

UNIVERSITY OF CALIFORNIA

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Notice of Meeting

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

Wednesday, October 31, 2001 10 a.m.-4 p.m.
Sunset Village, Covell Commons
330 DeNeve Drive
University of California Los Angeles

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I. Roll Call

**2001-2002 Assembly Roll Call
October 31, 2001**

President of the University:

Richard Atkinson

Academic Council Members:

C.R. Viswanathan, Chair

Gayle Binion, Vice Chair

David Dowall, Chair, UCB

Jeffery Gibeling, Chair, UCD

James Buchanan, Chair, UCI

John Edmond, Chair, UCLA

Irwin Sherman, Chair, UCR

Michael Bernstein, Chair, UCSD

Daniel Bikle, Chair, UCSF

Richard Watts, Chair, UCSB

George Blumenthal, Chair, UCSC

Barbara Doshier, Chair, UCAP

Charles Perrin, Chair, CCGA

David Dooley, Chair, UCEP

Dorothy Perry, Chair, BOARS

Renee Binder, Chair, UCFW

Alan Jackman, Chair, UCPB

Berkeley (7)

James Bartolome

Steven Beckendorf

Steven Botterill

John McWhorter

Daniel Melia

Jeffery Riegel

Howard Shelanski

Davis (6)

Lester Ehler

Dallas Hyde

Jerry Powell

Evelyn Silvia

Jessica Utts

Philip Yager

Secretary/Parliamentarian

Peter Berck

Irvine (4)

James Danziger

Joseph F. DiMento

Alexei A. Maradudin

William Sirignano

Los Angeles (9)

Kathryn Atchison

Dalila Corry

Robert Ettenger

Lillian Gelberg

Seymour Levin

Ajit Mal

Jose Moya

Jane Valentine

Shi Zhang

Riverside (2)

Bajis Dodin

R. Erwin Taylor

San Diego (4)

Ellen T. Comisso

Jeanne Ferrante

Kim R. MacConnel

Donald F. Tuzin

San Francisco (3)

Mary Croughan-Minihane

Patricia Benner

Barry Massie

Santa Barbara (3)

Michael Gerber

Dan Little

(1 TBA)

Santa Cruz (2)

Alison Galloway

Susan Schwartz

II. Minutes

Minutes of the Meeting of May 23, 2001

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE Minutes of May 23, 2001

I. Call to Order/Roll Call of Members

Pursuant to call, the Assembly of the Academic Senate met at 10 a.m. on Wednesday, May 23, 2001 in International Rooms 1 & 3, Tom Bradley International Hall, UC Los Angeles.

The meeting was called to order by Assembly Chair Michael Cowan. Senate Executive Director Bertero-Barceló called the roll of the Assembly; the meeting attendance is listed in Appendix A of these minutes.

II. Minutes of February 28, 2001

Chair Cowan asked whether there were any corrections to the minutes of the Assembly's meeting of February 28, 2001. BOARS Chair Perry noted that page 7 of those minutes required two corrections: The fifth bulleted item should be changed to read: "Students participating in this dual admissions plan would be admitted to one UC campus and enrolled at a California Community College to complete lower-division work." Second, the eighth bulleted point should be changed to read " . . . UC has agreed to increase the number of transfer students by 50 percent in the next few years, to 15,000 students by 2005." A repetition of a point on page 3 also will be eliminated. With these changes, the minutes were approved as submitted.

IV. Announcements by the Chair

Chair Cowan noted that he has been working with UCOP Provost King to establish a small workgroup that will try to identify faculty-specific issues related to state-funded summer instruction. He encouraged Assembly members to forward any questions they have about such issues to their divisional chairs or to statewide Senate committee chairs.

Chair Cowan noted that, with the Regents' rescision of SP-1 and SP-2, the Senate now is under great pressure to consider the implications of this rescision for admissions criteria – not only minimal admissions criteria, but “sortive” or “selection” criteria used when a campus has more qualified applicants than enrollment slots. It is clear, he said, that Senate divisions will have to take the unusual step of working through the summer on this issue. He noted that the Senate is working with the Office of the President, and through it with campus administrations, to ensure that administrations provide the staff support, and support to faculty, necessary to allow this summer work to go forward.

V. Special Orders

There were no special orders.

VI. Reports of Special Committees

Report of the Senate's Task Force on UC Merced

Chair Cowan asked if Assembly members had any questions about the report on UC Merced included in the *Assembly's Notice of Meeting*. He noted that the Senate is interested in establishing, at the earliest reasonable moment, a Senate division at UC Merced. Pending this, the Task Force has begun to act in some ways as a division. Over the next two years, the Task Force will be considering ways in which the transition from Task Force to Senate division can be accomplished. The first UCM faculty should begin work in about a year. A cadre of faculty should exist by fall 2003-04 – one year before the campus will open. At that point it may be possible to think about a divisional structure. The UCM CAP, consisting of faculty from other UC campuses, already is in operation and currently is reviewing all administrative appointments that have academic titles.

BOARS Chair Perry noted that the faculty of the University of California are deeply indebted to UCM Task Force Chair Spiess for the work he has done on behalf of the Senate over the past three years. Chair Cowan seconded those sentiments.

VII. Reports of Standing Committees

A. Academic Council

Michael Cowan, Chair

- **Nomination and Election of Vice Chair of the Assembly, 2001-2002**

Chair Cowan noted the responsibility of the Academic Council to nominate a Senate member to serve as Vice Chair of both the Assembly and the Academic Council. He reminded Assembly members that nominations for the posts can

also come from the floor of the Assembly. He then asked current Vice Chair Viswanathan to submit for Assembly consideration the Council's nominee for the posts. On behalf of the Academic Council, Vice Chair Viswanathan nominated Gayle Binion, a professor of political science at UC Santa Barbara and current chair of the Senate's University Committee on Planning and Budget. Vice Chair Viswanathan reviewed Professor Binion's background. Professor Cowan asked if there were any other nominations for the position. Hearing none, Chair Cowan asked for a vote on the nomination of Professor Binion. By unanimous voice vote of the Assembly, Professor Binion was elected Vice Chair of the Assembly and Academic Council for 2001-2002.

- **Nomination and Election of the Universitywide Committee on Committees at-large Membership, 2001-2002.**

Chair Cowan noted the make-up of the Senate's University Committee on Committees (UCOC). The at-large members of the committee are nominated, he said, by UCOC, with those nominations forwarded to the Assembly for approval. Nominations for the at-large posts may also come from the Assembly floor. Chair Cowan noted that, for 2001-02, UCOC is recommending UCLA Professor Concepcion Valadez for the post of committee chair and UCB Professor Ronald Stroud for the other at-large committee position. Chair Cowan asked for other nominations. Hearing none, he called for a vote on the nominations. By unanimous voice vote, Professor Valadez was elected Chair and Professor Stroud the other at-large member of the University Committee on Committees for 2001-2002.

- **Assembly Meeting Schedule, 2001-2002**

Chair Cowan noted that the Assembly's meeting schedule is put together by the Chair of the Assembly in consultation with the President and the Academic Council. The meeting schedule for 2001-2002, agreed to by these parties, is listed in the *Notice of Meeting* for the Assembly's information. Chair Cowan said that, because of the extraordinary time-pressure to produce modifications in UC's admissions regulations this year, it may be necessary to have two meetings of the Assembly this coming fall – one as set forth in the schedule in October, and another in December. This means that the Assembly could meet up to four times in 2001-2002.

One Assembly member noted that the Assembly's first meeting of 2001-2002 is scheduled for Halloween – a difficult meeting date for Assembly members who have young children.

- **Ratification of the Appointment of the Secretary/Parliamentarian**

Chair Cowan noted that Professor Alden Mosshammer has been serving for several years as the Assembly's Secretary/Parliamentarian, but will be going on sabbatical in the coming year and thus will not be able to continue serving. Chair Cowan said it would be appropriate for the Assembly to formally express its gratitude to Professor Mosshammer for his able service in the post. The Assembly gave a round of applause to Professor Mosshammer. Chair Cowan noted the Academic Council agreed to nominate Professor Peter Berck of UC Berkeley to serve as Secretary/Parliamentarian for a three-year term that will commence September 1. He asked the Assembly to ratify the nomination of Professor Berck. By unanimous voice vote, Professor Berck was ratified as Secretary/Parliamentarian of the Assembly.

- **Apportionment of Representatives to the Assembly, 2001-2002**

Chair Cowan drew Assembly members' attention to the campus apportionment of Assembly members for 2001-2002.

III. Announcements by the President

Prior to the President's arrival, Provost King spoke to the Assembly on several issues:

- Assuming approval by the Assembly and the Regents, the administration is prepared to implement the dual admissions program. An important component of it, he said, will be budgetary support that will enable increased counseling of community college students and improvements in community college curricula, to facilitate the movement of dual admissions students to UC campuses.
- John McTague will join UC in one week as Vice President for Laboratory Management in the Office of the President, in which position he will oversee UC's management of the Department of Energy labs at Livermore, Berkeley, and Los Alamos. Provost King briefed the Assembly on McTague's background, which included being a UCLA Chemistry Department faculty member.

Upon his arrival, President Atkinson briefed the Assembly on:

- This year's state budget. Despite the prospect of a bad budget year, all four of UC's California Institutes for Science and Innovation are expected to be funded.

- Fall undergraduate enrollments. The University will show a dramatic increase in statements of intent to register by underrepresented minorities among freshman applicants. Likewise, there has been a pleasing proportional increase in underrepresented minorities among transfer students.
- The state audit of new faculty hires by gender. The state report, he said, indicates that starting salaries for male and female UC faculty differ little – by perhaps 1.5 percent. He noted a standard has been agreed to with the state for judging gender equity in faculty hiring. The University will look at the fields it has hired in during a given year and then look at female availability pools for those fields. Using this procedure, the recent state audit found that recent availability pools averaged 33 percent women, while the cohorts of faculty that UC hired were 29 percent women. UC will insist that all campuses have career review procedures in place to ensure equal treatment in advancement. The State Auditor has suggested that, to increase its proportion of female faculty, UC might hire more faculty in fields that contain greater proportions of women in their candidate pools.
- UC-Mexico relations. The University has an expanding relationship with Mexico, the President said. As part of a state tour with Governor Davis, Mexican President Fox and representatives of the Mexican education agency CONACYT visited the UCLA campus recently to discuss present and future educational relationships between the state of California and Mexico. The Mexican leadership wants Mexican education to forge ties specifically with the University of California.
- Fall admissions. Evidence from statements of intent to register is that UC's new admissions procedure, eligibility in a local context, is working quite well in terms of bringing to the University students from high schools that have rarely, if ever, sent graduates to the University.
- UC's master's of advanced study degrees. Such degrees are an important part of UC's educational offerings, the President said. In the past, the state did not fund part-time UC graduate programs. Thus, part-time MBA's, for example, had to be funded by special student fees. UC now has an arrangement whereby any part-time graduate program will be funded fully by the state. Further, UC now has the authority to charge educational and registration fees that are prorated to the course-load a student is taking. The President said he believes that, in the future, there is going to be an ever-stronger emphasis on part-time degrees. UC needs to make sure it is providing adequate numbers of them.

- Recision of SP-1 and SP-2. The Regents have rescinded their own 1995 measures, SP-1 and SP-2. The only provision in SP-1 that remains in effect is the “tier-1/tier-2” language in SP-1, which stipulates that from 50-75 percent of the freshman class on each campus must be selected on the basis of grades and test scores alone. This provision remains, however, only because the Regents wanted to hear from faculty about the tier-1/tier-2 provision before changing it. The resolution that rescinds SP-1 is a reconfirmation of the role of the Senate in the admissions process. The challenge for the Senate is to provide advice on new admissions policies in time for admissions to be affected for students coming to the University in fall 2002.

The President then took questions from the floor. In response to these questions, he (or Provost King) noted:

- A decision is expected this summer from the Department of Energy on whether to extend UC’s management contract for the Lawrence Berkeley laboratory. The Department is expected to recommend that the contract be extended. The LBL contract expires in September 2002.
- UCLA, UCB, and UCSB will receive full state funding beginning this summer for expanded summer operations. UC plans to seek such funding in its 2001-2002 budget for its other five general campuses.
- The proposed UC tuition waiver for children of UC faculty and staff is still under discussion by UC’s chancellors. There are complex budgetary questions to be answered about this benefit. For example, federal regulations prohibit the funding of such programs from either direct or indirect grant funding. Likewise, funding would have to be sought to cover that component of UC employees who work for hospitals or the DOE laboratories.
- The surge in enrollment expected at UC over the next ten years stands to flatten out dramatically or even decline after 2011-12. Thus, the President said, he hopes that campuses will not fill all their faculty FTE slots with tenure track faculty, but instead will fill a proportion of slots with temporary faculty as a hedge against declining enrollments after 2011-12.
- The President said he did not know why some UC campuses do not allow tuition and fees to be paid with a credit card. Acknowledging faculty interest in the issue, he said he would ask the vice chancellors about it.

- UC's recent or planned changes in admissions policy – eligibility in a local context and dual admissions – do not represent a relaxation of admissions standards in order to include a broader range of students in UC's undergraduate classes. The President said he is not in favor of eliminating standardized admissions tests at UC, though he would be happy to employ the SAT II alone for this purpose. Other than high-school grades, he said, the SAT II is the best predictor of performance at the University, well ahead of the SAT I. High school grades and the SAT II together account for 21.0 percent of the variance in freshman grades at UC, he said. When the SAT I is added to these factors, the three factors together account for 21.1 percent of freshman grades.
- The Office of the President is working on the issue of ensuring gender equity in the hiring of UC faculty. Provost King noted that Sheila O'Rourke in the Office of the President is available to consult with Senate divisions and campus administrations about how to make progress on this issue. One benefit of the state audit regarding gender equity in hiring is that UC now has a clear systemwide benchmark with which to measure progress on this issue or lack of it. With respect to underrepresented minorities, President Atkinson noted that the number of underrepresented minorities in Ph.D. pools is so small that it is very difficult to make progress in diversifying the faculty by race and ethnicity.
- Prospects appear good for getting the state funding necessary to implement dual admissions. There is immense enthusiasm on the part of the legislature for the program; the fear is that funding for it might result in funding reductions elsewhere in UC's budget.
- President Atkinson thanked Chair Cowan and Vice Chair Viswanathan for the work they have done in their posts this year.

VII. Reports of Standing Committees (continued)

B. University Committee on Committees

Janice Plastino, Chair

- Appointments of Committee Chairs and Vice Chairs, 2001-2002 (information). Professor Plastino noted the memo, distributed at the meeting today, which lists the chairs and vice chairs of standing statewide Senate committees for 2001-2002, as appointed by UCOC. She added that the job of being UCOC chair has become very difficult because the committee is having great difficulty getting faculty to serve as chairs and vice chairs of major Senate committees. Chair Cowan has been working on getting some form of compensation – course relief, research money, and so forth – for committee service. The Senate needs an infusion of

younger faculty who are willing to serve, Professor Plastino said. UCOC was able to fill all its positions by the date of this meeting with the exception of the vice chair of Faculty Welfare.

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

Dorothy Perry, Chair

- Approval of Dual Admissions Proposal, Revisions to Senate Regulation 476. Chair Cowan provided some background on the progress of the dual admissions proposal through the University. He noted that the proposal was brought to the Assembly for information in February and that it had subsequently been reviewed by the campuses. He then asked Professor Perry to provide further background on the item. She noted that she had distributed to Assembly members today a revised version of the dual admissions implementation plan – one that has been vetted by high schools and community colleges across the state. In April, the Academic Senate of the California Community Colleges passed a resolution in support of dual admissions, contingent on the provision of sufficient infrastructure support.

The Assembly then proceeded to discuss the proposal by means of questioning Professor Perry about its substance and Professor Mosshammer about the wording of the proposed Senate Regulation 476.D.

