On February 27, 2007, the Academic Council discussed the University of California, Irvine Division proposed resolution on stratification. UCI Divisional Chair Mecartney asked if the Academic Council would endorse a similar resolution with the intention of forwarding it on to the Assembly for its adoption. Academic Council agreed to charge a workgroup to draft a resolution for Council's consideration at its March 28, 2007, meeting. Members of the workgroup included: UCI Divisional Chair Martha Mecartney, UCAP Chair Mary Croughan, UCFW Chair French and UCPB Chair Newfield.

At its March 28, 2007, meeting, the Academic Council endorsed the resolution noted below for the Assembly's consideration.

### **Background on Job Slotting and Stratification**

Pursuant to the policy adopted by The Regents in November, 2005,<sup>1</sup> the University of California engaged the services of an outside consulting group, Mercer Human Resource Consulting (Mercer) to develop a salary structure that slotted Senior Leadership Compensation Group (SLCG) positions<sup>2</sup> into grades with salary ranges.<sup>3</sup> The Mercer salary recommendations for job slotting were adopted by The Regents on recommendation of the President in actions taken in January, March, and July of 2006.<sup>4</sup>

Although the Senate agrees with the objective in developing the new salary structure—namely to increase transparency and accountability to The Regents<sup>5</sup>—the Senate strongly objects to the job slotting and salary scales adopted because they result in creating different salary scales for the same jobs on the various campuses. This result directly contradicts the position of the Academic Senate that the University of California is an integrated system in which each campus can aspire to the same high standards of excellence.

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<sup>1</sup> RE-61, September 22, 2005.

<sup>2</sup> The Senior Leadership Compensation Group includes Executive Vice Chancellors, Provosts, and Deans at all UC campuses.

<sup>3</sup> Mercer and the Office of the President developed the grades and ranges using market data from surveys of base salary and total cash compensation paid by other employers, "internal equity" and reporting relationships. (Minutes of Regents Compensation Committee, July 20, 2006).

<sup>4</sup> Regents Item 3C, July 20, 2006.

<sup>5</sup> Basing job grades on current market salaries paid by competitive employers, as Mercer did, results in stratification of campuses based on their current prestige as well as the size and complexity of the jobs involved. Capping salaries on the basis of current prestige, size, and complexity will prevent hiring people at higher levels to address the challenges involved in developing campuses to higher levels of excellence.

The new salary structure will thwart these aspirations by capping the salaries that can be paid at some campuses at lower levels than others, regardless of the challenges facing the campus or the qualifications or experience of the person sought to fill the position. This approach will stratify the University of California into different tiers of campuses and limit the potential for growth and development of campuses slotted into lower salary grades.

The Academic Senate is also concerned that adoption of salary scales differentiated by campus for SLCG may lead to proposals to differentiate faculty salary scales by campus, which would have similar deleterious effects on the University of California and should be strongly resisted.

The previous system of remuneration allowed the University of California to become the premier public university system in the world. Each campus competes for faculty and administrators with universities across the nation and the globe, and campuses have been able to offer administrative salaries that reflect specific and strategic goals. Stratification of salaries by campus does nothing to provide transparency and accountability in compensation practices and will significantly interfere with UC's goal of maintaining an integrated system in which each campus may aspire to attaining the highest standards.

### ***Resolution***

Therefore, the Academic Senate of the University of California calls on the Office of the President and The Regents to reject the differentiation by campus for the Senior Leadership Compensation Group. It also calls on The Regents to avoid adopting policies that will lead to stratification of UC campuses by tiers and weakening of the University of California as a whole.

**ACTION REQUESTED: Approval of the above resolution, to be delivered to the President for presentation to The Regents.**

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

### **Academic Council (continued)**

- **John B. Oakley, Chair**
- 6. Regents' Request for Senate Action Regarding [RE-89](#)'s Proposed Restriction of Research Funding from the Tobacco Industry (**action**)

### **Senate Review of The Regents' Proposed [RE-89](#) - Adoption of Policy Restricting University Acceptance of Funding From the Tobacco Industry**

At their January 18, 2007 meeting, The Regents considered a proposal (RE-89) to institute a university-wide ban on the acceptance of research funding from the tobacco industry, and asked for the Senate's formal and unambiguous position on this proposal in time for the May Regents meeting. At the February 14, 2007, meeting of the Assembly, after discussion of review procedures, it was announced by Chair Oakley that RE-89 would go out for systemwide Senate review with a response date of April 13, that all committee and division responses would be included in the May 9, 2007, *Notice of Meeting*, and that the Assembly would, on May 9, consider and take an up-or-down vote on RE-89. Chair Oakley sent RE-89 out for systemwide review on February 26, 2007, asking standing Committees and Divisions to express an opinion either in favor of or in opposition to the proposal.

In addition, in a January 23, 2007 letter sent by Regent Moores to Senate Chair Oakley, Regent Moores posed a series of questions concerning the faculty position on the proposed RE-89. This letter was also discussed at the February 14<sup>th</sup> Assembly meeting. The task of answering the questions was assigned to a working group by the Academic Council. The group's response to the questions was transmitted to Regent Moores as an enclosure to a letter from Chair Oakley on March 19, 2007. That March 19<sup>th</sup> letter, with the working group's response and attendant attachments was, on March 20, 2007, circulated to all agencies of the systemwide Academic Senate to assist in their review of RE-89.

Seven Standing Committees of the Academic Senate and nine out of ten Divisions submitted positions on The Regents' adoption of RE-89. Of these 17 Senate bodies, 1 voted in favor; 15 voted against; 1 abstained. See the table on page 42 or a breakdown of individual responses.

At its April 25, 2007, meeting, the Academic Council, after consideration of the information submitted to it as the result of systemwide Senate review of RE-89, resolved: "The Academic Council recommends that the Assembly oppose RE-89." The vote of the Academic Council on this resolution was 15 in favor, 1 opposed.

**ACTION REQUESTED:**    **That the Assembly oppose adoption of RE-89, the proposed Regents' Policy Restricting University Acceptance of Funding from the Tobacco Industry.**

# RE89

## TO MEMBERS OF THE COMMITTEE ON FINANCE:

### ACTION ITEM

*For Meeting of January 18, 2007*

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

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

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

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

### **BACKGROUND**

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

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

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

Over the years, critics of tobacco and of the tobacco industry have raised serious concerns about the University's acceptance of funding from sponsors with ties to the tobacco industry. While the amount of such funding received by the University is quite small in proportion to the University's total research funding, the concerns raised about acceptance of such funds center not on the amounts but on underlying principles and on the belief that such acceptance is inconsistent with the University's missions. Since 1995, UC researchers have received approximately 108 awards totaling about \$37 million from tobacco-related companies<sup>1</sup> for research, training, and public service. By comparison, the University received more than \$4 billion in total contracts and grants revenue in FY2006 alone.

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

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

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

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

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

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

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

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

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

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

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

<sup>6</sup> The full text of the University's Statement of Ethical Values can be found online at: [http://www.ucop.edu/ucophome/coordrev/policy/Stmt\\_Std\\_Ethics.pdf](http://www.ucop.edu/ucophome/coordrev/policy/Stmt_Std_Ethics.pdf)



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

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

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

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

### ***Academic Senate Consideration***

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

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

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

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

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

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

and

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

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

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

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

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

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

(Attachments)

155888.1

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

**Outcome of Systemwide Review of Regents' Proposed [RE-89](#) - Adoption of Policy  
Restricting University Acceptance of Funding From the Tobacco Industry  
April 2007**

<b>Committee / Division</b>	<b>Oppose</b>	<b>In Favor</b>	<b>Vote (if taken) Opposed/in favor/ abstain</b>	
CCGA	X		10/1	
UCAF	X		8/0/1	
UCEP	X		5/1/1	
UCFW	X			
UCORP	X			
UCPB	X		6/2/4	
UCPT	X			
Berkeley	X			Div. Council adopts CAF position reaffirming 10/11/06 statement of the Academic Senate
Davis	X		47/1	
Irvine	X		23/7	Vote of Div. Assembly
Los Angeles	X		7/0/2	Passed a resolution opposing RE-89
Merced	Not opining			
Riverside	X		72/52	Vote of all div. members; opposition of COR, FW and AF committees also recorded
San Diego	X			Reaffirm support of 2004 AC Resolution
San Francisco		X	38%/59%/3%	Vote of the UCSF Senate faculty
Santa Barbara	X		Unanimous (9 members)	Vote of the Executive Council
Santa Cruz	X			Opposition of div. CAF, COR, and CPB recorded



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April 12, 2007

JOHN OAKLEY, CHAIR  
ACADEMIC COUNCIL

**RE: Review of The Regents' Proposed RE-89 - Adoption of Policy Restricting  
University Acceptance of Funding From the Tobacco Industry**

Dear John,

At its April meeting, the Coordinating Committee on Graduate Affairs (CCGA) considered RE-89, a proposed Regental policy that would restrict the University from accepting tobacco-related research funding from the tobacco industry. After considerable discussion, members voted against RE-89 with ten members opposed and one member in favor.

Members made their argument mainly on the grounds of the principles of academic freedom, noting that such policies should never mention specific organizations (such as tobacco companies), but instead lay-out principles that would dictate if and when a ban should be enacted. The committee found the Academic Council's special working group's response to Regent John Moore's questions especially helpful in this regard. In their discussion, they referenced that group's response to questions one and two, which addressed the relationship between APM 010 and a possible ban on the acceptance of tobacco funding. Members noted that the working group's answer to question one (*How would APM010 have to be amended to be consistent with the proposed policy?*) as especially relevant, which in part states that "Because the APM must provide a broad framework of policies and procedures necessary to guide and regulate faculty conduct, it is intentionally non-specific. Amending it to proscribe a single source of funding could distort that purpose."

Thank you for giving us the opportunity to opine on this important issue. If you have any questions, please let me know.

Respectfully submitted,

Reen Wu  
Chair, CCGA



**UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM**

**JEROLD THEIS, CHAIR**

[jhtheis@ucdavis.edu](mailto:jhtheis@ucdavis.edu)

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3155 Tupper Hall  
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Phone: (530) 752-3427

April 13, 2007

JOHN OAKLEY  
CHAIR, ACADEMIC COUNCIL

**Re: UCAF position on Regents' proposal to ban UC Faculty from accepting research funds from tobacco companies to support studies on the effects of tobacco use**

Dear John,

The University Committee on Academic Freedom (UCAF) has reviewed The Regents' Proposed RE-89 – Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry. UCAF voted to oppose RE-89, as discussed below, by a vote of eight to zero with one abstention.

Adoption of RE-89 would establish a precedent that could adversely affect the faculty as a whole and undermine the function of the University to contribute to the advancement of knowledge. The University of California Academic Freedom Policy (APM 010) adopted July 30, 2003, clearly addresses the relationship between academic freedom and the professional autonomy of the professoriate by declaring:

Academic Freedom requires that teaching and scholarship be assessed by reference to the professional standards that sustain the University's pursuit and achievement of knowledge. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body. The competence of the faculty to apply these standards of assessment is recognized in the Standing Orders of The Regents, which establish a system of shared governance between the Administration and the Academic Senate.

Under APM 010, only the faculty have the competence and right to make judgments about the quality of research conducted at the University of California. Ultimately, concerns about inappropriate influences in research are fully and adequately addressed in the Faculty Code of Conduct (APM 015), which cites two specific obligations of faculty relevant to the potential problems The Regents want to eliminate through RE-89. The first is faculty members' "Primary responsibility to their subject to seek and to state the truth as they see it." The second is their obligation to "practice intellectual honesty."

(A). Banning the funding of research by a particular industry based on the effects of its products will establish a dangerous precedent. Such a ban will likely encourage additional proposals, either from within The Board of Regents or from external sources, to restrict other sources of funds. It is possible to imagine similar bans being proposed on funding from other specific industries and corporations, based on political, moral, health, or other considerations.

For example, the wine industry is closely connected to the University of California. Well known wine producers have contributed millions of dollars to support viticulture and enology research at UC Davis, including wine marketing. The Gallo Clinic at UC San Francisco studies alcoholism and is supported by the winemaking family of the same name. Yet alcoholism is the third highest preventable cause of death in the United States and a significant societal problem. It contributes to numerous medical and social ills, including cirrhosis of the liver, pancreatitis, domestic violence, and automobile accidents. Some religious groups ban the consumption of alcohol, yet these groups are represented in California by tax paying citizens. Does the University's relationship with the wine industry through its research and marketing studies contribute to alcoholism? Can the results of alcoholism research, conducted by an institution that receives millions of dollars in support from the wine industry be believed?