Professor Gibeling noted that the Academic Council had endorsed the dual admissions proposal with two provisos:

1. That the program will be instituted only when the Office of the President has identified funding adequate for counseling and support components of the plan and
2. That BOARS formally review the functioning of the plan five years after the first student cohort is admitted, and report to the Academic Council.

He asked whether the Assembly could likewise approve the program subject to these conditions.

Chair Cowan and Secretary/Parliamentarian Mosshammer agreed that the first dual admissions item on the Assembly's agenda, approval of the program in principle, could be approved subject to conditions, but that the Assembly's second dual admissions item, the change to Senate Regulation 476, could not be approved provisionally.

Chair Cowan then stated the motion the Assembly was voting upon: Does the Assembly approve in principle the dual admissions program, as proposed by

BOARS and endorsed by Academic Council, contingent upon the two provisions endorsed by the Academic Council?

The Assembly then voted, with one no vote, to approve the motion before it.

Chair Cowan then asked that the Assembly vote on approval of the changes to Senate Regulation 476, as set forth in the *Notice of Meeting*. The Assembly voted, with one no vote and two abstentions, to approve the modification of SR 476.

Chair Cowan then thanked Professor Perry for her dedicated service to the University through her work on BOARS.

**D. Committee on Privilege & Tenure (UCP&T)
George Blumenthal, Chair**

- Approval of Revisions to Senate Bylaws Governing Privilege & Tenure Standards and Procedures: Bylaws 335, 195

Chair Cowan asked Professor Blumenthal to introduce the item. Professor Blumenthal provided a history of the proposal and a summary of the changes that would come about, should the Assembly approve it. He noted that a related measure – proposed changes to UC's Academic Personnel Manual, Section 015 – would be coming to the Assembly in the future for its consideration.

The Assembly then began to discuss the proposal by means of questioning Professor Blumenthal about its provisions.

Davis Chair Gibeling said that, while the proposed legislation is a vast improvement over existing legislation, some members of the Davis campus have pointed out some subtle changes the legislation would bring about that may be harmful to faculty interests. Professor Gibeling then enumerated four points of disagreement with the legislation.

1. In the proposed Senate Bylaw 335, dealing with grievance cases, there is an elimination of a grievant's right to appear before P&T in person when the committee is carrying out a preliminary review of evidence to determine whether there is sufficient reason to believe that a right or privilege of the grievant may have been violated. Professor Gibeling said that the justification for the proposal does not make clear why it is desirable to eliminate a faculty member's right to appear in person at this stage in the process.
2. Also in SR 335, when Privilege & Tenure has made a negative determination – has decided there is not a prima facie case or has decided in a preliminary hearing that a case is without merit – the P&T committee is given the option to

notify the administration of this outcome. This too is detrimental to the rights of the faculty, Professor Gibeling said. To have notification go not only to the faculty member who filed a grievance, but also to the administration – perhaps to the administrator against whom the faculty member may have filed a grievance – opens the faculty member to the possibility of reprisals from the administration.

3. In the proposed Senate Bylaws 335, 336, and 337, there is a new constraint on the discretionary power of the hearing committee to consider new evidence. In the past, it was possible to consider new evidence, essentially by reopening a hearing. Now, it would only be possible to consider new evidence only if that evidence could not reasonably have been discovered at the time of the original hearing. It's not clear what this adds in terms of protecting the faculty, Professor Gibeling said. It is true that the administration cannot reopen cases either, he added, but it is more likely that the administration will have resources to discover evidence initially than would an individual faculty member. Thus, this stands to detract from the rights of faculty in a significant way.

4. The rights of non-Senate faculty – faculty of “equivalent ranks” – stand to be diminished by this proposal, Professor Gibeling said. These faculty would no longer be accorded the right of hearing in disciplinary cases under this proposal; they are only accorded the right of hearing in early termination cases. Thus, this legislation would diminish the rights of some of faculty colleagues who are not members of the Senate.

Professor Blumenthal then responded to Professor Gibeling's criticism of the proposed legislation:

With respect to point 1, he said, on the right to appear before P&T at a preliminary process stage, the proposal was made in the interest of efficiency of P&T operations. This is one of those issues in which UCP&T felt it would be desirable to give the decision-making power on an issue to the local P&T committee. It is often the case that the written record alone can establish whether a formal hearing is needed. Even if a P&T committee were to determine that a grievant has not established a prima facie case, or if it determines that a grievant has not given the committee sufficient reason to believe that a right or privilege has been violated, the grievant always has the option of filing another grievance on the same issue. Nothing is final at this preliminary stage.

With respect to point 2, the notification of the administration after an early-stage negative ruling, the concern Professor Gibeling expressed was a concern shared by several members of UCP&T as well, Professor Blumenthal said. The committee agreed, however, that filing a grievance often is a preliminary stage to

the filing of a lawsuit. The question is whether the administration has a right to know that the preliminary stage has been completed and that it thus might expect a lawsuit in the near future. Because of the conflicting, legitimate interests involved, however, the Bylaw revisions were written in such a way as to give the P&T committee the option of notifying, or not notifying, the administration.

With respect to point 3, on reopening a hearing in response to the presentation of new evidence, the intent was to ensure that neither party can withhold evidence during a formal hearing with the intent of using that evidence later to force a second hearing (should the first hearing go against this party). If there is evidence that clearly was not available to either party at the time of the first hearing, however, then it seems reasonable to admit that evidence by means of reopening the hearing.

With respect to point 4, on disciplinary actions against non-Senate faculty, Professor Blumenthal said he believes the proposed Bylaw revision does not represent a substantive change from current policy. He added later that, while there was no desire on the part of UCP&T to remove rights from equivalent-ranks faculty, if that has inadvertently been done, then it should be rectified.

Professor Gibeling then offered three amendments to the proposed Bylaw changes. The first concerning SBL 335.B.3, was aimed at restoring the right to a personal appearance before P&T. It read as follows:

“ . . . In the course of its preliminary review, the Committee shall provide the grievant with an opportunity to discuss his or her allegations with the Committee in writing and the grievant shall have the right to appear before the committee.”

The motion was seconded. Chair Cowan asked for discussion on the proposed amendment. After discussion, he called for the question. The motion was defeated by a vote of 17 yes, 20 no.

Professor Gibeling then offered an amendment to SBL 335.B.4, on reporting committee results to the administration. He proposed to strike the last sentence of the first paragraph of section 4:

“The Committee may, at its discretion, provide a copy of that communication to the administration.”

He pointed out that this change would not preclude the administration being notified, but would simply keep the Bylaws silent on this point.

The motion was seconded and Chair Cowan called for discussion of it. After discussion, he called for the question. The motion was approved by a vote of 20 yes, 18 no.

Professor Gibeling then offered an amendment to parallel provisions in three Bylaws under consideration, regarding reopening a hearing following the discovery of new evidence. Representative language appears in SBL 335.D.10. Professor Gibeling proposed modifying the legislation by striking the language:

“and that were not reasonably discoverable at the time of the hearing.”

After discussion, Chair Cowan called for a vote on the amendment. The motion was defeated.

Professor Magde noted that he was concerned about the language proposed for SBL 336.A, regarding faculty colleagues who are not members of the Senate. Professor Blumenthal noted that a simple fix to the issue would be to restore the language:

“Or against other faculty members in cases where the right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of the Regents (Appendix I),”.

Such a change, he said would, at worst, have the effect of making the Bylaws more wordy. Thus, he did not object to making this change.

Secretary/Parliamentarian Mosshammer said that, even if the Bylaw change were approved as recommended by UCP&T, non-Senate faculty would still have a right to a hearing under the Regents Standing Orders and under another section of the Senate’s Bylaws. Even so, he said, the Senate does not want to make it appear that it is taking away any rights of non-Senate faculty.

Chair Cowan then called for a vote on the proposed amendment. The amendment was approved unanimously. The Assembly agreed that the vote of the Assembly would also entail restoring the parallel language, in 336.B.1:

“or termination of appointment of a member of the faculty in a case where the right to a hearing before a Senate committee is given under Section 103.9 or 103.10 of the Standing Orders of the Regents,”.

Chair Cowan then called the question on the main motion, approval of the changes to the Senate Bylaws proposed by UCP&T, as amended by the Assembly. The motion was approved.

**E. University Committee on Educational Policy (UCEP)
Manfred Kusch, Chair**

- Approval of Revision to Senate Regulation 630.

Professor Kusch provided the Assembly with background on the proposed change, aimed at removing a perceived impediment to expanded summer-term enrollment.

Chair Cowan then called for discussion of the proposal. After discussion, he called for the question on the proposal. The proposed amendment was approved.

VIII. Petitions of Students (none)

IX. Unfinished Business (none)

X. University and Faculty Welfare Report

Judith Gruber, Chair, University Committee on Faculty Welfare

Professor Gruber reviewed the state of faculty welfare, noting the negative environment for improvements brought about by the energy crisis and the downturn in the state's economy. The Governor's initial 2001-2002 budget called for a 4-percent increase in "partnership" funding for UC – which essentially funds UC faculty salaries – a figure that would have kept UC faculty salaries at parity with Comparison-8 institutions. It now appears, however, that this figure will be reduced, which will mean that UC faculty salaries would fall from parity with the comparison-8 salaries. Apart from this, the state's budget difficulties also reduce the probability of getting any new faculty welfare initiatives funded.

One practical consequence of the state's budget problems is a difficulty in funding the UC educational fee waiver program for UC employees. There is a great deal of enthusiasm for the proposal within the Senate, among rank-and-file faculty and among the chancellors, Professor Gruber said. But the program is stalled at the moment in the Council of Chancellors, because of questions about funding for it.

Likewise, budget difficulties may be impacting the longstanding proposal from UCFW and the Academic Council for equalization of benefits for domestic partners with respect to pensions.

Against this news, the child-care initiative approved by President Atkinson is underway, with a number of campuses engaged in planning for it. Likewise, the

University is implementing the program, proposed by UCFW, to provide campus health care facilitators — campus staff members whose job it is to provide assistance to faculty and staff in dealing with their health benefits. A pilot health care facilitator program was initiated at Irvine and Berkeley where it was very successful. It is now in place at Santa Barbara, and other campuses are in various stages of planning for it.

Two faculty welfare initiatives are at earlier stages of development. First, Senior Vice President Mullinix has appointed a high-level commission to analyze faculty and student housing issues. One of the items that will be discussed is the development of new financial instruments to assist faculty in obtaining housing. Second, UCFW has been discussing the idea of bringing back some form of phased retirement for faculty. One goal is to retain faculty who might otherwise retire and go to another institution. A second goal is to facilitate faculty renewal by providing incentives for senior faculty to partially retire. A third goal is to provide additional options to faculty with respect to retirement.

XI. New Business.

There was no new business.

The meeting was adjourned at 4 p.m.

Attest: Michael Cowan
Chair, Assembly of the Senate

Distributed at the meeting:

- President Atkinson's discussion topics for the May 23 meeting of the Assembly
- Revised version, Dual Admissions Policy Proposed Implementation Plan
- Report of University Committee on Committees, appointments of Chairs and Vice Chairs of statewide Senate committees for 2001-2002.

APPENDIX A

2000-2001 Assembly Attendance Record, Meeting of May 23, 2001

President of the University:

Richard Atkinson

Academic Council Members:

Michael Cowan, Chair
C.R. Viswanathan, Vice Chair
David Dowall, Chair, UCB
Jeffery Gibeling, Chair, UCD
David Brant, Chair, UCI
Stephen Yeazell, Chair, UCLA
Irwin Sherman, Chair, UCR
Douglas Magde, Chair, UCSD
Lawrence Pitts, Chair UCSF (absent)
Richard Watts, Chair, UCSB
Roger Anderson, Chair, UCSC
David Hoy, Chair, UCAP
Clifford Brunk, Chair, CCGA
Manfred Kusch, Chair, UCEP
Dorothy Perry, Chair, BOARS
Judith Gruber, Chair, UCFW
Gayle Binion, Chair, UCPB

Berkeley (7)

Steven Beckendorf
Suzanne Fleiszig (absent alt.)
Ervin Hafter
Judith Innes (absent, alt.)
Richard Packard
Theodore Slaman
Daniel Melia
Andrew Garrett (alt.)
David Messerschmitt (alt.)

Davis (6)

Lester Ehler
Dallas Hyde (absent)
Jerry Powell
Wendy Silk (absent)
Victoria Smith
Jessica Utts
Margaret Rucker (alt.)

Secretary/Parliamentarian

Alden Mosshammer

Irvine (3)

Madeleine Pahl
James Danziger
William Sirignano (absent)
Abel Klein (alt.)

Los Angeles (10)

Robert Blattner
James Spar (absent)
Alan Garfinkel
Donald MacKay
Paul Torrens
Frank Heuser
Vickie Mays
Kathryn Atchison
Jose Moya
(1 TBA)

Riverside (2)

Bajis Dodin
Jose Wudka

San Diego (4)

Gary C. Jacobson
Jane R. Stevens
Kim R. MacConnel
Donald F. Tuzin

San Francisco (3)

Mary Croughan-Minihane
Mary Castle White
Martin Shetlar (absent)

Santa Barbara (3)

Charles Akemann
John Doner
Dan Little

Santa Cruz (2)

Susan Schwartz
Carla Freccero (absent, alt.)
George Blumenthal (alt.)

III. Announcements by the President (oral report)
Richard C. Atkinson

IV. Announcements by the Chair (oral report)
Chand R. Viswanathan

V. Special Orders
A. Consent Calendar

- **Variance to Senate Regulations requested by the Davis Division**

The Davis Division has approved a modification to its Regulation 70(B) that would affect grading procedures in the UCD School of Medicine. Any divisional change to grading procedures constitutes a Variance to statewide Senate Regulations. In this instance, Davis is requesting a Variance to Senate Regulation 778. Senate Bylaw 125.B.5 states that:

If a proposed Divisional Regulation, which has been submitted to the Assembly of the Academic Senate for approval, is at variance with Universitywide Regulations and cannot be included in the agenda of a regular Assembly meeting to be held within sixty calendar days after Divisional action, the Academic Council, with the advice of the appropriate University Senate committees, is authorized to approve provisionally such proposed Regulations. Such approval is effective until the end of the next following term in which a regular Assembly meeting is held. Such approval must be reported to the Assembly.

The Davis Representative Assembly approved the modification of its Regulation 70(B) at its meeting of June 5, 2001. Because there was no Assembly meeting scheduled within 60 days of this action, the Academic Council, at its meeting of July 11, gave provisional approval to the Davis request for a Variance. That approval is now being reported to the Assembly. The University Committee on Educational Policy approved the request from UCD for a change to its grading policy, and University Committee on Rules & Jurisdiction has ruled that the modified grading system is consonant with the Code of the Academic Senate.

In a May 19, 2001 letter to 2000-2001 Academic Council Chair Cowan, Davis Chair Gibeling set forth the rationale for the grading change:

The Faculty of the School of Medicine (SOM) on the Davis campus have proposed to modify their grading procedures from a letter grade based system to an honors/pass/fail system. This amendment to the regulations has been approved by the faculty of the School. The primary

motivation for the proposed change is to bring the Davis SOM into conformity with the other medical schools in the system. Our survey of the UC medical schools shows that at present, Los Angeles uses a pass/fail system for all 4 class years, Irvine has an honors/pass/fail system for all 4 years, San Diego employs a pass/fail system for required courses and satisfactory/unsatisfactory grading in other courses and San Francisco has a pass/fail system with honors possible in third and fourth year courses. Only Davis retains a letter grade policy at this time.

The revisions to Davis Regulation 70(B) approved by the Davis Representative Assembly are as follows:

Changes to the Bylaws and Regulations of the School of Medicine to Modify the Grading System

70. Grades and Grading.

(B) The work of all students ~~in first and second year preclinical for required~~ courses of the curriculum for the M.D. degree ~~or courses taken to meet requirements for fourth year selectives,~~ shall be reported only in terms of five grades in any of the required courses: P (Pass), F (Failure), I (incomplete but work of passing quality), Y (provisional, work of non-passing quality, and IP (in progress). For the clinical years work shall be reported in six grades: H (Honors), P, F, I, Y, and IP. ~~eight grades: A (excellent), B (good), C (fair), D (marginal pass), F (failure), I (incomplete but work of passing quality), Y (provisional, work of marginal or non-passing quality) and IP (in progress), with the exceptions of MDS 440; "Responsibilities of Medical Practice" and PSY 402: "Human Sexuality" which shall be graded S (satisfactory) or U (unsatisfactory). (Am. 12/2/88; 1/7/92; 12/31/94; 6/14/99)~~

~~(C) For each elective course, the Instructor of Record may offer the course, or a student may upon approval of the Instructor of Record elect to take the course, on the basis of Satisfactory (S) or Unsatisfactory (U) grading, where the grade of S shall be awarded only for work that otherwise would receive a grade of C or better. Units thus earned shall be counted in satisfaction of degree requirements. (Am. 8/22/80; 12/31/94)~~

(C D) The grade of Incomplete (I) shall be assigned only when the student's work is of passing quality, but is incomplete for good cause, as determined by the Instructor of Record. The student is entitled to replace the I grade by a passing grade and to receive unit credit provided he/she satisfactorily completes the work of the course in a way specified by the Instructor of Record. If course requirements have not been completed within three quarters or within the time limit specified by the Committee on Student

Progress, the I grade will be converted to an F grade. (Am. 7/1/83; 12/31/94)

(D) (D) The numerical scores for courses in years one and two, which use quantitative measures of performance, will be retained by the Office of Medical Education for as long as a student remains in medical school. This information is for advising purposes and will *not* be recorded in official transcripts.

(E) The grade Y is a provisional grade that will be assigned to allow a student the opportunity to remediate a deficiency and improve a ~~marginal or non-passing~~ grade. ~~No grade higher than C can~~ A P grade will be awarded in remediation of the Y grade. Failure to remediate the Y grade will result in ~~the original grade~~ an F. (Am. 7/1/83; 12/31/94; 3/20/98; 6/14/99)

Each student during the course of their School of Medicine training may be assigned the Y grade and given the opportunity to remediate this grade for a maximum total of four preclinical and clinical courses. After four Ys are accumulated, further ~~marginal or non-passing~~ performance according to course criteria must be assigned the ~~D or~~ F grade ~~respectively~~.

For courses in the preclinical curriculum, until the maximum number of four Y grades allowed per student has been reached, a student will be assigned a Y grade if they otherwise would have received a ~~D or~~ an F following the completion of all required examinations. This student is to be given the opportunity for reexamination within one week after grades are available to the student, and whenever possible the reexamination will be given no later than the fifth day of the next quarter. The grade assigned following completion of the reexamination is to be based either solely on the results of the reexamination or on some aggregate of all examinations as specified by the Instructor of Record at the beginning of the course.

For required clinical clerkships, until the maximum number of four Y grades allowed per student has been reached, the student is to be assigned the Y grade, if they otherwise would have received a ~~D or~~ an F grade *and* if the Instructor of Record believes that the student might be able to meet satisfactorily the requirements of the clerkship by repeating part but not all of the clerkship. For required clerkships, each student assigned the Y grade must complete the clerkship requirements as specified by the Committee on Student Progress in response to the recommendations of the Instructor of Record of the clerkship. An F grade is to be assigned directly by the

Instructor of Record if the student is to be required to repeat the clerkship in its entirety. (Am. 12/31/94; 3/20/98; 6/14/99)

(F) (No change)

~~(G) Each special study or directed group study course (i.e., 498, 499) shall be graded as Satisfactory (S) or Unsatisfactory (U).~~

(G H) Repetition of courses is subject to the following conditions:

(1) A student may repeat only those courses in which he/she received a grade of ~~D, F, or U~~. (Am. 12/31/94; 3/20/98)

(H I) (No change)

(I J) Credit by Examination is available to students registered in the School of Medicine under the following rules:

(4) Credit by examination for a course previously taken in which a student received a ~~D or F~~ as the final grade (recorded in the transcript) requires approval of the Instructor of Record and, for students on probation, approval of the Committee on Student Progress. For such students, Credit by Examination is a repetition of the course, for which degree credit will be given only once, but the grade assigned at each enrollment shall be entered into the permanent record. (Am. 12/31/94)

80. Remediation, Probation, Dismissal and Appeal.

(A) Remediation

(1) Remediation of a ~~D or~~ an F grade requires that the course be retaken either at the next time offered in the regular schedule or by means of Credit by Examination or at a time in accord with other recommendations by the Committee on Student Progress. If a student fails United States Medical Licensing Examination Step I, he or she must retake it before the end of the following quarter, or at another time as specified by the Committee on Student Progress. (Am. 6/14/99)

(2) The term "remediation" shall be taken to mean converting a Y grade as specified, or retaking and passing a course for which an F ~~or D~~ grade has been received, correcting other deficiencies as

specified by the Committee on Student Progress, or passing previously failed USMLE I.

(5) No student who has an unremediated ~~D~~, F, or Y grade in a required third or fourth year course, or is on probation as described below, may take required clerkships or selectives in another institution without approval of the Committee on Student Progress. (Am. 12/31/94; 3/20/98; 6/14/99)

(B) Academic Probation:

(1) A candidate for the degree of Doctor of Medicine must be placed on academic probation by the Committee on Student Progress for the following causes:

(a) A student receives an F grade, ~~or receives two or more D grades,~~ or, in a third or fourth year clerkship or selective, a Y grade; (Am. 12/31/94; 3/20/98)

(4) Removal of Academic Probation (Am. 6/14/99)

(a) Any student who has received a single F grade, or a Y grade on a clinical clerkship, ~~or two unremediated D grades~~ will be placed on probation at the time of receipt of the deficiency and be removed from probation when that deficiency is remediated. (En. 3/20/98)

(C) Academic Dismissal:

Dismissal of a student from the School of Medicine may be recommended to the Dean by the Committee on Student Progress for one or more of the following reasons:

(3) A student receiving a total of three F's, ~~or two F's and two D's,~~ may be subject to dismissal whether or not he/she is on probation at the time ~~either of these~~ this criterion ~~criteria are~~ is met. (En. 3/20/98; Am. 6/14/99)

V. Special Orders
B. Annual Committee Reports

UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
ANNUAL REPORT, 2000-2001

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

Under the Bylaws of the Academic Senate, the University Committee on Academic Personnel (UCAP) is responsible for advising the President and the Divisional CAPs on issues concerning academic personnel; reviewing any matter pertaining to the latter topic referred to it by the Assembly, a Division, or another University Committee; and initiating recommendations on such matters.

During 2000-2001 UCAP held five formal meetings, supplemented by e-mail consultations. The following summary of the committee's work focuses on those matters that resulted in actions or generated substantive discussion. The topics are listed in alphabetical order.

APM-015, THE FACULTY CODE OF CONDUCT: REVIEW OF DRAFT REVISIONS. The Office of the President wishes to place this item before the Regents at its January 2002 meeting. In order to do so, these proposed changes will be placed on the October agenda of the Assembly of the Academic Senate. In June UCAP members were encouraged to distribute the draft revisions and begin discussions at Divisional CAPs.

APM-025, CONFLICT OF COMMITMENT AND OUTSIDE ACTIVITIES OF FACULTY MEMBERS, PROPOSED CHANGES. UCAP carefully reviewed the proposed revisions to APM-025, APM-662 appendix B-1, and APM-740-19, and generally found the revised APM-025 to be an improvement over the existing language of APM-025. The following comments were made by different committee members and conveyed to the Academic Council. A minimum threshold for detailed reporting needs to be clearly defined. A coherent position on health sciences faculty and the existing Health Sciences Clinical Compensation Plan needs to be taken. The section involving graduate students in outside professional activity needs further thought; indeed, discussion of the student/faculty relationship seems out of place in the APM. Some members suggested that definition of a "day" is vague and ambiguous in APM-025; others felt that "normal and reasonable" was a sufficient definition. APM-025's distinction between "executive" or "managerial" positions was felt by some members to be unclear and other members felt the same way about the

distinction between professional practice and consulting. In response to the question of how extensive outside activities are perceived by CAP, some UCAP members remarked that although circumstances vary widely, such activities often can help the academic file by leading to an increase in publication. UCAP members concluded that the two most important CAP issues concern a minimum threshold for reporting and the involvement of graduate students in outside professional activity.

BUSINESS SCHOOL SALARY SCALE, REVISED. The 2000-2001 UCAP was asked to consider a revised proposal by the Deans of UC's Business Schools to go to a different salary scale. (The 1999-2000 UCAP and Academic Council had not supported an earlier proposal.) After a series of discussions, including a presentation to UCAP in January by UCB Business School Dean Laura Tyson, a majority of UCAP members continued to oppose the revised scale. Although UCAP was sympathetic to the difficulties faced by the business school deans in attracting and retaining their best faculty, it passed the following resolution (by a divided vote of five in favor, two opposed, and three abstentions):

UCAP believes that the integrity of the merit system is at the core of the quality of the University of California. The existing merit system reflects UC's persona; it serves to define the University and should not be lightly cast aside. While the issues underlying the revised proposed business school Salary Scale are both serious and undeniable, those issues can continue to be addressed by the business schools' current practice of meeting market demands through off-scale salaries. Further, the issue of funding negotiated differentials is a budgetary rather than a personnel matter and falls under the purview of campus Planning and Budget Committees.

Among the many concerns that were conveyed to the Academic Council and then to the administration, a major one was that the deans' recommendation of a large, systemwide increase in the business schools' salary scales would reward business faculty across the board without Senate review of their individual merits. The morale of general-campus faculty could potentially be harmed by the perception of such a large salary increase as a windfall for some business school faculty members. Another concern was that the use of state funds to augment the business schools' salary scales would be perceived as a reduction of support for other equally deserving campus units. Furthermore, the proposal has at least the potential to harm faculty salaries outside the business schools because of UC's use of the comparison-eight method. However, UCAP recognized the deans' reasons for wanting to raise salaries in this competitive market for business faculty. If business schools had their own funding sources or

if fees for professional schools could be increased, for instance, then possibly an appropriate salary increase could be achieved without raising concerns about either bypassing Senate merit reviews or draining state funds away from other campus units.

BYLAW 195 AND PROPOSAL TO REPLACE BYLAW 335 WITH FOUR BYLAWS: 334, 335, 336, and 337 (UCP&T PROPOSED CHANGES). All Senate Divisions and Universitywide standing committees were asked to provide any comments regarding proposed changes; the bylaw changes were unanimously approved at the May 2001 Assembly.

BYLAW 135 – UCAP. UCAP members agreed that SB 135 should be amended so that the Chair and Vice Chair of the Academic Council should be *ex officio* members of UCAP and that the Council Chair should no longer be a voting member of UCAP.

CAMPUS CAREER REVIEWS. In support of President Atkinson’s desire for all campuses to look into career equity reviews, UCAP will serve as the repository for documents that come forward from the divisional CAPs explaining their procedures for special career reviews. In the future the committee can then function as a forum for discussion of policy questions about these reviews.

Divisional CAPs’ experiences with campus career reviews are reflected in the following comments. On most campuses, processes similar to the Riverside career review are part of the routine CAP review. Career reviews are seen as a way of reevaluating careers that do not quite make the bar for acceleration. Career reviews are seen as recalibration arguments on some campuses, and the CAP automatically will do (an informal) career review at the time of any advancement in rank. On a few campuses career reviews are seldom done, though technically possible. On one campus a task force has been working for the past two years in order to address a procedural question involving career reviews: should career reviews go through CAP or a permanent ad hoc career equity review committee?

CLINICAL X SERIES, PROPOSED EXPANSION. In response to Vice President of Health Affairs Michael Drake’s proposal to expand the Clinical X series, letter of 11/27/00 concerning expanding the Clinical X series, UCAP members unanimously approved the concept of extending the “ceiling” on Clinical X series to 50% of Academic Senate members of clinical departments. Members also suggested that expansion of the series should be done gradually and with careful deliberation at each campus, in recognition of the crucial role that these faculty play. It was recommended that campuses utilize such appointments primarily for associate level or full professor level appointments because

residencies and even fellowships may not provide sufficient data to make an appointment with confidence in this series at an assistant professor level.

CPEC SALARY METHODOLOGY; COLA. Early in the 2000-01 academic year an anticipated 3.9% to 4% increase in faculty salaries was projected for 2001-02. By June 2001, however, the state's budget situation had worsened to the point where it was reported that UC faculty might receive at most only a .5% COLA plus merits. In the absence of a final state budget and with the expectation of no significant COLA, UCAP was not asked to decide how to distribute the adjustments across the ranks.

EAP SERVICE. UCAP was asked to discuss how CAPs handle EAP service. There does not seem to be a Universitywide policy on how administrative EAP service should be counted during academic personnel reviews. UCAP members suggested the following points. Highly effective administrative leadership needs to be valued. Without such acknowledgement there is little incentive for the most talented faculty to involve themselves in administrative work. Some CAPs expect less research or creative activity from department chairs, and the APM has an explicit exception that department chairs' service is considered as academic work. However, to treat EAP directors in the same manner as department chairs would go beyond what is explicitly stated in the APM. The sense of the committee was that CAPs should be allowed flexibility. Rather than codifying how EAP service should be treated, cases of EAP service should be considered individually.

GLOBAL FILM SCHOOL, UCLA. At its November meeting UCAP discussed the proposal for a Global Film School (GFS) by UCLA's School of Theater, Film, and Art (TFT). Because of the complexity of the issues involved, UCAP did not take a vote on the proposal as a whole. The sense of the committee was that UCLA should proceed, but with caution, paying attention especially to the ways in which a "for profit" venture might conflict with the personnel process and lead to difficulties for the campus CAP.

UCAP appreciated the positive aspects of the proposal, which involves high quality programs that already have international visibility, but the committee nevertheless had reservations about some aspects of this arrangement. Some members were concerned about the extent to which a "for profit" unit goes beyond one that is "self-supporting." The beneficiaries of a "for profit" program like the GFS will be not only the university and the faculty, but a group of shareholders as well. UCAP would want assurance that the rights and privileges of the faculty involved in the GFS would be protected, and that there would be no negative impact on the merit actions of faculty who do not wish to participate in the GFS. In thinking through the ways that merit reviews work in practice,

some committee members felt that a “for profit” arrangement raises potential issues of both conflict of commitment and conflict of interests. UCAP urged that attention be paid to the extent to which FTE allocation and recruitment is affected by the creation of the GFS and it also suggested that legal counsel should assess the status of the faculty members’ intellectual property. As a cautionary measure, a university-wide policy, similar to that guiding UC Extension, should perhaps be developed for the creation and overview of joint “for profit” ventures.

FACULTY HIRING PRACTICES, STATE AUDIT. During the 2000-01 academic year, an audit regarding UC’s hiring practices for women faculty was carried out by the state. At UCAP’s June 2001 meeting, AVP Ellen Switkes distributed a draft of UC’s preliminary response to the Bureau of State Audit’s report. UCAP members then discussed, in great detail, both the audit’s recommendations and UC’s draft response with her and provided specific recommendations.

FACULTY SALARY SCALE COMMITTEE. Professor Barbara Doshier, Vice Chair of UCAP, attended the Faculty Salary Scale Committee meetings, along with representatives from UCFW, UCPB, the Academic Council, senior administrators from several UC campuses, and AVP Ellen Switkes. Vice Chair Doshier reported regularly on the issues that were being considered, and UCAP members gave their views on a variety of possible changes in the personnel process. However, no report was forthcoming by the end of the 2000-01 academic year, so presumably any proposals will be considered by the 2001-02 UCAP.