Mars Candy Company has funded the research of at least 20 UC faculty members investigating the nutritional benefits of cocoa flavanols and other compounds found in the cocoa bean. Mars has endowed a Chair in Developmental Nutrition, a science officer of Mars Candy has held a Visiting Professorship at UC, and UC faculty have been hired by Mars. The connections between Mars Candy Company and the University of California are therefore deeply entwined. Meanwhile obesity in the United States is at epidemic proportions and is a significant cause of Type 2 diabetes and cardiac disease. The director of the Integrity in Science project at the Center for Science in the Public Interest has been quoted as saying that such studies on cocoa and chocolate are a "strangely misplaced sense of priorities." Should the study of cocoa chemistry by University of California faculty be curtailed by banning corporate support from candy companies for such studies? How do The Regents justify banning one corporate sponsor but not another?

Stem cell research may offer the opportunity to develop cures for presently incurable diseases and injury. However, opposition to the use of embryonic stem cells is well established in some sectors of the federal government, in right to life organizations, and among others who object to the harvesting of these cells from excess, frozen human embryos. Researchers on several UC campuses stand to obtain a considerable amount of funding support for the study of stem cells, and the knowledge that will accrue to society from these studies may well prove invaluable. Would The Regents entertain a prohibition on the acceptance of funds to conduct stem cell research because it is offensive to those opposed to the destruction of human embryos to obtain the cells?

(B). From a practical point of view, the proposal to ban "tobacco company money" in University research will be difficult to police. The largest tobacco company in the United States is Altria, formerly known as Philip Morris. Altria also owns Kraft Foods, which includes Maxwell House, Milka, Nabisco, Oreo, Oscar Meyer, Philadelphia cream cheese, Post Cereal, Birdseye, Louis Rich, and the Miller Brewing Company. Recently, the Altria Board of Directors voted to divide Kraft Foods into a separate company. However each stockholder of Altria will be given 0.695 shares of Kraft Foods for every share of Altria they own. Under these circumstances, the Kraft

Board of Directors will likely consist of many of the same people on the Altria Board, because the voting shares for electing Kraft Foods Board members will be heavily vested in the hands of the current Altria Board. If Kraft Foods offers to fund research on the use of tobacco and its effects, RE-89 will not be applicable. Yet the vested interests of Kraft Foods may well be affected by the association with Altria through mutual board members. Who will decide what is or is not “tobacco money”— the Internal Revenue Service, the stockholders, or Wall Street?

In short, prohibiting faculty from receiving funds from a particular industry is not in the interest of academic freedom. It sets a dangerous precedent that once established, has no limits. Such policies represent a threat to the academic freedom of the faculty and the mission of the University to discover the truth and advance societal knowledge.

If The Regents wish to protect the integrity of the University without interfering in the academic freedom of its faculty, they should instead promote the adoption of contractual agreements with corporations that forbid any role by corporate personnel in the design and/or execution of experiments, analysis of data, writing of paper(s) and choice of publishing or not publishing the findings of the study. If a corporation refuses such requirements, then their motives for using the University’s name are suspect, and neither The Regents nor the faculty should wish to deal with them. It is the obligation of each faculty member to help protect the reputation of the University and the Faculty as a whole by not allowing their work to be distorted or co-opted by outside entities. It is also the obligation of The Regents to protect the integrity of the University by protecting the academic freedom rights of faculty. In doing so however, The Regents must not abuse academic freedom themselves or compromise the mission of the University.

Sincerely,



Jerold Theis  
Chair, UCAF

Paul Amar (UCSB)  
Ronald Amundson (UCB)  
Chris Connery (UCSC)  
Albert Lin (UCD)  
Janice Plastino (UCI)  
Hossein Ziai (UCLA)  
Raphael Zidovetzki (UCR)

cc: Director Bertero-Barceló





**UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY (UCEP)**  
**RICHARD WEISS, CHAIR**  
[weiss@chem.ucla.edu](mailto:weiss@chem.ucla.edu)

The Academic Council  
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April 13, 2007

JOHN OAKLEY, CHAIR  
ACADEMIC COUNCIL

**Re: Systemwide Review of The Regents' Proposed RE-89 – Adoption of Policy Restricting  
University Acceptance of Funding From the Tobacco Industry**

Dear John,

The University Committee on Educational Policy (UCEP) has reviewed The Regents' proposal to adopt a policy restricting University acceptance of funding from the tobacco industry.

UCEP took a vote on the question of whether to oppose RE-89. The Committee voted to oppose RE-89 by a vote of five to one with one abstention.

Sincerely,

A handwritten signature in cursive script that reads "Richard L. Weiss".

Richard Weiss  
Chair, UCEP

cc: UCEP members  
Executive Director Bertero-Barceló

## UCFW Position on RE89

April 13, 2007

Despite the history of the tobacco industry's shameful funding of research studies designed to deny and obscure the harmful effects of its products, UCFW strongly opposed adoption of RE89 for the following reasons:

- The principles of academic freedom require that faculty be able to pursue research ideas and research funds according to their own views as to intellectual and scientific merit.
- Adoption of RE89 would start UC down a slippery slope on which many other funding sources will be open to challenge on the grounds that they have "bought" skewed research studies, or that their products cause serious social or environmental harm. Funding from the oil industry, the timber industry, the pharmaceutical industry, the defense industry, and many other sources might be open to challenge.
- Adoption of RE89 may also encourage other funding sources to attempt to blackmail UC into banning acceptance of funds from sources of which they disapprove, as has happened in the case of tobacco funding.
- Existing UC policies and practices on freedom to publish, peer review of research, and adherence to ethical principles are sufficient to safeguard against the kinds of research abuses the tobacco industry has induced some funding recipients to commit.

UCFW condemns the past practices of the tobacco industry, but it defends the right of its colleagues to accept tobacco money for research, subject to the ethical, peer review, regulatory, and other constraints that apply generally to acceptance of research funds.

So long as the University pursues corporate or industry funding for research, the specter of research findings skewed to favor the funding source will present a problem. Short of banning acceptance of research funds from all sources with an interest in particular outcomes, UC should focus on evaluation of the researcher on the basis of the integrity and merit of the research, rather than the source of the funding.