PART-TIME LECTURERS WITH SECURITY OF EMPLOYMENT (SOE); LECTURERS WITH POTENTIAL SECURITY OF EMPLOYMENT (PSOE). With a vote of 8 for and 2 abstentions, UCAP members agreed with the principle that Senate membership should be extended to both part-time Lecturers SOE and Lecturers PSOE. Full-time lecturers SOE already are members of the Academic Senate. Throughout the UC system there currently are approximately 22 part-time Lecturers SOE and all campuses, except Irvine, already consider these appointees to be Senate members. In terms of both recruitment and the administration of personnel policy, campuses prefer that part-time Lecturers SOE and Lecturers PSOE be appointed as Senate members. This would help make the Lecturer SOE series a more coherent whole.

UCAP MEMBERS’ ITEMS. UCAP members bring before the committee issues and questions that have come up in their own CAPs. These discussions are for

information, which the representatives then take back to their local committees. The following topics were discussed this year.

Endowed Chairs: Policy and Practices. One campus representative had the following questions about how other campus CAPS dealt with endowed chairs. How should the recipient of an endowed chair be selected? What determines the eligibility for holding an endowed chair? Should the endowed chair always be for an indefinite period of time, or should it be time limited?

Market Pressures. UC seems to be experiencing serious difficulties in its attempts to meet market pressures in disciplines such as economics, finances, public policy, or computer engineering. How can market values for faculty be assigned in these disciplines?

UC Davis Final Report: Special Committee to Review the Academic Personnel Process. UCAP reviewed in considerable detail the principles set out in a special report on the effects of the personnel process at the Davis campus, taking exception to some and refining others.

CAP members on cases from their own departments. As a result of interest in how CAP members on different campuses participate in the consideration of members of their own departments, some variants of the following questions will be included in the annual UCAP survey.

- (1) What is the participation of CAP members in files from their own department?
- (2) What procedure is followed when it is alleged in a file that a member of CAP lacks objectivity regarding that file?
- (3) Are there general guidelines regarding conflict of interest and non-participation of CAP members in certain files?

UC Annuitants and the 2-4% COLA Gap. UCAP supported the UCLA CAP's suggestion that the Academic Senate work with the systemwide administration to close the 2-4% COLA gap, and sent UCFW a request to take another look at this issue.

Respectfully submitted:

David Hoy (SC), Chair

Barbara Doshier (I), Vice Chair

David Bogy (B)

Robert Rucker (D)

Amihai Glazer (I)

Alistair Cochran (LA)

Steven Brint (R) (fall)

Tom Bellows (R) (winter/spring)

Joel Dimsdale (SD)

Brian Aldredge (SF)

Katharina Schreiber (SB)

Ira Pohl (SC) (fall)

Leta Miller (SC) (winter/spring)

Harold Drake (SD) UC Merced CAP

Ex Officio: Michael Cowan, Academic Council Chair

Committee Analyst: Jeannene Whalen

**UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY
ANNUAL REPORT 2000-2001**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Educational Policy (UCEP) met 8 times during the 2000-2001 academic year. State-funded summer sessions, proposed changes to admissions policies, and the impact of graduate student enrollment on the quality of undergraduate education were the issues that occupied the major part of UCEP's agenda for the year.

State-Funded Summer Sessions. UC and the state legislature concluded relatively late in the planning cycle that state-funded summer sessions would have to play a major role in helping the university accommodate the additional 60,000 students known as Tidal Wave II. Berkeley, Los Angeles, and Santa Barbara were selected to be the first three campuses to stage a fully funded summer session beginning the summer of 2001. In preparation for the state-supported summer instruction, the Office of the President formed a Task Force on Intercampus Summer Enrollment, whose membership included both the UCEP Chair and Vice Chair, to develop policies on campus/intercampus registration and transfer of credit. It was anticipated that some students would opt to take courses at UC campuses closer to their homes rather than at their regular campuses. This raised questions about the current policies and procedures for transferring the credit of UC intercampus students. In an effort to remove any actual or perceived barriers to summer enrollment at a non-home campus, UCEP reviewed the Senate Regulations governing both registration and residency. The Committee proposed a clarification in the wording of SR 544 (on registration) to ensure that it also included the transfer of credits for non-simultaneous enrollment at another UC campus. UCEP also proposed a change to SR 690 (on residency) that would remove the limit on the number of units a student could earn during the summer in order to satisfy the in-residence requirement. The rationale was that since the state-funded summer program is intended to function like any other academic term there is no longer a need to set a limit on units. The proposed changes to SR 544 were approved at the February Assembly meeting, and the changes to SR 690 were approved at the May Assembly meeting. A set of recommended policies on the expanded summer session, intended as a guide for campuses, was drafted by the Task Force on Intercampus Summer Enrollment. In its review of the draft, UCEP recommended that an additional guideline should be included that would give UC students priority in enrollment. This recommendation was incorporated in the final version that was endorsed by the Academic Council.

Admissions Policies. In March of 1999, the Regents approved the Eligibility in the Local Context (ELC) admissions path, and it was implemented in the 2001 admissions cycle. In this program, high school juniors, whose GPA in UC required courses falls in the top 4% of their local schools and who have completed 11 UC mandated courses, are declared eligible for UC admission. This year, the President proposed a new alternative admissions path that would both augment the eligibility in the local context program and also reinforce the university's commitment to increase community college transfers, as agreed to in the Master Plan. The dual admissions program (DAP) would identify high school students who are in the top 12.5% of their junior class but who do not meet UC's admissions criteria. They would be given the opportunity to apply to UC and be guaranteed admission; if they enrolled first at a community college and successfully completed all of their lower division requirements. This path would enable UC to tap into a more diverse pool of candidates and assist in preparing them for UC entry. In their endorsement of this proposal, UCEP members concluded that DAP would give a genuine chance and more importantly, encouragement and guidance to those students who might not otherwise have the opportunity to attend a UC. The proposal was sent to the Academic Assembly in May where it was approved. Two other admissions-related issues, which arose from a Conference on Freshman Admission Policy held last December, were comprehensive reviews of all applicants (the elimination of the currently mandated 2-tiered selection process) and the role of the SAT I. These issues are currently under intense debate, with the goal of bringing a proposal to the Assembly in the Fall 2001. At the request of the Academic Council Chair, the Chair, Vice Chair and UCEP members have worked closely with BOARS in reviewing and commenting on all proposed admissions changes. The UCEP Chair has attended most of the BOARS meetings, which have evolved into intense 2-day working sessions that were also convened well into the summer months. BOARS Chair Dorothy Perry attended one UCEP meeting during the spring to brief members on the ongoing deliberations of her committee. UCEP will continue to monitor the discussions and review all proposals for change in existing admissions policies. It is hoped that the Divisional representatives on UCEP will carry these discussions back to their home campuses in order to involve a broader cross section of the faculty in these important decisions.

Impact of Graduate Student Enrollment on the Quality of Undergraduate Education. The expansion of undergraduate student enrollment coupled with the declining ratio of graduate to undergraduate students has become a concern for UCEP, particularly as it affects the quality of undergraduate education. Because of the low number of graduate students, campuses are resorting increasingly to hiring undergraduates as TAs, especially in the sciences. In

addition, course offerings are in some cases being reduced and class sizes increased. There is also an increase in the use of Unit-18 Lecturers as the hiring of Senate faculty is lagging significantly behind the dramatic increase in undergraduate enrollments. As the number of undergraduates continues to grow, it will become increasingly important to have a systematic review and monitoring of stated campus policies on undergraduate instruction to ensure that the appropriate balance between the use of lecturers, graduate TA's, and regular rank faculty is maintained to ensure instructional quality.

Unit-18 Lecturers. One issue that emerged from negotiations with the Unit-18 Lecturers Union this year was that the Lecturers would like to have their perspective included in the Senates' discussions. They feel it is important that their role in handling the undergraduate curriculum and workload is understood and appreciated on the campuses. The Academic Council Chair urged UCEP members to encourage their local CEPs to consider ways to involve Lecturers in their Committees, either as formal members or as regular consultants. Given the significant reliance by the university on Unit-18 Lecturers to deliver many of the lower division courses, UCEP members agreed that this group should be represented in Senate discussions.

Education Abroad Program (EAP). While the state-funded summer session is one strategy for coping with Tidal Wave II, another is to expand the university's Education Abroad Program in order to off-load some students to campuses abroad. The EAP has been asked by the university to triple its student enrollment. John Marcum, Director of the University Office of the EAP and Margo Hendricks, Chair of the University Committee on EAP attended a UCEP meeting to describe the program and to explain EAP's growth strategy. The primary goal is to make the opportunity to study overseas available to a much broader range of students by offering more program options and increasing financial resources. Over the past two years, the rate of student participation has grown by 15%, and this level of growth is expected to continue. A major disincentive for many students to go abroad is that they must petition their Departments to receive credit in their Major or to the Registrar to receive general education credit, with no assurances that it will be granted. UCEP endorsed the following suggestions, as made by the UCEAP Chair, to partially remedy this problem: 1) Encourage faculty to draft the Major requirements in such a way that EAP is a preferred, or at least a possible option; 2) Include EAP courses that would satisfy some of the Major requirements, in the catalog course descriptions; and 3) Encourage local EAP and CEPs to work together to address the Departments' policy on awarding major credit to EAP students. In addition, the University Office on EAP is prepared to send representatives to campuses to talk about how to integrate the EAP with Departmental programs.

Proposed New Schools/Programs. During this academic year, UCEP reviewed and submitted formal recommendations to the Academic Council Chair on the following proposals/prospectuses:

UCLA Global Film School
UCR School of Law
UCI School of Law
UCSD Graduate School of Management
UCD Proposals to Reconstitute Division of Education
UCD Graduate School of Environment
Preliminary Proposals from Five Campuses to Develop New Schools or Colleges

UCEP Representation: The Chair or in some cases a member represented UCEP on the following Committees during the year: Academic Council, Academic Planning Council, Intersegmental Council of Academic Senates (ICAS), Education Financing Model Steering Committee, Standing Committee on Copyright, UC Merced Task Force, MOU Implementation Committee, BOARS, Task Force on Intercampus Summer Enrollment, UCDC Advisory Committee, Master Plan Advisory Group, Work Group on Student Learning of the Joint Legislative Committee to Review the Masterplan for Education K-University.

Acknowledgments. On behalf of the UCEP members, I wish to acknowledge the invaluable contributions made by the following UCOP staff members that helped to inform the Committee's discussions during this past year: Julius Zelmanowitz, Vice Provost for Academic Initiatives; Carla Ferri, Director-Undergraduate Admissions; Dennis Galligani, Assoc.VP-Student Academic Services; Saul Geiser, Manager-Research and Planning; Sandra Smith, AVP-Planning and Analysis; Ellen Switkes, AVP-Academic Advancement; and most notably Julie Gordon, Coordinator of Intercampus Academic Programs, who serves as UCEP's designated UCOP consultant. The Committee also wishes to thank the Committee Analyst, Betty Marton, who assisted the committee and its Chair in the most professional and exemplary manner.

Respectfully submitted:
Manfred Kusch, Chair
David Dooley (I), Vice Chair
Ling-Chi Wang (B)
Dennis Kibler (R)
Melvin Ramey (D)
Terrence Murphy (D)
Jean-Claude Carron (LA)
Andrew Grosovsky (R)
Carol Freeman (SC)

Annual Reports of Committees

John Goodkind (SD)
Michael Crandall (SB)
Mathew Dean Kaczmarek (UG Student Rep-LA)

Committee Analyst: Betty Marton

**UNIVERSITY COMMITTEE ON FACULTY WELFARE
ANNUAL REPORT, 2000-2001**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

During the 2000-2001 academic year, the University Committee on Faculty Welfare (UCFW) met eight times and the UCFW Task Force on the Future of UC Health Plans met five times. All meetings of the UCFW and its Task Force were held at the Office of the President, 1111 Franklin Street, Oakland. The UCFW Retirement/Investment Subcommittee met three times at UCLA and conducted the rest of its business by e-mail and/or conference calls.

Under Senate Bylaw 175 the UCFW is charged with conferring with and advising the President and University Administration on matters concerning the economic welfare of the faculty – such as salaries, benefits, insurance, retirement, housing, and conditions of employment. The UCFW continues to enjoy a dynamic and productive relationship with Universitywide Administration, an indication of a healthy system of shared governance. Though UCFW’s mission is to protect and augment faculty interests, the benefits derived from its work frequently extend to and are enjoyed by all constituencies within the University of California.

During the 2000-2001 academic year the UCFW considered and acted upon the following major issues:

UCFW INITIATIVES: BENEFITS

Faculty Housing Programs. The UCFW Retirement/Investment Subcommittee proposed that a portion of the UCRS investment portfolio be allocated to mortgage loans. The R/I Subcommittee believes that the new mortgage plan should be predominantly shared appreciation and graduated payment mortgages. UCFW strongly supported the concept of offering such mortgages for UC faculty and senior staff, and encourages the Systemwide Housing Task Force (co-chaired by Senior Vice President Mullinix and Regent Hopkinson) to find ways to fund them. Professor Bruce Lehmann represents UCFW on the Task Force.

Domestic Partner Benefits. UCFW continued to press for the extension of benefits to all domestic partners of UC employees. Since 1993 the UCFW and the Academic Council have recommended that health and pension benefits be provided to same- and opposite-sex domestic partners. In November 1997 the Board of Regents approved the extension of University health benefits to same-sex domestic partners. In January 2000 the Academic Council unanimously endorsed UCFW’s proposal *Ensuring Full Equality in Benefits for UC Employees with Domestic Partners*, which recommends extending retirement benefits to all domestic partners and health benefits to opposite-sex domestic

partners. Administration continues to assure UCFW that it is committed to the concept of equality in benefits for UC domestic partners and that it will continue to move the proposal forward for presentation to The Board of Regents.

Child Care Policy and Programs. The UCFW began work on this issue in 1997, spearheaded by the efforts of Professor Judy Gruber, and by late 1999 the Academic Council had approved UCFW's proposed child care policy. In November 2000 the Board of Regents approved a proposed 2001-02 budget for UC that included an expansion of UC's child care services as a crucial component of the University's recruitment and retention strategy. The Regents identified child care as a high-priority area and, in order to expand construction of new child care facilities, approved the budget with a one-time \$20M infusion into general funds. Although this item was not funded in the Governor's January budget, President Atkinson created a program of matching funds from UCOP for construction of new child care facilities.

Waiver of UC Educational Fee for Dependents of UC Employees. UCFW continued to work on the proposal for a full waiver of UC's educational fee for UC spouses, domestic partners, or eligible children. The fee waiver, the product of a working group chaired by Professor Renee Binder, would be available for a maximum of 12 person years per eligible employee. The Academic Council unanimously adopted UCFW's fee waiver proposal in December 1999.

Before the proposal can go forward to the Regents, the Chancellors need to agree on a funding mechanism. In May 2001 the Academic Council unanimously approved UCFW's recommendation that the funding of the fee waiver be taken "off the top" of the University's budget before OP allocates budget dollars to each campus. Given the State's budgetary uncertainties, the Chancellors deferred implementation of the program. President Atkinson assured the UCFW, however, that the proposed fee waiver program remains a high priority and that he expected it to be revisited in 2001-02.

Faculty Salary Continuance and Disability Insurance. UCFW remains concerned about UC's disability program. In June 2000 UCFW supported Professor Robert Anderson's proposal to expand the UCRP disability program by expanding UCRP coverage to include short-term as well as long-term disabilities. UCOP Administration currently is working with an outside consultant to review Professor Anderson's proposal, UC's disability programs, and how UC compares with other organizations. A detailed cost analysis then will be conducted on one or two alternatives. As a third step, an analysis will be prepared of possible options and how those options might impact the university. The 2001-02 UCFW will receive a progress report from Administration in the late fall, 2001.

Sabbatical Leaves. UCFW worked on three major revisions to UC sabbatical leave policy; all UCFW recommendations have since been adopted and now are in place.

- To allow the substitution of significant administrative services for teaching for those wishing to take sabbatical in residence (APM 740-8);
- To allow faculty on sabbatical to earn outside income on the same terms as those on active service (APM 740-19); and
- To allow faculty on sabbatical at less than full salary to “top up” their salaries to 100 percent with outside research income (APM 740-18).

Faculty Parking Issues. For the past several years UCFW has been considering the severe parking difficulties and expenses encountered by faculty on most UC campuses. The 2000-01 UCFW unanimously endorsed the *Parking Policy Principles: The Academic Senate Position*, a reorganization and reformulation of principles approved in 1991 by the Academic Council. Designed to address acute parking problems occurring on most UC campuses, these principles state that: 1) Faculty and staff should not subsidize parking for other campus operations without their consent; 2) when parking is destroyed to accommodate campus development, the cost of replacing the parking should be charged to the new development; and 3) the Academic Senate should be consulted concerning changes in parking policies and rates.

UCFW brought these reworked principles to the Academic Council for approval in June 2001, but the Council declined to approve them on the grounds that they were solely focused on the issue of parking. The Council requested that UCFW reconsider the parking issue within the broader context of faculty access to campus.

Legal Liability Insurance. UCFW began consideration of whether current policies are adequate for covering faculty who might be sued for actions taken while performing UC duties. In 2001-02 UCFW will continue the discussion about the adequacy of existing coverage and the desirability of offering additional employee-paid coverage.

Legal Care Plan. After carefully considering UC’s Legal Care Plan, UCFW recommended that communications concerning the plan be improved. Information about how best to utilize the plan, which is designed to provide only basic services, as well as information about resources for finding an attorney outside of the plan needs to be clearly communicated to UC employees.

HEALTH CARE ISSUES

UCFW Task Force on the Future of UC Health Plans. The Task Force spent much of its time reviewing new models of insurance that are being developed by health insurance vendors. It also discussed how to respond to the expected shortfall between premium increases for 2002 and the budget available for them. During 2001-02 the Task Force

will continue to work closely with Administration in an in-depth consideration of possible redesign of UC Care and/or the development of other non-HMO options.

Comparison Health Care Benefits. At UCFW's request, Administration developed a *Medical Benefits Survey* to ascertain key health benefits at institutions with which UC competes for faculty. In May 2001 members of UCFW and its Task Force were consulted about the form of the questionnaire. The results of the survey will be shared with the 2001-02 UCFW.

Health Care Facilitator Program. In response to recommendations from the UCFW, UC Emeriti Associations, and UC Retiree Associations, a Health Care Facilitator pilot program was developed in 1999-00 by UCOP at Berkeley and Irvine using HR&B staff development internship funds. Health Care Facilitators were hired in 2000-01 at UCSB and UCSC. During 2001-02 the program should be extended to all UC locations based on expected approval of \$1.5M permanent systemwide funding.

Medical Savings Account. UCFW continued to push for the reinstatement of medical savings accounts by UC. A medical savings account allows employees to use pre-tax dollars to pay for specified health care expenses that are not covered by the health insurance programs, e.g. co-pays, orthodontics or laser eye surgery. Administration will provide a detailed report about possible implementation to the 2001-02 UCFW.

2001-02 UC Health Care Plans. Along with the UCFW Task Force, UCFW reviewed possible options for meeting the expected shortfall in the money available for health care premiums.

RETIREMENT ISSUES

Improvements to the UC Retirement Plan. Several improvements to the UCRP were reviewed carefully by UCFW and ultimately approved by the Board of Regents in January 2001:

- **Retirement Age Factors.** The Regents approved a change in UCRS age factors endorsed by UCFW. The change increases the maximum age factor to 2.5% at age 60.
- **Ad Hoc COLA.** The Regents also approved a one-time, ad hoc cost-of-living adjustment. The action restored purchasing power to the 85% level, effective 1/1/01, for UC retirees and survivors with retirement dates of 7/1/85 or earlier.

Asset Liability Study. One of the outcomes of the work of the UCFW Retirement/Investment Subcommittee was HR&B's agreement to fund an asset liability study by the Regents' actuary, Towers Perrin. The asset liability study will allow The Board of Regents to evaluate the financial implications of possible changes to the

retirement plan, including age factors, equalization of benefits to domestic partners, and the possibility of a 100 percent ad hoc COLA for retirees.

Health Sciences Faculty Retirement Benefit Enhancement. In July 2000 a group of health science faculty and staff, as well as representatives from HR/Benefits and Academic Advancement, met to define the issues and factors that have to be considered in evaluating proposals for improvements to retirement benefits for health science faculty. An independent consultant was retained to conduct a survey of 19 medical schools and four private institutions throughout the United States concerning their retirement benefits. A report to UCFW is anticipated in the fall of 2001.

Partial Retirement and Retirement/Recall Plans. A UCFW workgroup chaired by Professor Susan French developed a proposal for partial retirement and retirement/recall plans. The proposal, which sets forth a basic rationale for such plans, was adopted in concept by the Academic Council in July 2001. The 2001-02 UCFW will work with Administration to develop a more detailed proposal.

SALARY AND WAGE ISSUES

Faculty Salaries - UC/State Budget. Vice President of Budget, Larry Hershman, kept UCFW closely informed of UC/State budget negotiations. The energy crisis and decreased state revenue combined to create a grim situation in which the Higher Education Partnership Agreement was slashed by \$90M, adversely affecting UC's ability to provide faculty and staff salary increases at the levels initially planned.

Faculty Salary Scale Committee. At the request of the 1999-00 UCFW, the Academic Council established this committee. The Faculty Salary Scale Committee is focusing on two primary issues: (1) the timing and number of steps in the full professor series, and (2) the placement and definition of the so-called barrier step, currently at Professor VI. Professor Robert May, 1999-00 UCFW Chair, attends the Faculty Salary Scale Committee meetings, along with representatives from UCAP, UCPB, the Academic Council, senior administrators from several UC campuses, and Assistant Vice President Ellen Switkes. Early in 2001-02 a final recommendation should go forward for systemwide review by all appropriate bodies, including UCFW.

COLAs: Three-Month Delay from Start of Fiscal Year. UCFW expressed interest in the Faculty Association's proposal to return the start date of COLA increases to July 1. The effective date for COLAs had been shifted from July 1 to October 1 in 1994-95 when the University, using some of the funds from COLA appropriations, repaid faculty merits that were approved but not funded in 1991-92. The Faculty Association requested UCFW to take a leadership role in abolishing the COLA delay, an outcome that would

immediately benefit every UC employee. The 2001-02 UCFW will continue to discuss this proposal.

REVIEW OF OTHER UNIVERSITYWIDE POLICIES AND ISSUES

Proposed Revised APM-025 - Conflict of Commitment and Outside Activities of Faculty Members. In the fall of 2000, UCFW engaged in considerable deliberations regarding proposed changes to APM-025. UCFW worked closely with Administration in order to revise the proposed language. Although UCFW members continued to have some reservations concerning the proposal, the committee concluded that if the proposed amended language was adopted, the new policy was on balance an improvement over current policy. The changes were adopted and are now in effect.

Proposal to Revise APM-015 -- the Faculty Code of Conduct; Proposed New APM-016, University Policy on Faculty Conduct and the Administration of Discipline. UCFW was concerned that the proposed revisions would provide insufficient protection for faculty against arbitrary and subjective definitions of conduct warranting severe sanction and recommended several changes to the proposed language. UCFW worked with Administration on changes in language that would address those concerns.

Two Proposed Draft Policies regarding University Policy Implementing The Amended California Whistleblower Protection Act. In its consideration of the proposed changes, UCFW was concerned that changes not be overly broad and not take into account the rights of the accused. UCFW expects to review a new draft of the proposal in 2001-02.

Proposed Business School Salary Scales. UCFW considered the proposed Business School Salary Scales and concluded that the current proposal ought to be reworked in order to address issues of funding and of preferential treatment.

Revised Academic Personnel Policy 283, Lecturer with Security of Employment Series. UCFW was concerned that the proposed revisions might be a way to begin increasing the number of lecturers, relative to the number of ladder-rank faculty, as an inexpensive means of coping with the enrollment increases UC is expecting in coming years. UCFW recommended against approval of the proposed revisions.

UCFW Bylaw revision. UCFW examined its establishing bylaw and proposed that the chair of UCAP be removed as a member of the committee.

Respectfully submitted:

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Renee Binder, Vice Chair (SF)
Katharine Hammond (B)
John B. Oakley (D)
Abel Klein (I)
Susan F. French (LA)
John T. Trumble (R)
Bruce N. Lehmann (SD)
George A. Gregory (SF)
Bruce C. Straits (SB)
Barry McLaughlin (SC)
Sheldon L. Messinger, CUCEA Chair (B)
Julian Feldman, CUCEA Chair-Elect (I)
Daniel J. B. Mitchell, UCRS Board Member (LA)
Stephen Sugarman, UCRS Board Member (B)

Committee Analyst: Jeannene Whalen

**COORDINATING COMMITTEE ON GRADUATE AFFAIRS (CCGA)
ANNUAL REPORT 2000-2001**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

CCGA has two overarching responsibilities: it considers policy issues related to graduate education at the University and it reviews all campus proposals for new graduate programs and schools. The 2000-2001 academic year was a busy one for CCGA in both areas, but it seems to have been one of the busiest ever for program and school review. Spurred on by expanding enrollments, faculty were proposing both programs and schools at rapid rate during the year. At its June meeting, CCGA had 18 program and school proposals on its agenda; during the year, the committee reviewed a total of 41 proposed actions regarding these academic units. A full list of program proposals considered by the committee can be found at the end of this report.

As in the past, policy issues took up about half the committee's meeting time during the year. A perennial issue facing CCGA has been that of increasing the proportion of graduate students at the University, and increasing financial support for those students. The 2000-2001 academic year was notable in that, during it, a high-level University panel was working toward realizing both these goals. UC's Commission on the Growth and Support of Graduate Education – composed of Regents, faculty, administrators and students – met throughout the year to devise strategies for adding some 11,000 UC graduate students in the coming decade, while providing enhanced support for both new and existing students. Both the Chair and Vice Chair of CCGA were members of the Commission. The Commission's sense of what might be possible – at least in the near-term – was somewhat diminished during the course of the year as the state's fiscal woes mounted. At year's end, the Commission had not yet delivered its set of recommendations.

The committee was quite concerned this year with the initiative by the California State University to independently award doctoral degrees, specifically the Ed.D degree. There was consensus on the committee that, if approved by the Legislature and Governor, the Cal State proposal stands to be harmful not only to the University of California, but to public higher education in the state generally. On a statewide level, consideration of this issue was being carried out in the context of a review of California's Master Plan for Higher Education, which delineates the roles of UC, CSU, and the California Community Colleges. CCGA felt that, if approved, the Cal State initiative stands to erode the

specialization among public higher education institutions that has served California so well. The committee was heartened by President Atkinson's decision to publicly oppose the Cal State initiative.

Early in 2001, the President announced a broad set of initiatives intended to be responsive to a perceived need in the state for more graduate-level training in education. These initiatives included the creation of more joint doctoral programs with CSU, an expansion of the existing UC/CSU joint doctoral programs, the creation of a new Institute for Educational Leadership at UC that would study the field of academic preparation in education, and a doubling, over the next decade, of the production of educational doctoral degree recipients at UC and in UC/CSU joint programs. CCGA discussed this ambitious agenda at length with administrators from the Office of the President. One component part of the President's initiatives is the development of a systemwide framework for the establishment of Ed.D. programs at UC's campuses. The President's intention is that students on all eight general campuses eventually will be able to work toward Ed.D. degrees.

One of the agenda items that kept the committee busy this year was a review of proposed professional schools – notably in law (at UCR and UCI) and in management (at UCSD). In line with UC's expanding enrollments, a number of other schools also were proposed during the year. CCGA is one of four Senate committees charged with reviewing such proposals at two stages: early in their development and then later, when they have been shaped into detailed, polished proposals. Because of their complexity, the management and law proposals took up an inordinate amount of committee time during the year. One of the vexing issues the law proposals raised was the matter of how to deal with *competing* proposals for a given kind of professional school. Given the reality of limited resources, CCGA felt it had an obligation to render a judgment on the question: Should the Academic Senate be involved in comparative review of proposals for similar schools? The committee concluded that the Senate should engage (with the administration) in a comparative review of the UCR and UCI law school proposals – a conclusion shared by the Academic Council, which has proposed such a review to the Office of the President.

During the course of the year, the committee also took up the following policy issues:

- The promulgation of systemwide policies regarding postdoctoral scholars
- The authority of campus Graduate Councils over the awarding of graduate fellowships
- The authority of campus Graduate Councils over professional degrees other than those reviewed by outside professional boards

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- The degree to which campuses are carrying out systematic review of all of their graduate programs
- The addition of graduate students as members of CCGA, rather than visitors, albeit with votes of the students recorded separately.

The table that follows sets forth graduate program proposals reviewed by CCGA during the 2000-2001 academic year, and the disposition of these proposals as of August 2001. "Approval" of a program did not necessarily mean approval of the program as first submitted to CCGA. In a number of instances, programs were approved only after being modified in accordance with CCGA recommendations.

Program Proposed	Disposition
UCSD, M.A.S. in Management and Healthcare Organizations	Approved contingent upon financial aid plan 7/11/00
UCLA, S.J.D. (Doctor of Juridical Science)	In process
UCSC, two tracks in Ph.D. and master's programs: Molecular, Cellular and Developmental. Biology (MCD) and Ecology and Evolutionary Biology. (EEB)	Approved as interim arrangement, 10/17/00
UCLA, M.A. in East Asian Studies, UCLA	Approved 12/12/00
UCD, International Commercial Law Program	Approved 11/7/00
UCLA, merger, Ph.D. Programs in Dept. of Physiology, creating an Interdepartmental Ph.D. Program in Molecular, Cellular, and Integrative Physiology	Approved 11/7/00
UCI, M.A. in Teaching	Approved 1/9/01
UCR, M.F.A. in Dance	Approved 1/9/01
UCI, M.S./Ph.D. in Materials Science and Engineering	Approved 3/6/01
UCI, M.A./Ph.D. in Anthropology	Approved 1/9/01
UCD, M.S. in Cell and Developmental Biology	Approved 5/8/01
UCB, Joint Ph.D. in Demography & Sociology	In process
UCSD, M.Ed.	Approved 4/10/01
UCSD, M.A., Ph.D. in Bioinformatics	Approved 7/10/01
UCSD, M.A. and Ph.D. in Art History, Theory, and Criticism	Approved 6/12/01
UCR, M.S., Ph.D. Mechanical Engineering	Approved 7/10/01
UCI, M.A., Ph.D. in Sociology	Approved, 4/10/01
UCD, Grad group, M.S., Viticulture and Enology	Approved 4/10/01
UCSF/SFSU, DPTSc in Physical Therapy Science	Approved 5/8/01
UCSF, Ph.D., M.S., Graduate Group in Pharmaceutical Sciences and Pharmacogenomics	Approved 5/8/01
UCLA, merger, Depts. Microbiology and Molecular Genetics (L&S) and Microbiology and Immunology (Medicine) and their B.S., M.S. and Ph.D. programs	Approved 5/8/01
UCR, M.Ed.	Approved 7/10/01
UCD, Grad. Group and M.S. Forensic Science	Approved 7/10/01
UCD, Grad Group, M.S./Ph.D, Biostatistics	Approved 8/30/01
UCLA, M.S. in Biomathematics clinical training	In process

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UCLA, M.S./Ph.D. in Neurobiology, renaming, restructuring	In process
UCLA, Discontinue M.A. in Dance	Approved 6/12/01
UCB, Ph.D. in Molecular Toxicology	In process
UCI, M.S./Ph.D. Networked Systems	In process
UCR, M.F.A. Creative Writing, Writing for the Arts	In process
UCLA, M.A. in Moving Image Archive Studies	In process
UCI, M.A.S. in Criminology, Law, & Society	In process
UCLA Discontinue Integrated Manufacturing Interdepartmental program leading to M.Engr.	Approved 7/10/01

Respectfully submitted:

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Charles Perrin (SD), Vice Chair
Donald Mastronarde (B)
John Labavitch (D)
Frances Jurnak (I)
Duncan Lindsey (LA)
Thomas Morton (R)
John Pierce (SD)
Nancy Stotts (SF)
Joshua Schimel (SB)
Phokion Kolaitis (SC, fall)
David Belanger (SC, winter/spring)
Jim Dalton (graduate student)
Lee Ritscher (graduate student)

Committee Analysts:
Nicola Madzumar
Jeannene Whalen
David Krogh

UNIVERSITY COMMITTEE ON PLANNING AND BUDGET

ANNUAL REPORT 1999-2000

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Planning and Budget (UCPB) covered a significant number of important issues during its eleven committee meetings and many subcommittee exercises. Details are provided in meeting minutes, formal advisory statements, and other information distributed at its meetings. This annual report will summarize some of the major issues discussed by UCPB and will provide statements of the advice that UCPB advanced to Academic Council Chair Lawrence Coleman. This report is not intended to cover every item discussed by UCPB but only those where an advisory statement was developed.