UNIVERSITY COMMITTEE ON RESEARCH POLICY (UCORP)  
Wendy Max, Chair  
wendy.max@ucsf.edu

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April 11, 2007

**JOHN OAKLEY, CHAIR  
ACADEMIC SENATE**

**RE: UCORP's opposition to RE-89**

Dear John,

The University Committee on Research Policy (UCORP) has reviewed RE-89 and discussed it extensively at our March and April meetings. We reviewed it in the context of:

- the Academic Personnel Manual,
- recent policy statements including "Problematic Restrictive Clauses in Contracts, Grants and Gifts for Research" proposed by UCORP and adopted by the Academic Council on July 31, 2004, and
- the Academic Council Working Group report (March 12, 2007) in answer to questions from Regent John Moores (January 23, 2007) and addressed to John Oakley, Chair of the Academic Council.

We considered numerous issues, and share the dim view of the tobacco industry of the proponents of RE 89. But we reached a consensus that the issue of academic freedom requires us to oppose adopting the policy, and that current ethical standards at the University, if adequately enforced, would address concerns about undue influence from the tobacco industry. Aware that the Regents have asked for an "up or down" vote, and that further discussion is likely to repeat the arguments that have already been advanced on all sides of this issue, UCORP voted to inform the Assembly of our opposition to RE-89.

Sincerely,

Wendy Max, Chair  
UCORP

cc: UCORP  
Maria Bertero-Barcelo, Executive Director, Systemwide Academic Senate



*UNIVERSITY COMMITTEE ON PLANNING AND BUDGET*  
*Christopher Newfield 2006-2007 Chair*  
*cnewf@english.ucsb.edu*

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April 16, 2007

**JOHN OAKLEY**  
**ACADEMIC COUNCIL CHAIR**

**Re: The Regents' Proposed RE-89 – Adoption of Policy Restricting University Acceptance of Funding From the Tobacco Industry**

Dear John,

The University Committee on Planning and Budget (UCPB) has reviewed RE-89, and considered it at our March and April 2007 meetings. In accordance with the request of the Academic Council to submit an “up or down” vote on this proposal, UCPB members were polled on their positions. Four members did not vote. Out of the remaining eight, there were six votes against RE-89, and two votes in favor.

Our review of RE-89 was informed by these previous Senate actions:

- The November 2006 Assembly Resolutions on Research Funding
- The May 2005 Assembly Resolution on Research Funding Sources
- The July 2004 Council Resolution on Restrictions on Research Funding Sources

As background to the Regents item, we also considered the Academic Council’s workgroup report to Chair Oakley that offers answers to the set of questions posed by Regent Moores in his letter of January 23, 2007, and a set of correspondence relating to the San Diego campus’ history with and discussion of the tobacco funding issue.

Please inform the Assembly of the Senate of UCPB’s opposition to RE-89.

Sincerely,

Chris Newfield, Chair  
UCPB

Copy: Executive Director Bertero-Barcelo  
UCPB



UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE (UCP&T)  
Kathleen Montgomery, Chair  
[kathleen.montgomery@ucr.edu](mailto:kathleen.montgomery@ucr.edu)

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April 3, 2007

**JOHN OAKLEY, CHAIR  
ACADEMIC COUNCIL**

**RE: UCP&T Review of Regents Proposed RE-89: Restricting University Acceptance of  
Funding from the Tobacco Industry**

Dear Chair Oakley:

The University Committee on Privilege and Tenure (UCP&T) concurs with the Academic Assembly's October 11, 2006, resolution disapproving of placing any restrictions on the ability of individual faculty members to accept research funding based solely on the source of that funding; and therefore, the committee recommends that the Academic Senate oppose the proposed Regental policy, RE-89.

In particular, UCP&T members reflect their divisions' concerns that the proposed policy might lead to the politicization of the university research process by outside groups, interfering with faculty research and the development of new knowledge.

Moreover, existing protocols for peer review assure the integrity of the research endeavor. Should the Regents perceive that these guidelines provide inadequate safeguards, such concerns are best addressed through proposed changes to the UC policies on research integrity, without targeting specific sources of funding.

Sincerely,

Kathleen Montgomery, Chair  
UCP&T

cc: Maria Bertero-Barcelo, Executive Director  
UCP&T

KM/kp



April 6, 2007

JOHN OAKLEY  
Chair, Academic Senate

*Subject: RE-89 – adoption of policy restricting University acceptance of funding from the tobacco industry*

On April 2, 2007, the Divisional Council of the Berkeley Division considered the proposed policy cited above, and the comments of the divisional Committee on Academic Freedom and Committee on Research.

Divisional Council endorsed the position of the Committee on Academic Freedom:

The Academic Freedom committee is cognizant of the sordid history of tobacco-funded research, and understands that the motivation for the policy lies not just in moral disapproval of the tobacco industry, but in the insidious form in which that industry has made use of and corrupted academic research. Nonetheless, the Committee unanimously believes that RE-89 would constitute a serious violation of the academic freedom of researchers. The ability of researchers to seek funds from any source, provided the research done is consistent with university policies, is an integral part of academic freedom. Researchers are free to disdain tobacco funding, and it is consistent with academic freedom to require disclosure of all funding sources, but we believe it would be unwise for the Regents to prevent researchers from pursuing this (or any otherwise lawful) funding source. We therefore reiterate our commitment to the principle of freedom in research funding sources, as declared by the University Senate, adopted on 11 October 2006.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Drummond', written over a light gray rectangular background.

William Drummond  
Chair, Berkeley Division of the Academic Senate

Cc: Christopher Kutz, Chair, Committee on Academic Freedom  
Miguel Villas-Boas, Chair, Committee on Research  
Diane Sprouse, Senate Analyst, Committee on Research  
Lili Vicente, Senate staff, Committee on Academic Freedom



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April 9, 2007

**JOHN OAKLEY, CHAIR**

Assembly of the Academic Senate  
Academic Council  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607

Re: Davis Division's Recommendation --- RE 89

The Davis Division of the Academic Senate has reviewed Regent's Policy, RE89, a proposed ban on accepting funding from the tobacco industry. Items pertaining to this policy were posted to the academic senate web site, including the materials presented at the Regents meeting by Professor Glantz, and the recent editorial authored by Regent Moores (<http://academicsenate.ucdavis.edu/>).

The deliberations on the Davis campus included an open forum on the academic senate web site (<http://academicsenate.ucdavis.edu/forums/tobacco.cfm>), and a town hall meeting held March 19<sup>th</sup> to which the floor was given to non-senate faculty and outside guests, including representatives from the American Cancer Society. RE89 was then considered at a Representative Assembly meeting held April 2, 2007, on the Davis campus. A motion to support RE89 was made at the meeting. The vote was for: 1, against: 47, and abstain: 0.