This report will be sectioned in accordance with the major topical areas discussed by UCPB: Campus Allocations, UCOL Resolution on Library Funding, Endowment Payout, Joint Committee to Develop a Master Plan for Education, Research Initiatives, School Start-ups, and Reviews of Programs.

CAMPUS ALLOCATIONS

The University Committee on Planning and Budget (UCPB) has been engaged throughout academic year 1999-2000 in the discussion of the allocation of State and General Fund resources to campuses. Discussion process during several meetings has included the following:

- consultation with Vice President for Budget Larry Hershman and others,
- examination of budgetary information and analysis provided by UCOP consultants, and
- assessment of formulaic methodology and the current situation with respect to campus allocations.

Based on discussion and comments, UCPB members concluded that it was necessary and advisable for the Committee to issue a statement regarding allocations to campuses that would engender further systemwide discussion and consideration. A statement was drafted for the meeting of June 6, 2000 and subsequently revised and approved without dissent by the members of UCPB.

One of the crowning strengths of the University of California system is its commitment to fostering the development of each of its constituent campuses into a world-class research university. With the exception of a small number of focused-mission universities (e.g., MIT, Cal Tech), the universities to which our

general campuses compare themselves and with which our campuses compete for faculty and graduate students all have a wide range of strong graduate and professional programs in which they have invested substantial resources. The portfolios of such programs vary significantly from university to university, as they do among UC campuses. But, since at least the 1960s, the UC system has understood that a concerted investment in graduate and professional programs at all its campuses is critical to their maturing. Furthermore, the UC system has understood that graduate and professional programs cost more to develop into first-rate programs than do most undergraduate programs. It was this understanding that led to the adoption in the early 1980s of a "weighted ratio" formula for allocating State resources to the campuses. (There was only some partial use of weighted ratios before then.) Such a formula has demonstrably helped each of our campuses enhance their capacities and reputations as research institutions. It has been a particularly important factor in the dramatic achievements of the developing campuses, who could not have made the striking gains they have over the past two decades without such an "investment" strategy.

For these reasons, UCPB is concerned about the current guidelines for funding allocations to the campuses. The current guidelines handicap the growing campuses (UCD, UCI, UCR, UCSB, UCSC, and UCSD) in their attempts to achieve the laudable status currently held by the two flagship campuses (UCB and UCLA). In particular, the movement to an unweighted allocation formula for marginal growth has drastically curtailed the abilities of each of the developing campuses to grow the graduate student enrollments at a rate that increases the currently low UC graduate/ undergraduate student ratio and to attract the highest quality senior faculty essential to a world-class research institution. The current algorithm discourages those growth campuses from improving their graduate/undergraduate student ratios--ratios that are now dramatically below those enjoyed by the "comparison eight" institutions--and from hiring new faculty whose salary distribution is comparable to those institutions' as well as to those enjoyed by UCB and UCLA.

There should be common principles for determining the allocations to the campuses. Thereby, each campus will have an equal opportunity for success in the growth and development of its graduate program. We appreciate that this movement to an equal opportunity basis will take several years and should not be done in a manner that results in the decrease of the base funding of any campus. Rather, the increase in State and General funds associated with the projected forty-plus percent increase in enrollments over the coming decade plus perhaps some other budgetary increases should be used as the opportunity to correct the current situation.

The current allocation to the campuses normalized on a student FTE basis has UCB and UCLA spending approximately \$14,900 and \$14,100 in general and state funds per FTE while the other six general campuses spend between \$11,300 and \$12,200 per FTE. These monies do not include health sciences, financial aid, or organized research (OR) monies. They do include general campus I&R, Library, Institutional Support, and Maintenance funds. These numbers were provided by Vice President Hershman whose analysis was based upon expenditures for the 1998-99 year. He believes that his analysis was complete and reasonable. Since he followed a CPEC formula for distribution of Library, Institutional Support, and Maintenance costs across the General Campus, Health Sciences, and Organized Research functions, he notes that several hundred more dollars might be reasonably added to the figures given above for the four Campuses with both General Campus and Health Sciences functions. This amount of correction does not modify our conclusions and concern.

Another description of the substantial differences in General Campus funding is given by the differences in budgeted student FTE to budgeted Faculty FTE ratios. The growth campuses are significantly above the 18.7 average UC value while the flagship campuses are below that value. Of course, the current situation may be well justified by current graduate program sizes. The problem is that, under the current allocation system, any of the growth campuses will have great difficulties in reducing that ratio significantly no matter how dramatic is the growth in graduate enrollments.

The principal historical reason for the gap is that the weighted ratio allocation formula used during the 1980s and early 1990s was applied to each campus's entire base instructional budget, not simply to its allocation for marginal enrollment growth. Thus, the campuses that, in 1980, already had a high proportion of graduate students, received differentially high marginal allocations during the next decade.

The marginal enrollment growth is currently funded at \$12,000 per student FTE. This level of marginal funding is inadequate and particularly handicaps the "growth campuses" as they attempt to increase significantly their fraction of graduate enrollments. This significant growth can only occur if the ratio of growth in the graduate enrollments to undergraduate student enrollment growth is larger than the current UC-wide ratio for graduate/undergraduate enrollments. With the recent removal of weighting factors, the incentive from an economic perspective is thus to remain as strongly an undergraduate institution as possible and not to help the UC system as a whole achieve the situation, articulated as one of its "Tidal Wave II" goals, whereby 18% of the enrollment growth is graduate enrollment growth. Clearly, in a constant dollar sense, the current marginal allocation formula will inhibit graduate enrollment growth at

UC. This can reinforce what many currently view as a two-tier UC system in terms of the level of graduate enrollments. The gap between the two tiers can close modestly if we assume that the growth campuses will be hiring a younger faculty with initially lower salaries on average than faculty at the "flagship" campuses. However, we can still expect a large monetary gap to exist if nothing else is done.

We must seek creative ways to recognize the differential costs in growth of our graduate programs. One method would involve a return to a weighted distribution of funds that recognizes such differential costs. Another possibility is to distribute other funds such as funds for instructional technology, improvement in undergraduate quality, and engineering initiatives in a manner that is based on growth rather than current enrollments.

A simple calculation indicates that the monetary deficiency is very large. Projections for the year 2010 indicate that about two thirds of the total UC enrollment at that time will be at the six growth campuses. Without a change in the allocation process, the funding at the growth campuses--in constant dollars--would not exceed \$12,000 per student FTE. Thereby, those campuses would remain unable to attain a level of graduate enrollments currently present at UCB and UCLA. With about 140,000 students at the six campuses, it would require an additional \$140 million or more in constant dollars to an average funding level that is \$1000 per FTE higher than current levels. This would, over a ten-year period, require an additional \$14 million or more annually in constant dollars. Still, it would not totally remove the funding gap between the two tiers. However, the magnitude of the problem would be reduced.

In summary, some significant revision of the current allocation system is required to assure that we develop a University of California that is uniformly a world-class research university. UCPB looks forward to working with the administration to evaluate options for revisions to accomplish the goals.

UCOL RESOLUTION ON LIBRARY FUNDING

UCPB received and discussed the 15 February 2000 Resolution on Library Funding from University Committee on Library (UCOL). The Committee expressed its concern about the current state of research facilities, especially libraries, at some of the University's campuses.

UC has the critical obligation to its faculty and students to maintain the essential and appropriate conditions and materials for their research. We thus urged that the UC chancellors take all necessary steps to ensure that the research

infrastructure on the campuses, including physical library facilities, and print and electronic materials, are capable of providing this support.

We further recommended to UCOP and the Chancellors that all general funds given to a campus with designation for a special purpose such as Libraries be reported openly to the campus Academic Senate. Any decisions on the Campus concerning the allocation of those funds should be subject to the process of shared governance. Furthermore, in any proposal for a new school, program, center or institute, there should be a clear indication of the capital and operational budgetary supports for the research facilities and libraries necessary for the new enterprise.

ENDOWMENT PAYOUT

On November 9, 1999 UCPB discussed the endowment payout for next summer with Vice President Bruce Darling and Assistant Vice President Brad Barber. Vice President Larry Hershman was present and contributed to the discussion.

During AY 1998-99 UCPB was very supportive of the change from an endowment payout based on endowment income only to a payout based on total return on the investment. The total return policy is the standard in academia. UCPB was also supportive of the original proposal earlier this year by the Administration and the Regents Treasurer to have a payment rate of 4.75 percent. UCPB was therefore disappointed to learn that the Regents ultimately approved only 4.35 percent for the summer 1999 payout.

We understand that the payout this year was increased over the previous year by an amount substantially larger than inflationary increases. We also expect that the year 2000 payout will grow faster than inflation. UCPB does not find value, however, in comparisons with inflationary growth during this period of adjustment. The objective should be to bring UC swiftly to payout levels comparable to other major research universities and thereby see that the endowment is utilized in accordance with the wishes of the donors to the greatest extent feasible.

UCPB is unanimous in its position that upward movement of the payout rate from the 4.35 percent level should occur with the next payout. The Regents are advised, as a minimal action, to move to the 4.75 percent rate gradually in a two-to four-year period. Certainly UCPB would applaud a Regental decision to move immediately to the 4.75 percent payout rate. The advice for a graduated change should be seen as a compromise rather than as a preference.

In the discussion with Vice Presidents Darling and Hershman, and Assistant Vice President Barber, the potential use of a small portion of the endowment returns for seismic corrections was considered. UCPB is prepared to give strong support for a plan that (1) meets legal standards, (2) addresses all potential funding sources and all UC needs for seismic corrections and (3) relates logically each use of the endowment returns for seismic correction to the campus and mission identified by the donor.

JOINT COMMITTEE TO DEVELOP A MASTER PLAN FOR EDUCATION

The University Committee on Planning and Budget discussed at some length during its May 9 meeting the questionnaire from the Joint Committee. The decision was made to not respond one-by-one to the eleven questions posed in the questionnaire. That might more appropriately be addressed by other Senate committees. Instead, we wished to inform the Joint Committee about certain principles and facts that are most relevant to a research university. The absence of questions from the Joint Committee addressing these critical matters indicates that UC must work to provide the Joint Committee with certain understandings.

A research university differs from other educational institutions in that it has two major roles: (1) it brings established ideas, information, methodologies, and technologies to new people, namely, the students, and (2) it develops new ideas, information, methodologies and technologies through research. Of course, the second feature makes the research university distinct. Research of all types performed at UC benefits the people of California. In addition to economic impacts and improvements on the quality of life, there is a cultural enrichment. Furthermore, research performed in the university is the basis for training the most highly educated element of our population. Those graduates will continue to make tremendous impacts on the society after their departure from UC.

A large portion of the formal education of these postgraduate students is performed with each professor working with a small group of students. Naturally, the Joint Committee must be made aware of the profound planning and budget issues generated by the character of a research university.

The essence of UC is strongly related to its doctoral programs which allow strong research programs to exist at UC, attract the best faculty, provide qualified teaching assistants for the undergraduate programs, and indirectly create special opportunities for undergraduate independent work.

It is vital for California in its Master Plan to maintain strong doctoral programs at its public institutions. UC with its tradition, faculties, and facilities are best equipped to maintain that strength. Extension of the authority to grant

doctorates to CSU could easily result in a dilution of quality at the doctoral level and in additional financial costs to the state as a result of the loss of economy of scale. Both operating and capital expenditures for a doctoral-granting institution must be higher than for other institutions of higher education; therefore, the loss of economy of scale affects both operating and capital costs.

The recurrent discussion about extending authority to CSU to grant doctorates in “applied” fields (e.g., education and criminal justice) raises concerns about other potential erosions. Many of the doctorates granted by UC are in disciplines that might rightfully be considered as “applied.” It is not clear where a logical division between “applied” and “pure” research and doctoral programs can be established. All of the doctoral programs are vital to the economy and the culture of California and they should remain of the highest quality with the greatest return on investment. The retention by UC of the sole authority within public institutions will have those positive effects on quality and cost.

On another issue, UCPB believes that realistic guidelines must be established concerning how UC should impact K-12 education. Failure of the K-12 education system to present quality educational programs to all students has resulted in pressures for UC to assume some responsibility for education at that level. Guidelines should be established for methods by which UC can provide programs to strengthen the K-12 system so that they can handle their own challenges. UC should limit its entry into the education programs for K-12 students.

RESEARCH INITIATIVE PROPOSALS

UCPB at its April 11, 2000 meeting discussed research initiative proposals with the purpose of identifying and selecting groups of proposals to forward for further consideration.

UCPB reviewed the fifty-four proposals that had been submitted from the ten campuses and several MRUs suggesting research initiatives to be included in the 2001-02 Regents Budget. It was decided to identify promising themes that met the general criteria identified in the November 2, 1999 letter from Vice Provost Robert Shelton to the Vice Chancellors for Research. UCPB did not see merit in a formal evaluation of each proposal. Rather, the reading of the documents provided a useful background to help to find patterns of opportunities.

It was recommended that the topics for research initiatives identified in the 2001-02 Regents' Budget should differ from the topics advanced for the California Institutes for Science and Innovation. It is desirable to have state support extended to areas not addressed by the Science and Innovation Institutes

program; the breadth of supported research-area is a key factor in maintaining the vitality and the impact of the University of California. Furthermore, a commonality of areas between the research initiatives and the Institutes program could likely result in the initiative funding attempt becoming subordinated during the political process to the funding of the Institutes operation. In that case, fewer campuses would benefit from the initiatives.

UCPB found four compelling themes amongst the proposals. In alphabetical order, they are: Environment, Immigration, Infrastructure, and Public Health. These topics have high potentials for academic substance and societal impacts. UCPB defined these thematic categories to be somewhat more inclusive than the construction of categories provided by UCOP.

UCOP is urged to seek state funding for these four research initiatives. We look forward to updates on the progress of these initiatives.

SCHOOL START-UPS

Proposal to Establish a UCSD School of Pharmacy

UCPB was requested to review a Proposal to Establish a School of Pharmacy at UCSD. A Subcommittee was assigned to write a draft report for consideration by the full committee. UCPB discussed fully the Proposal and the Subcommittee draft report at its February and March meetings. A committee report was forwarded in April. It was suggested that certain clarifications should be made before the Proposal is approved.