Thus, after thorough deliberation the Davis Division of the Academic Senate does not endorse RE89.

Sincerely,

A handwritten signature in blue ink, which appears to read "Linda F. Bisson".

Linda F. Bisson  
Professor of Viticulture and Enology  
Chair of the Davis Division  
of the Academic Senate

c: Davis Division Representative Assembly Membership





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(949) 824-2215 FAX

April 12, 2007

John Oakley, Chair, Academic Council  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607-5200

**RE: Regents' Request for Senate Action Regarding RE-89's Proposed  
Restriction of Research Funding from the Tobacco Industry**

After an extensive discussion of the proposal for the University of California to decline funding from the tobacco industry for tobacco-related research, as described in RE-89, the Irvine Divisional Senate Assembly voted 7 yes and 23 no. Speakers both pro and con talked about the hazards of smoking and acknowledged the deceptions and criminal actions of many of those in the tobacco industry. They also spoke to the importance of maintaining academic freedom, the safeguards that are now in place to prevent and report research misconduct, and the impact of such potential restrictions now and in the future.

While acknowledging concerns about the possible effect of such restrictions on academic freedom, those supporting the proposal believed that the ban is appropriate, as it represents the University's moral opposition to the tobacco industry's unethical practices in the manipulation of scholarly research to misinform the public about the dangers of tobacco use. Proponents emphasized that the ban is not intended to question the research integrity of faculty who have conducted meritorious research using tobacco funding; it responds to a "rare and compelling circumstance," in which the proven deception by manufacturers and distributors of tobacco products justifies restrictions. In this case, a product was designed to cause addiction in its users that can adversely affect their health and contribute to an early death. Since tobacco companies have distorted research results and have attempted to mislead the public, continued acceptance of tobacco funding for the studies described would provide a cloak of respectability for them and would violate public trust. A similar compelling circumstance led to the University of California's strong statements and actions on apartheid and for divestment of holdings in South Africa. Those supporting the ban also noted that several prestigious research universities such as Harvard and Stanford have restricted funding from the tobacco industry, without damage to their research programs. A similar ban by the University of California would help to send a strong message to the industry that there are penalties for unethical actions.

Opponents of the restriction noted that the UC system already has rules about publishing results and publishing independently, and individual faculty members are capable of making funding judgments for themselves. Peer reviewed publications offer public scrutiny of the research, and such scientific publications require identification of the funding sources. Faculty should be assumed to have research integrity. Furthermore, if they violate research conduct by falsifying data, there are established University protocols to deal with such violations. Opponents also cited many of the points raised in the summary of the issues from the Regents' Committee on Finance, including the slippery slope argument—if restrictions are placed on tobacco funding, then why not on funding from the pharmaceutical, oil, and other industries that may have equally questionable products or practices but that have not been under such intense scrutiny as the tobacco industry. In short, where do you draw the line in ethical issues of this sort? Furthermore, opponents believed that interpreting the policy and creating criteria for assessment were also reasons for concern, since scholarly decisions would be made at an administrative level.

The Irvine Division appreciates the opportunity to comment on this important issue. We believe that the Assembly vote is representative of faculty opinion on this campus and that our comments echo those made in writing and in person at other Senate meetings.

A handwritten signature in dark ink, reading "Martha McCartney". The signature is fluid and cursive, with the last name "McCartney" having a large, sweeping loop at the end.

Martha McCartney, Senate Chair



ACADEMIC SENATE EXECUTIVE OFFICE  
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April 13, 2007

Professor John Oakley  
Chair of the Academic Assembly  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607-5200

**In Re: Review of The Regents' Proposed RE-89 - Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry**

Dear John:

Thank you for the opportunity to opine upon the proposed RE-89 policy that would restrict University of California acceptance of funding from the tobacco industry. Upon receipt of the proposal, UCLA Divisional Chair Vivek Shetty asked the Executive Board, an elected body that is authorized to speak on behalf of the Los Angeles Division, to opine. The proposal was reviewed by the Executive Board on March 15, 2007. The Board passed the following resolution:

WHEREAS the Proposed RE-89 - Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry represents an unwarranted infringement upon academic freedom and is inconsistent with the research mission of the University of California,

THEREFORE, BE IT RESOLVED, that the Executive Board of the UCLA Division of the Academic Senate unequivocally opposes the proposed RE-89 and urges that no part of it be adopted.

7 in favor, 0 opposed, 2 abstaining

This position by the Executive Board is consistent with the UCLA Division's historical response to the matter. As you may recall, the Academic Senate considered a measure in 2005 that would have restricted the University's ability to receive funding from the tobacco industry. At that time, UCLA Senate Chair Kathleen Komar requested that the Legislative Assembly, the Executive Board, the Council of Faculty Executive Committee Chairs, the Council on Planning and Budget, and the Academic Freedom respond. She also convened a Faculty Town Hall meeting on the matter. At the time, "there was a strong majority opinion that we would rather err

on the side of academic freedom...” (Correspondence, March 9, 2005, from Kathleen Komar to George Blumenthal).

Divisional Chair Shetty is unavailable this week and next. As Vice Chair, I am responding on behalf of the UCLA Division as indicated in Divisional Bylaw Chapter IV, Section 1.20.B.1. Please do not hesitate to contact me if further clarification is required.

Sincerely,

A handwritten signature in blue ink, reading "Elizabeth L. Bjork". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Bjork" clearly legible.

Elizabeth Ligon Bjork  
Vice Chair, UCLA Divisional Senate

Cc: Vivek Shetty, Chair, UCLA Divisional Senate  
María Bertero-Barceló, Systemwide Senate Executive Director  
Jaime Balboa, UCLA Senate Chief Administrative Officer

---

**From:** Nancy Clarke [mailto:nclarke@ucmerced.edu]  
**Sent:** Monday, April 16, 2007 9:35 AM  
**To:** Maria Bertero-Barcelo  
**Subject:** RE-89

Dear Maria,

I wanted to let you know that UC Merced will not be providing a written response to RE-89. For the record, please know that this item was included in the March 21, 2007 Notice of Meeting Agenda where it was also briefly discussed. All relevant documents surrounding this issue were then posted on the UC Merced website and distributed to the Chairs of the Senate Committees and the Chairs of the School's Senate Faculties.

Nancy

Nancy Clarke, Senate Director  
Academic Senate, Merced Division  
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April 13, 2007

John Oakley  
Professor of Law  
Chair, UC Systemwide Academic Senate  
1111 Franklin St., 12th Floor  
Oakland, CA 94607

RE: Systemwide Review of [RE-89](#) - Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry  
(<http://www.universityofcalifornia.edu/senate/underreview/sw.rev.RE89.0207.pdf>)

Dear John,

The Committee on Academic Freedom, the Committee on Faculty Welfare and the Committee on Research have reviewed RE-89, and they all rejected the measure. The Committee on Academic Freedom “unanimously decided against any restrictions.” Meanwhile the Committee on Research found it not only “an infringement of the academic freedom of individual members of the faculty” and one that “could initiate a slide down the ‘slippery slope’ of restrictions on other funding sources,” but also “unnecessary” since the current “policy on integrity in research already requires those engaged in research to adhere to the highest standards of intellectual honesty.” Finally the Committee on Faculty Welfare pronounced this measure “an unjustified breach of the concept of academic freedom which serves as the bedrock of the mission of the University,” and the measure’s “implicit lack of confidence” in the faculty’s “research integrity” was “harmful to the University.”

In addition, all members of the Riverside Division were invited to register their opinion of RE-89 by a secret ballot, and in the end, 72 voted against the measure and 52 voted for it.

In light of the results from these committees and from the campus-wide ballot, it is safe to say that a majority of the faculty do not support the measure.

On behalf of my colleagues, let me send our collective thanks for asking our opinion in this important matter.

Yours sincerely,

A handwritten signature in black ink, which appears to read "Thomas Cogswell". The signature is fluid and cursive.

Thomas Cogswell  
Professor of History; and  
Chair of the Riverside Division



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April 13, 2007

Professor John Oakley  
Chair, Academic Senate  
University of California  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, California 94607-5200Re: Systemwide Senate Review of The Regents' Proposed RE-89 – Adoption of Policy Restricting  
University Acceptance of Funding from the Tobacco Industry

Dear John:

In response to your request of February 26, the San Diego Divisional Senate Council discussed The Regents' item RE-89 – Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry. The Senate Council decided that this item would not be distributed for committee comment and review.

On July 21, 2004, Academic Council adopted a resolution, originally submitted by the University Committee on Research Policy, which reads as follows:

*“Resolved, That the principles of academic freedom and the policies of the University of California require that individual faculty members be free to accept or refuse research support from any source, consistent with their individual judgment and conscience and with University policy. Therefore, no unit of the University should be directed (by faculty vote or administrative decision) to refuse to process, accept, or administer a research award based on the source of the funds; and no special encumbrances should be placed on a faculty member’s ability to solicit or accept awards based on the source of the funds.”*

When subsequently asked to consider this resolution, the San Diego Divisional Senate Council strongly supported it, stating in its March 14, 2005 letter that “the San Diego Senate Council found that the UCORP resolution is sensible and entirely consistent with the principles informing academic freedom, research integrity, institutional interest, and, withal, the structures and mechanisms of shared governance.”

The current Senate Council noted that The Regents' proposed item RE-89 would be in conflict with its previously stated position in support of the resolution adopted by the Academic Council. In making the decision not to circulate RE-89 for committee review, the Council reaffirmed its previous position regarding the principles of academic freedom and restrictions on research funding. The Council also stated its concern that such a ban would open the door to endless future prohibitions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Henry C. Powell", with a long, sweeping horizontal line extending to the right.

Henry C. Powell, Chair  
Academic Senate, San Diego Division

# UNIVERSITY OF CALIFORNIA, SAN FRANCISCO

## ACADEMIC SENATE



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Jean Olson, MD, Parliamentarian

April 13, 2007

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

RE: Divisional Response to Proposed RE-89

Dear Chair Oakley:

The San Francisco Division has reviewed the Regents' Proposed RE-89, Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry. The Executive Committee of the UCSF Academic Senate decided that the response from the Division should be based on a vote of the Senate faculty. During the period beginning March 21 through April 11, 2007, the San Francisco Division conducted an electronic survey of the Senate faculty. The results of the vote are as follows:

Shall UCSF recommend to the Assembly of the Academic Senate that the UC Regents adopt the following policy (RE-89)?	
Yes	59%
No	38%
Abstain	3%

Considering the results of this vote, the San Francisco Division recommends that the Assembly of the Academic Senate *endorse* RE-89.

Please feel free to contact me at [mary.malloy@ucsf.edu](mailto:mary.malloy@ucsf.edu) or 415-476-2754, or Senate Analyst Wilson Hardcastle at [wilson.hardcastle@ucsf.edu](mailto:wilson.hardcastle@ucsf.edu) or 415-476-4245 if you have any questions. Thank you.

Sincerely,

Mary J. Malloy, MD  
Professor and Secretary  
San Francisco Division

cc: Deborah Greenspan, Chair, UCSF Academic Senate  
Maria Bertero-Barcelo, Executive Director, UC Academic Council





ACADEMIC SENATE  
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senate.reception@senate.ucsb.edu  
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Joel Michaelsen, Chair  
Claudia Chapman, Executive Director

April 10, 2007

John Oakley, Chair  
Academic Council

RE: RE-89 – Regents' Proposed Policy Restricting Funding from the Tobacco Industry

Dear John:

The Santa Barbara Division has completed its review of RE-89. The proposed policy was reviewed by the faculty executive committees of all the colleges and schools, several central councils, and the Executive Council. The clear and unanimous response was to oppose RE-89.

Any restriction of a source of funding from any area, whether private or government, was seen as an affront to academic freedom, and a dangerous form of micromanagement that may set a precedent for further restrictions—not only on funding sources, but also on research topics. There may be sources of funds that may be objectionable to some faculty, administrators and even Regents, and acceptable to others. Those faculty, administrators, and even Regents, should not be in a position to determine which sources are acceptable and which are not on political, or even ethical grounds. The burden of determining acceptability of funding, assuming all existing University criteria are met, must remain with the faculty researcher.

Government, professional, and University policies, regulations and procedures are in place to address breaches of research integrity. These appear to be functioning effectively, and the University should continue to rely on them rather than setting a potentially dangerous precedent by banning funding from specific sources.

Sincerely,

A handwritten signature in cursive script, reading "Joel Michaelsen".