A strong argument for a new UC School of Pharmacy appears to be the need for Pharm. D. graduates in new models of managed care, home care, and pharmaceutical industry. The majority of pharmacists in the US hold a B.S. degree and apparently are ill prepared for new modes of pharmacy practice. Pharm. D. graduates will be needed at outpatient sites, nursing home units, outpatient clinic centers, drug information centers that HMO's are sponsoring, and other sites accessible to patients and/or needing input from laboratory measurements. San Diego has the third largest concentration of biotechnology firms in the United States, including some prominent pharmaceutical companies. Pharmacists serve in these companies as clinical study coordinators in drug development and shepherding approval from the FDA. With the small sizes of the proposed early classes, it is expected that a large portion of UCSD graduates would be employed in local industry.

The normal incremental State funding associated with new students, currently about \$8600 per student, would not be sufficient to cover faculty salaries and

operating funds. Additional operating funds are requested. These would come from a \$2.4M increment to the State support for the UCSD campus in addition to professional, registration, and educational fee income. The plan also envisions a 44,000 asf state-funded building for instruction and research although existing space is deemed adequate to get the program up and running. The existing clinical teaching facilities in the San Diego area are apparently adequate to meet the needs of the program. The library needs are not detailed but the Biomedical Library already has core of pharmacy-related holdings as a result of the existing clerkship and residency programs that are part of the joint endeavor in clinical pharmacy education with UCSF dating back to 1974.

The funding request for an 8:1 student/faculty ratio seems high. It is our understanding that the student/faculty ratio for the UCSF Pharm. D. program is about 11:1. Based on a response from UCSD representative Ellen Comisso to our initial report, the student/faculty ratio would eventually be brought in line with that at UCSF. However, she also stated that it will be necessary in the short term to have a lower ratio in order to build an excellent program and accommodate students in the program prior to the completion of the proposed new building in 2005. Those proposing the new program believe a School of Pharmacy faculty of at least 21 is need to secure accreditation. UCPB notes that it will be necessary for UCOP to cover some start-up deficits associated with a temporary ratio less than 11:1 until some size of faculty and size of student body are achieved. We understand that this is common practice for the start-up of a professional school. According to the proposal, much of the teaching will not be done by the School of Pharmacy faculty. Table I shows that 60 of the 190 total units in the curriculum (and 60 of 139 core units) are existing courses taught by faculty members in the Department of Chemistry and Biochemistry and in the School of Medicine. It is not clear whether the addition of 30 students per year will result in increased costs to those units or how such costs would be covered. It would seem appropriate that some of the requested faculty FTE be directed toward those units in order to provide support for the teaching they are doing in the same Pharm.D. program.

In attempting to assess the resource implications of the proposed school, we were also concerned by the conflicting statements regarding the intended size of the program. Although the proposal frequently refers to the initial steady state of 30 entering Pharm. D. students per year, in a few places it mentions a possible expansion to 60-80 entering students per year following the initial steady state.

Proposal to Establish a UCR School of Law

UCPB was requested to review the "Proposal for a School of Law at UC Riverside." Following a preliminary discussion, a subcommittee was assigned to

write a draft report for consideration by the full committee. UCPB discussed fully the Proposal and the Subcommittee draft report at its February, March and April meetings. After the April meeting, some minor revision was made to the Subcommittee Report and UCPB approved this report. In addition, a minority opinion report was submitted by one member of the Committee following the April meeting.

The proposal to establish a law school at UCR presents a strong rationale for proceeding with the school, but also raises a number of questions in our minds. The prime advantages a new law school at UCR offers are (a) the strong community support for the project, which includes both the county's willingness to transfer its law library to UCR and promises of extramural donations from private sources; (b) the ability to accommodate the new school within the existing UC funding formula, such that increased enrollments at the graduate level will simply be reduced by the number of students accepted into the proposed professional school; (c) the relative concentration of UC and UC-calibre law schools in northern California; (d) the opportunities provided by the Riverside Justice Center for internships and other outreach activities.

Our questions centered on several aspects of the proposal. First, we examined the needs such a school would serve. Second, we examined its proposed budget. Finally, we addressed the research program the school will pursue.

It does not seem possible to justify the establishment of a new law school at UCR on the basis of a currently perceived or foreseen need for more first-class lawyers in San-Bernardino-Riverside counties or even in California, without rather extreme measures to restrict geographically both the pool of applicants and the jobs sought by graduates. Restricting the kinds of law graduates who are prepared to practice is also not compatible with a first-class training. Idealism can only be practiced on the basis of a full range of choices.

There thus remain three forms of justification. The first is to demonstrate sufficient immobility in the pool of prospective applicants to a state-supported law school in Southern California, as a whole, to provide the required number of enrollees at another southern UC law school, period. The second is to show that a law school on the UCR campus would enrich the campus's intellectual life, as a whole, more effectively and at least as economically as any alternative investment of resources. To be convincing in this area, it would be necessary to show a more careful and committed consideration of the location of the school in terms of the practice of law informed by intellectual, ethical and social enquiry (and these enquiries informed by study of law) rather than in those of a training in law driven by the litigation of financial and political advantage. This is distinct from differentiating a curriculum in terms of clinical versus theoretical

classes. The third is to show that, in terms of both resources and practicable programming, UCR's other intellectual and demographic strengths can provide a law education that not only would be as good as that available anywhere else, but also different - and that this difference would make it attractive across California, not just locally. It is not, however, reasonable to project the viability of a whole school on specialties such as family or environmental law, because their viability as idealistic careers is extremely limited. A professional school must first stand up in a court of the economy. Adequate consideration of the possibilities for a law school at UCR can only be made once a permanent site for the school is determined, a more detailed budget prepared, and a more elaborate research plan elucidated. Hence, while we by no means wished to preclude the establishment of a Law School at UCR, we urged the Campus to revise its proposal and to address these questions and considerations raised by UCPB.

UCPB was asked to review a letter dated 5 July 2000 from UCR Vice Chancellor David Warren to Provost and Senior Vice President C. Judson King concerning the law school proposal. UCPB was disappointed that this 24-page document was not a revised proposal, consistent with the processes outlined in the Compendium, and that it did not serve to strengthen the proposal submitted last Fall. The concerns which UCPB had previously expressed invited the Riverside campus to step back from the details in their proposal and to lay out a plan for developing a world-class national law school that would bring distinction to their campus and great credit to the University. We have concluded that we have not yet seen a proposal that is sufficiently strong to warrant a positive response from UCPB.

New School Start-up Monies

UCPB regards the start-up of new schools as a critical component of our growth strategy over the coming decade. Everything reasonable must be done to ensure that these schools are started in a proper and adequate manner to ensure the highest probability that a world-class educational and research program comparable with the best in existence at UC will result. Among other issues, this requires that adequate funds for recruitment and set-up of outstanding founding faculty are made available.

Consistent with this attitude, we made two requests in a 27 July 2000 letter to Academic Council Chair Coleman. Firstly, UCOP should fund the start-ups at a level necessary to yield a world-class educational and research program. The needs to achieve that quality level quickly, rather than the precedents, should determine the funding levels here. We do see a connection here with our recent advisory statement concerning underfunding of the growth in graduate enrollments. Secondly, we do wish to be consulted on the particular start-up

funding decision for each new school, beginning with the UCSD School of Pharmacy.

REVIEWS OF PROGRAMS

Five-Year Review of the UC Systemwide Biotechnology Research and Education Program (BREP)

UCPB reviewed the Quinquennial Review of UC Systemwide Biotechnology Research and Education Program (BREP). A Subcommittee was formed to prepare a draft document that was discussed and approved by the full Committee.

UCPB reviewed the findings of the Five-Year Review Committee and was, in general, in support of the review's conclusions and recommendations. The BREP appears to have been successful in training students. Most of the program's funds go directly to student support with smaller amounts going to small grants for conferences, symposia, workshops, and outreach.

The review committee offered several recommendations for changes. They found that the Director has been exceptionally effective but expressed a concern that her recent appointment as Director of the UC Industry Collaborative Program leaves her seriously overcommitted. They recommended that the workload be resolved by developing a permanent, presumably separate, administrative structure for the UC Industry Collaborative Program. In the interest of providing effective long-term administration of both programs, UCPB supported this recommendation.

The review committee also expressed concern over the lack of rotation of members of the BREP Executive Committee and recommended that a systematic rotation be established. We urged a detailed plan for the rotation of committee membership be created. The review committee also recommended that the BREP Advisory Committee be revitalized and that consideration be given to consolidating the advisory committees of BREP and BioSTAR. If the long-term plan is to merge BREP and BioSTAR, UCPB strongly supports this action.

The major recommendation of the Report deals with budget. The BREP budget has remained at \$1.5 million since its inception in 1985. Because most of this goes directly to student support, it has resulted in a significant reduction in the number of students the program can support. During those years, the importance of biotechnology as a component of the UC research effort and as a component of the California economy has increased. The Review Committee recommended that the University develop both short-term and long-term budget

strategies for BREP. The Review Committee made no specific recommendations regarding the budget. UCPB believes that a significant augmentation of the BREP budget is justified and that the legislature should be asked to increase funding for this program which they created some 15 years ago.

Workgroup on the Division of Agriculture and Natural Resources (DANR) Final Report

UCPB received the Report of the DANR Work Group in January and charged a Subcommittee with reviewing the Report and drafting a review document for Committee approval. At its February and March meetings the full Committee discussed the DANR Work Group Report.

The workgroup identified a number of academic issues. First and foremost, despite the fact that the annual DANR budget is on the order of \$250 million – comparable to a smaller campus or national laboratory, the workgroup concluded that DANR operates without regular consultation with the Universitywide Academic Senate of the University. The lack of consultation isolates DANR and impedes its ability to develop meaningful alliances with the broader research community of the University. It also makes it difficult to design and implement equitable policies for both AES and non-AES personnel. Perhaps most importantly, it fails to provide for routine Academic Senate-based evaluations of research programs, such as those mandated for MRUs.

Funding for AES organized research is essentially limited to faculty in five schools and colleges at three campuses that are part of the AES. Faculty outside these schools and colleges doing work on agricultural and natural research topics do not have easy access to DANR support. This clearly limits the ability of DANR to tap into a broader pool of research talent, and it thwarts effective merit-based competition for research funding. The lack of University-wide participation in planning and resource allocation has led to what the workgroup refers to as arbitrary decisions on the use of AES OR funds, including faculty support.

In setting research priorities, the workgroup concluded that DANR should consult with the Academic Senate, and such consultation should go beyond AES members – it should actively engage the full Senate.

Academic appointments, personnel reviews and promotions should be rationalized to achieve greater consistency between AES and non-AES faculty and staff appointments. Furthermore, the workgroup suggested reclassifying Specialist positions into either AES faculty or Advisor appointments.

The Workgroup developed 12 specific recommendations. We agreed with all of the recommendations, finding them to be useful in building a closer and more collegial relationship between the Academic Senate and DANR. In the long run, if the recommendations are implemented, the University will have a more robust program on agriculture and natural resources.

Health Sciences Education Committee Report

UCPB received the Reports of the Health Sciences Education Committee (HSEC) in January and charged a Subcommittee with reviewing the Report and drafting a review document for Committee approval. At its February and March meetings the full Committee discussed the HSEC Reports.

The Health Sciences Education Committee (HSEC) was established in 1996 at the request of the University Committee on Educational Policy (UCEP) and reported on the activities of this committee over two academic years (1997-98 and 1998-99) and offered a series of recommendations.

While recognizing the very high quality of the various UC health sciences enterprises and the extraordinary efforts of faculty, the Committee identified a number of important issues that currently present problems and are likely to become even more important in the future.

Perhaps the major theme of the report is the beleaguered state of clinical teaching – to various degrees perceived, real and predicted to worsen. While clinical teaching is formally funded by 19900 funds and FTE allocation, a great deal of the day-to-day teaching activity is carried out by individuals unsupported by these funds. In the past this seemed to work fairly well because funding from clinical or other revenues was adequate to cover this time, or at least clinicians felt that they could afford to donate this time. However, recently a number of forces have converged to strain this traditional system. Important among these is the need for clinicians to be ‘more productive’ in their clinical, income-bearing activities. Commitment to teaching now often means directly sacrificing revenue, and the demands of practice organizations preclude spending the amount of time needed to teach satisfactorily. Current compliance regulations also increase the need, and hence the time spent, in documenting details of clinical encounters, similarly reducing the time available for teaching. Underlying these changes is the rapidly evolving economics and regulations of health care and erosion of government and other support programs. Faculty also perceive that teaching is not rewarded in promotion deliberations. While this issue is not new, its importance seems to have magnified more recently.

To begin to deal with these problems in a more cohesive manner, the HSEC has proposed a number of recommendations.

Because of the unique character and problems of clinical education in the health sciences, these issues do warrant specialized consideration that separates them from those of other types of teaching activities (e.g., undergraduate and graduate studies in the non-clinical fields). The HSEC recommended the establishment of a UC Systemwide Institute for Health Sciences Education. This is a suggestion that deserves careful consideration, and a more detailed proposal outlining the scope, activities and funding of such an institute needs to be developed.

Indeed, either for a defined period of several years or perhaps as a standing group, this Committee or a successor might be founded to function as a Senate advisory and consultation committee to the Vice President of Health Affairs and to the new Institute. This Committee would then work closely with the Vice President for Health Affairs and report to the Academic Council or perhaps one of its major Committees.

In summary, the HSEC has worked diligently and identified a number of pressing issues in health sciences education. Their work largely sets the stage for collecting more concrete and factual information and for beginning the process of addressing these pressing issues facing all of the health sciences campuses and the clinical disciplines. Their efforts should not be wasted but need to be pursued through future actions. We recommend that this be done in concert with the Office of the Vice President for Health Affairs, and that the HSEC be perpetuated in some form as an Academic Senate-based advisory committee to the Vice President and that this committee might help deliberate further on the issue and potential form of an Institute for Health Sciences Education and other matters related to teaching and academic programs in the health sciences.

Closing Remarks

UCPB is pleased to have contributed to the oversight of the administration of the UC system. We are thankful to many officers and staff from the Office of the President for their helpful consultations. We also thank Louisa Tapley-Van Pelt and other Academic Senate staff for their support.

Respectfully submitted,

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UNIVERSITY COMMITTEE ON PLANNING & BUDGET

ANNUAL REPORT 2000-2001

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Planning and Budget met eleven times during the 2000-2001 academic year. The major issues considered and actions taken by the committee in the course of the year's session are herein noted.

Budget. The committee met regularly with UCOP consultants on budget and finance issues, keeping updated on the state budget process and receiving economic reports and forecasts. Of primary concern was the impact of the economic downturn on UC's budget and ways to recoup the terms of the partnership agreement with state government. UCPB also tracked the legislature's interest in changes in eligibility criteria, DAP and ELC, admissions initiatives, and the correlative impact of their interest on UC planning and budgetary concerns.

Endowment Spending. Since the adoption of the current expenditure policy, UCPB has offered annual recommendations on the pay out rate of the General Endowment Pool. In its October meeting UCPB reviewed endowment expenditures, and added its support to the efforts of the Senate to raise the rate 10 base points for this year. UCPB has in the past urged raising the rate in one move to the level of 4.75, but agreed with a 10 base point raise of endowment expenditure as a step towards achieving a desired rate of 4.75 as soon as possible.

State Supported Summer Instruction. UCPB considered and offered recommendations on questions of funding, faculty, fees, and enrollment growth related to the planning and implementation of state supported summer instruction. Based on a subcommittee's report, UCPB supported uniform fees with some initial flexibility for nonresident fees, and recommended improved information and outreach to students on all aspects of summer instruction. The committee monitored the planning and inauguration of the 2001 terms at UC Berkeley, UCLA and UC Santa Barbara. It also made recommendations on funding strategies and on gathering and assessing outcome information from those campuses, which can be used in the 2002 and possible 2003 launches at other campuses.