Joel Michaelsen  
Divisional Chair



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SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate  
SANTA CRUZ DIVISION  
125 CLARK KERR HALL  
(831) 459 - 2086

April 12, 2007

John Oakley, Chair  
Academic Council

**RE: System-wide Review of The Regents' Proposed RE-89- Adoption of Policy Restricting University  
Acceptance of Funding From the Tobacco Industry**

Dear John,

Consistent with our long-standing practices, the UC Santa Cruz Division asked its committees to provide guidance on a matter of consultation. Our Senate Executive Committee (SEC) instructed me to report to you the opinions of our committees. We received recommendations from three committees: Committee on Academic Freedom (CAF), Committee on Planning and Budget (CPB) and Committee on Research (COR). All three committees recommend that the Regents do not adopt RE-89. Two of the committees requested their recommendations be communicated *verbatim* to the system-wide Academic Council. I am therefore attaching the letters from all three committees.

As you can see, the committees at UCSC consulted the letter from Regent Moores and the letter you sent to him in reply, with the answer to his questions as devised by the 5-person special committee.

I hope that it is not inappropriate for me to add two personal comments. First, while I personally would support RE 89 as proposed, I must and shall follow the will of my Division; thus, I must and shall faithfully to represent them at Council and in Assembly. Second, even though I sympathize with the sentiment that the tobacco case represents a unique situation, I am persuaded by my colleagues who oppose RE 89 that the Regents have thus far failed to articulate what it is that makes tobacco a unique case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Faye J. Crosby".

Faye J. Crosby, Chair  
Academic Senate  
Santa Cruz Division

Attached: Letter from Committee on Academic Freedom (CAF); Letter from Committee on Planning and Budget (CPB) ; letter from Committee on 'Research (COR).

April 6, 2007

Faye Crosby, Chair  
Academic Senate

**RE: The Regents' Proposed RE-89 – Adoption of a Policy Restricting University Acceptance of Funding From the Tobacco Industry**

Dear Faye;

The Committee on Planning and Budget recommends in the strongest possible terms that the Regents do not adopt RE-89. Implementation of this resolution would violate long-standing, fundamental principles that govern the conduct of research at the University of California. Passing this resolution would set an unacceptable precedent that would be antithetical to the UC research mission.

CPB requests that our recommendation be communicated *verbatim* to the system-wide Academic Council and the Academic Assembly.

Sincerely,



Susan Gillman, Chair  
Committee on Planning and Budget

Cc: Committee on Academic Freedom  
Committee on Research  
VC Research Bruce Margon

April 10, 2007

Faye Crosby, Chair  
Academic Senate

**RE: The Regents' Proposed RE-89 – Adoption of a Policy Restricting University Acceptance of Funding From the Tobacco Industry**

Dear Faye;

The Committee on Academic Freedom (CAF), after careful and considered review of the relevant documents and position papers, recommends in the strongest possible terms that the Regents do not adopt RE-89, which would seriously compromise APM 010's guarantee of "freedom of inquiry and research." We wish to underscore the following points:

- There is no demonstrable need for restrictions on funding sources in order to guarantee findings independent of those sources. The banning of research funds from a particular source sets a dangerous precedent.
- Current policies governing the conduct of research at UC provide sufficient safeguards against abuses derived from sources of funding. See, for example, the University Committee of Research Policy 2004 report on *Problematic Restrictive Clauses in Contracts, Grants, and Gifts for Research*, adopted by the Academic Council, or the May 2005 *Statement of Ethical Values*, adopted by the Regents. These, and other documents and policies, including the Faculty Code of Conduct, allow for sufficient university oversight and provide clear and coherent delineations of researchers' responsibilities within a context of academic freedom and shared governance.
- Faculty PIs may indirectly receive research funding on smoking and tobacco use generated by tobacco taxes and disseminated by the state. In addition, the complex structure of corporate tobacco can make it difficult to discern what is tobacco money and what isn't. Policing this ban would be difficult and cumbersome.

The UCSC CAF concludes that the principles of academic freedom will be best served by ending this and all future attempts to ban funding from specific sources.

Sincerely,

Chris Connery, Chair  
Committee on Academic Freedom

Cc: Committee on Planning and Budget and Research  
VC Research Bruce Margon

## MEMORANDUM

**DATE:** 23 March 2007

**TO:** Faye Crosby, Chair of the Academic Senate  
Members of the UCSC Senate Executive Committee

**CC:** Bruce Margon, Vice Chancellor for Research

**FROM:** 2006-07 Committee on Research

**RE:** UCSC COR position on RE89

The 2006-07 Committee on Research (COR) is writing to comment on RE89, a proposal to ban funding associated with the Tobacco industry from the University of California. The COR has discussed this issue at length, this year and during previous years, and has reviewed the draft letter from the Ad-Hoc UC-wide Academic Council (AC) committee to System Senate Chair John Oakley (dated 3/12/07), responding to the questions raised by Regent Moores with regard to the implications of RE89. On the basis of numerous discussions and considerable deliberation, the UCSC COR makes a recommendation and a request:

(1) The UCSC COR makes the strongest possible recommendation that the regents do not adopt RE89. Implementation of this resolution would violate fundamental, long-standing principles that govern the conduct of research within the University of California. Implementation of such a ban would be antithetical to the UC research mission and would be damaging to UC's standing as a world-class research institution.

(2) The UCSC COR requests that this document be communicated *verbatim* and in its entirety to the System-wide AC and Academic Assembly (AA).

We note that the first of four primary UCSC COR charges listed in the UCSC Division bylaws includes a mandate to: "...[inform] the Division concerning issues pertaining to the research mission at UCSC and the University of California, such as campus budgetary needs for the support of research and the support of research infrastructure; *policy and strategy regarding the pursuit and acceptance of such support*; promotion and coordination of multidisciplinary research and collaborative work among faculty; and *policies governing acceptance of extramural funding*." (emphasis added)

Given this mandate, the COR considers its recommendation concerning RE89 to represent the UCSC research enterprise and the interests of faculty, researchers, students, and administrators across the campus. In addition, the UCSC COR sincerely hopes that the regents and the System-wide AC and AA will end attempts to secure a ban on funding from any specific funding source, such as the kind described in RE89.

The following information relevant to Agenda Item VII.6 may be accessed on the Senate's website at the URLs here listed and linked:

1. [January 23, 2007 letter of Regent Moores to Chair Oakley](#)
2. [March 19, 2007 letter of Chair Oakley to Regent Moores](#), including the response of the Academic Council's working group.
3. February 14, 2007 Notice of Meeting of the Assembly of the Academic Senate  
[Notice of Meeting \(agenda\)](#)
4. October 11, 2006 Notice of Meeting of the Assembly of the Academic Senate  
[Notice of Meeting \(agenda\)](#)
5. [The Academic Senate's Resolutions on the Research-Funding Issue](#), memo from the Assembly to President Dynes (10/06)
6. May 11, 2005 Notice of Meeting of the Assembly of the Academic Senate  
[Notice of Meeting \(agenda\)](#)
7. [Research Funding Sources, Assembly Resolution, memo to the President](#) (05/05)
8. [Restriction on Research Funding Sources, Academic Council's Resolution on](#) (7/04)
9. The following documents were submitted by Assembly Members as relevant to Agenda Item VII. 6. : Regents' Request for Senate Action Regarding RE-89's Proposed Restriction of Research Funding from the Tobacco Industry (page 35).
  - A. Submitted by Professor Stanton A. Glantz, UCSF
    - [Chronological list of actual policies on tobacco funding at other Universities](#)
    - [Professor Stan Glantz's presentation to The Regents \(January 07\)](#)
  - B. Submitted by Professor Henry Powell, Division Chair, UCSD
    - [April 5, 2007, email to Assembly Members. "Appeal to UC Academic Assembly for Fair Consideration Regarding Action Item RE89 on Tobacco Funding," from James E. Enstrom, Ph.D., M.P.H., UCLA](#)

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

### **Academic Council (continued)**

- **John B. Oakley, Chair**

- 7. Apportionment of Representatives to the Assembly, 2007-2008 (information)**

In accordance with [Senate Bylaw 105. A. 4.](#), the Academic Council at its March 28, 2007 meeting approved the apportionment of the 40 Divisional Representatives for 2007-08. On the basis of Divisional Academic Senate membership as of March 2007, [the Webster Method of Calculation](#) was used to determine the number of Divisional representatives. The apportionment of representatives for 07-08 is as follows:

<b>DIVISION</b>	<b>NUMBER OF REPRESENTATIVES/DIVISION</b>
<b>Berkeley</b>	<b>6</b>
<b>Davis</b>	<b>6</b>
<b>Irvine</b>	<b>4</b>
<b>Los Angeles</b>	<b>8</b>
<b>Merced</b>	<b>1</b>
<b>Riverside</b>	<b>2</b>
<b>San Diego</b>	<b>4</b>
<b>San Francisco</b>	<b>4</b>
<b>Santa Barbara</b>	<b>3</b>
<b>Santa Cruz</b>	<b>2</b>
<b>TOTAL:</b>	<b>40</b>

## VII. REPORTS OF STANDING COMMITTEES (continued)

### Academic Council (continued)

- **John B. Oakley, Chair**

#### 8. Assembly Meeting Schedule, 2007-2008 (information)

In accordance with [Senate Bylaw 110.A.3.b.](#), the following dates for the 2007-2008 Assembly meetings were set in consultation with the President of the Senate and the Academic Council.

<b><u>Meeting Dates (Wednesdays)<sup>1</sup> and Locations<sup>2</sup></u></b>	<b><u>Submission Receipt Date<sup>3</sup></u></b>
October 17, 2007	September 12, 2007
November 7, 2007	October 24, 2007
December 12, 2007	November 9, 2007
January 30, 2008	January 3, 2008
February 20, 2008	January 10, 2008
March 12, 2008	February 7, 2008
April 16, 2008	March 19, 2008
May 7, 2008	April 9, 2008
June 11, 2008	May 14, 2008

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<sup>1</sup> Since [Senate Bylaw 110.A.3.b.](#) requires that regular meetings be noticed by July 1, more meetings than may be necessary have been scheduled. Most will be held via teleconference, but in keeping with the wishes of Assembly members as noted in the May 10, 2006 meeting, the first face-to-face meeting will be held as early as possible in new academic year pending a substantive Agenda

<sup>2</sup> Face-to-face meetings will be held in Oakland or Berkeley.

<sup>3</sup> 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)**

### **B. University Committee on Committees (UCOC) (information)**

- **Ruth Greenblatt, Chair**

Appointment of the 2007-2008 Systemwide Senate Committees Chairs and Vice Chairs

**The University Committee on Committees has made the following appointments of Chairs and Vice Chairs for 2007-2008:**

#### **Academic Freedom (UCAF)**

Chair: Raphael Zidovetzki (R)

Vice Chair: TBD

#### **Academic Personnel (UCAP)**

Chair: James Hunt (B)

Vice Chair: Steve Plaxe (SD)

#### **Affirmative Action (UCAAD)**

Chair: Paula Yahr (I)

Vice Chair: Francis G. Lu (SF)

#### **Board of Admissions and Relations with Schools (BOARS)**

Chair: Mark Rashid (D)

Vice Chair: Trish Stoddart (SC)

#### **Coordinating Committee on Graduate Affairs (CCGA)**

Chair: Bruce Schumm (SC)

Vice Chair: Farid Chehab (SF)

#### **Editorial**

Chair: Cecile Whiting (I)

Vice Chair: Donald Brenneis (SC)

#### **International Education (UCIE)**

Chair: Errol Lobo (SF)

Vice Chair: Vincent Resh (B)

#### **Educational Policy (UCEP)**

Chair: Keith William (D)

Vice Chair: TBD

#### **Faculty Welfare (UCFW)**

Chair: James Chalfant (D)

Vice Chair: Helen Henry (R)

**Information Technology and Telecommunications Policy (ITTP)**

Chair: Lisa Naugle (I)  
Vice Chair: Jackson Beatty (LA)

**Library (UCOL)**

Chair: Ben Crow (SC)  
Vice Chair: Nick Jewell (B)

**Planning and Budget (UCPB)**

Chair: Chris Newfield (SB)  
Vice Chair: Patricia Conrad (D)

**Preparatory Education (UCOPE)**

Chair: Jan Frodesen (SB)  
Vice Chair: Robert Ochsner (M)

**Privilege and Tenure (UCP&T)**

Chair: Sarah Fenstermaker (SB)  
Vice Chair: Ching C. Wang (SF)

**Research Policy (UCORP)**

Chair: Jose Wudka (R)  
Vice Chair: James Carey (D)

**Rules and Jurisdiction (UCR&J)**

Chair: Daniel Hirshberg (I)

**VIII. UNIVERSITY AND FACULTY WELFARE REPORT (none)**

**IX. PETITION OF STUDENTS (none)**

**X. UNFINISHED BUSINESS (none)**

**XI. NEW BUSINESS**

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

*Next scheduled meeting of the Academic Assembly: June 13, 2007*