Enrollment. UCPB regularly monitored enrollment growth, mindful of both graduate and undergraduate issues and goals. This is a significant, at-hand

planning issue, about which UCPB will maintain a rigorous dialogue, most immediately in connection with state supported summer instruction and graduate enrollment and recruitment. The committee was kept apprised of ongoing discussion on enrollment issues in other systemwide bodies.

Academic Initiatives

Global Film School -- As part of a broad Senate review, UCPB studied the UCLA Global Film School proposal in subcommittee and full committee. Based on several strong concerns, UCPB did not support the proposal. In particular, the committee saw the terms of the proposal as ceding too much control over revenue, quality, and reputation to the business partners of the plan, while UC would be lending the UC name to the venture. The UCPB recommendation also noted that a certificate program is a gray area that may not clearly be subject to Senate oversight.

Master Plan Review -- In response to a report on the current four year UCOP review of the master plan for education, the committee discussed long term budgetary implications and challenges to UC's position as the primary state institution for research and doctoral programs. Related UC issues were: CSU's proposal for an Ed.D.; professional training the possibility of expanding the range of UC graduate programs; joint doctoral programs; and the overall process of redefining differences between UC and CSU.

CAL ISI -- The committee forwarded a recommendation for continued funding for California Institutes for Science and Innovation.

Research Related Activities and Reviews

Multi-campus Research Units -- UCPB participated in reviews, was regularly updated on the funding and review status of existing MRUs, and was apprised of research on the history of MRU funding and the development of a funding database by a joint workgroup. Members advised on improving budget strategies for MRUs, and on the review process. General recommendations from the committee were that MRUs more aggressively seek extramural funding, institute more interaction with other MRUs, and develop better use of electronic media as a way to bring content and site into competitive re-evaluation. UCPB participated in the following MRU review processes:

- Comparative Fifteen-year reviews of Toxic Substances Research and Teaching program (TSR&TP), University of California Energy Institute (UCEI), and the Cancer Research Coordinating Committee (CRCC).
- Quinquennial Review of the California Space Institute.
- Site selection for UC ACCORD.
- Proposals for branches of the Institute of Geophysics and Planetary Physics (IGPP) at UCI and at UCB.

The committee also received reports on funding for the following Multi-campus Research Programs: UC Institute of Labor and Employment (ILE); UC Natural Reserve System; Coastal and Environmental Quality Initiative.

Research Initiatives -- UCPB reviewed and prioritized proposals for research initiatives to be included in the 2002 -2003 budget. The committee submitted its recommendations and rationales to the Vice Provost of Research, endorsing continued funding for Invasive Species Research; Phase II Environment and Energy Initiative; and Graduate Student Support in Engineering, Computer Sciences and related disciplines. The committee also sent the following additional initiatives forward to the subcommittee on Research Initiatives: CIRSI; SAFER Cal; Social Inequality/ Social Development in California; Cal COOS; and Women's Health.

Proposals for New Schools and Programs.

UCR School of Law and UCI School of Law -- Although these proposals were reviewed separately, their proximity to each other both in time of submission and geographic location, led to obvious connections and questions. UCPB felt that the administration should take on the fundamental role of determining the need for another UC law school, and should weigh the advisability of these proposals in terms of how they would affect the quality of existing schools and their budgetary impacts on the campuses proposing them. Regarding the UCI proposal, UCPB recommended a national rather than local perspective on student recruitment, and expressed concerns about structure and faculty coverage for an interdisciplinary curriculum, and faculty-student ratio. Similarly, in regard to the UCR proposal, excessive "localism" was seen as a concern, as well as the initial plan to place the law school away from the campus. UCPB's concerns about each proposal were satisfactorily met via revisions, and each plan garnered the support of the Committee.

UCSD School of Management -- The committee made initial recommendations on costs of ancillary operations and students concerns. Later in the year, the committee heard a report from faculty at UCI on the proposed school's potential negative impact on UCI's Graduate School of Management. UCPB has recommended that the Senate take these concerns of competition with both UCLA and UCI under advisement, and that the UCSD proposal be revised to specifically address the similarities between UCI's GSM and UCSD's proposed program to mitigate possible problems. Aside from these concerns about impacts on other UC Management Schools, the proposal was strongly supported by UCPB.

UCPB engaged in initial discussion of the following Preliminary Proposals in Five-Year Perspectives:

UCD Graduate School of the Environment
UCI School of Design
UCI School of Information and Computer Science
UCI School of Public Health
UCSF School of Advanced Health Studies
UCD School of Education
UCSD School of Pharmacology (change of name only)

Library Report

California Digital Library -- The mission of the CDL is to develop a shared library content among the campuses through purchase and creation. UCPB considered these areas of concern: the structure of funding for the CDL; the determination of campus contributions; licensing; ownership; reading and archiving rights; content; and the challenges of sustainability and costs. UCPB appointed a committee member to be on the task force for exploring sustainable sources of income for the CDL, and will continue its oversight of this significant and developing project.

General library issues – In response to concern about the proper delivery of funds for libraries, UCPB requested a report from all campuses on library-allocated funds. Additionally, the committee was apprised of library storage issues, improvement plans, cataloging changes, and changes in database management and integration.

Interaction with Campus Committees. The committee heard divisional concerns focusing on growth, resources, and capital projects needed to meet space demands. UCPB considered how the systemwide Senate could be more helpful to the campuses in the areas of capital investment, the balance of private and state funds, and how UCPB might affect allocations across campuses. Members discussed the need for models of shared governance on budgetary and planning matters; in a related action, the committee recommended improving information sharing on budget and expenditures between campus CPBs and UCPB.

Faculty Issues. The committee reviewed a number of issues relating to faculty activities, compensation, and welfare. Based on a subcommittee report, UCPB generally approved proposed changes to AP 025 (Conflict of commitment and Outside Interest Activities of Faculty Members). Also considered in this year's session were: UCFW's proposed Principles on Parking; faculty participation rates in and compensation for summer session instruction; half-time and part time

appointments; faculty recruitment and retention; phased retirement; and overload pay issues. The committee will be completing its review and revision of University Copyright Policy in the coming year.

Proposed Business School Salary Scales. The Deans of the UC business schools submitted a proposal to raise their pay scale, which met with a divided response among the Senate members. As part of a broadened Senate review, UCPB considered the proposal and responses to it, and offered its recommendations that a revised proposal answer concerns about the magnitude of raises, the role of CAPs, and demonstration of an equitable transition between the old scale and the new. UCPB will continue to advise on this issue in the coming year at the request of the Council.

Liaison Activities. In addition to the Chair's service on Academic Council, UCPB is represented via the Chair, Vice Chair, or volunteer members on a wide variety of committees and task forces, including the UC Merced Task Force, the Council on Research, the Executive Budget Committee, and the Academic Planning Council. These liaisons allowed the Committee to stay apprised of and be involved in the decision making of these bodies.

Review of UCPB Bylaws. UCPB reviewed the Committee's bylaws and recommended changes in the language making it consistent with the charge of the committee, changing the term of service from three to two years, and structuring a more fluid rotation of members representing the campus committees.

Acknowledgements. The members of UCPB would like to thank the following UCOP consultants for their work, support, and insight over the past year: Vice President, Budget, Larry Hershman; Assistant Vice President, Planning and Analysis, Sandra Smith; Multicampus Research Director, Carol McClain; and Assistant Vice President, Budget and Fiscal Planning, Jerry Kissler. The members of the Committee would also like extend their heartfelt thanks to the Senate Analysts who provided exceptional and generous support to the Committee and pinch hit on short notice: Louisa Tapley-Van Pelt, Betty Marton, Jeannene Whalen, and Brenda Foust; and to the Executive Director, Maria Bertero-Barcelo, for keeping us going.

Respectfully submitted:
Gayle Binion, Chair
Alan Jackman (D), Vice Chair
Richard Price (SF)
Theodore Groves (SD)

Annual Reports of Committees

Joel Michaelsen (SB)
Bernd Magnus (R)
Richard Goodman (LA)
Stephen Mahin (B)
James Earthman (I)
John Hay (SC)
Peter Young (UCORP)
Robert Flocchini (D)
Chand Viswanathan, Academic Council Vice Chair

Committee Analysts:
Louisa Tapley-Van Pelt
Betty Marton
Jeannene Whalen
Brenda Foust

**UNIVERSITY COMMITTEE ON PREPARATORY EDUCATION
ANNUAL REPORT, 2000-2001**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Preparatory Education (UCOPE) met twice in full committee in 2000-2001, and conducted numerous discussions by e-mail. In addition to its regular task of selecting the prompt passage and setting the scoring standard for the UC-wide Subject A Examination, the Committee placed its greatest focus on a continuation of its assessment of the examination itself that was begun last year. The report summarizing the results of that review has now been completed and is attached here. We have also continued to work with the Office of the President in further development of the Diagnostic Writing Service; and we laid important groundwork for a careful study of campus programs in English as a Second Language (ESL).

I. Assessment of the Subject A Examination (Subcommittee consisting of Calvin Moore, UCB; and Jane Stevens, UCSD, chairman)

The Subcommittee gathered its findings into a series of preliminary reports, and with the extensive advice of other Committee members formulated a final Committee report, which is attached here (see Attachment 1). UCOPE concluded that the Subject A Examination performs a testing function for the UC Subject A requirement that is not provided by any other available test, and thus remains an essential tool for placing enrolled students in campus writing programs; a small sample of UC faculty members confirmed, moreover, that the Exam does indeed measure skills expected by faculty of their incoming students. We also confirmed the appropriateness of the scores on the SAT IIW and AP English Language and Literature exams by which the requirement could be judged to have been met, although reservations remain regarding the required AP score. Variability in the passing rate, however, remained a persistent concern. We concluded that this variability was caused not by reader inconsistencies but largely by the particularities of individual Exams; we therefore drew up a set of Specifications for the Examination which we hope and expect will significantly increase its consistency from year to year.

II. Diagnostic Writing Service (DWS)

The Committee continued its oversight of the UC portions of the DWS, an online service for high school students and teachers sponsored jointly by CSU and the UC Office of the President that offers university applicants the opportunity better to prepare for the UC Subject A Examination and the CSU English Composition Test, in part by enhancing their teachers' understanding of the kind of writing requirement that their students will encounter when

they enroll at colleges and universities. For UC, furthermore, the DWS represents a major outreach tool for enriching high school literacy. The UCOPE Subcommittee on the DWS (Wendell Potter, UCD, chairman, with Richard Levin, UCD, and Parama Roy, UCR) focused their efforts on the continuing development of the Teacher to Teacher website, which is being designed to provide a wide variety of curriculum materials and teaching resources for high school teachers of writing. A new Interim Editor, Melinda Erickson (Lecturer, College Writing, UCB), has taken on responsibility for the close supervision of materials for the site, which are being developed by the California Writing Project; it is anticipated that in the future an editorial board will take over editing the site text. In 2000-01 the DWS was utilized by 35 high schools (of the 90 to which it was made available), with three (increased over last year's two) windows of time (9 October to 6 November; 8 January to 5 February; 2 April to 23 April) during which 3,645 student Subject A Exam essays were received and given scores and detailed comments from Subject A readers. Although initial budget plans called for significantly increased expenditures for the DWS for 2001-02, which would enable expansion of the Service, late spring budget crises have apparently eliminated that increase.

III. English as a Second Language (ESL)

Although the greater part of Committee attention was necessarily directed to the completion of the report on the Subject A Examination, important initial work was accomplished on laying out the challenges that confront the Committee as it works with its ESL Subcommittee to establish a firm base of information identifying incoming students whose first language is not English and establishing consistent programs to serve their needs. While we believe it should be possible to enable, and perhaps mandate, campuses to identify these students upon entrance, either as freshmen or as transfer students, UCOPE and the ESL Subcommittee are hampered in their efforts to standardize such identification by a dearth of uniform information across campuses about their numbers and the ways in which they are now receiving appropriate instruction. Incoming freshmen with a significant level of English writing difficulty are identified in the Subject A Exam scoring with an "E" designation, identifying the individual as potentially needing ESL instruction; but most agree that this Exam does not catch all students with important English-language needs, and not all campuses augment the Exam score with other information from the application. Moreover, most campuses make no systematic attempt to identify possible ESL needs for new transfer students. In a major undertaking the ESL Subcommittee, at the request of UCOPE, prepared a tabulated survey of ESL programs at individual campuses, including information such as the departmental or administrative alignment, the number and status of personnel carrying out the teaching, and the number of students enrolled in courses. Since the Committee had insufficient time at

its spring meeting to discuss this extensive and detailed report, which reflects both the great variety of campus programs and the program gaps on some campuses that prevent a direct comparison of campus courses and support, it will be taken up by UCOPE in the coming year. The biggest challenge facing the Committee is perhaps that of achieving wide recognition of ESL programs and establishing their critical role in the years to come. (The lack of institutional recognition currently afforded ESL instruction by most divisions of UC, explicitly expressed in the non-Senate status of most ESL instructors, is also reflected, for instance, in the fact that ESL programs have rarely been given the systematic review that is carried out on all "regular" academic programs.) As part of its survey of campus programs, the ESL Subcommittee also drew up a set of recommendations regarding campus programs in English as a Second Language, endorsed in principle by UCOPE and appended here as Attachment 3, to serve the Committee as goals for its future initiatives.

IV. Proposal to revise UCOPE bylaws

Our efforts to understand and address the problems of undergraduates identified as "ESL" students have made it clear that UCOPE needs the expertise within its membership of an active ESL professional who can provide a close working relationship with the ESL Subcommittee. Although the Subcommittee has accomplished valuable work for the Committee, and a UCOPE member (Parama Roy, UCR) serves as liaison between it and UCOPE, the challenges of the ESL programs require that a member of the ESL Subcommittee have a full voice in our discussions and actions. The Committee has thus requested a change to its bylaws, providing that a representative of the ESL Subcommittee (who will be a member of the Faculty Senate) be appointed as a regular committee member. It has also become clear that especially in light of continuing changes in admissions procedures, many designed to increase the diversity of the UC student body, the task of UCOPE has been substantially expanded. The Committee has thus proposed a second change to its bylaws, calling for the regular appointment of a Vice Chair drawn from the Committee to aid the Chair and provide improved continuity in the Committee's activities (see Attachment 3).

Respectfully submitted,

Jane R. Stevens, Chairman 2000-2001 (UCSD)
Calvin C. Moore (UCB)
Richard Levin (UCD)
Myron Simon (UCI)
Lyle Bachman (UCLA)

Parama Roy (UCR)
Richard Herz (UCSD)
Nancy Byl (UCSF)
Michael Brown (UCSB)
Donna Hunter (UCSC)
BOARS Chair Dorothy Perry, Ex Officio (UCSF)

Committee Analyst: Louisa Tapley-Van Pelt

ATTACHMENTS:

1. UCOPE Report on the Subject A Examination (Executive Summary)
2. ESL Subcommittee Recommendations regarding English as a Second Language programs on UC campuses
3. Proposal to revise UCOPE bylaws

UCOPE Annual Report 2000-2001

ATTACHMENT 1. Report on the Subject A Examination

Executive Summary

The Subject A requirement, instituted in essentially its present form in 1922 but with origins going back to the nineteenth century, continues to reflect a central concern of University of California faculty with student litereracy. In the spring of 1999 a four-member subcommittee of UCOPE conducted preliminary investigations of the system-wide Subject A Examination that since 1987 has been the principal tool for measuring the adequacy of student reading and writing. As a result of that investigation, the full committee determined that an assessment of the system-wide Subject A Examination was both appropriate and necessary, since it had been administered for over a decade without systematic review. A subcommittee was therefore formed in the fall of 1999 to determine what questions needed to be addressed regarding the Examination, to devise procedures by which they might best be answered, and to reach those answers in a timely manner. The following questions were formulated:

1. Are there other available reading and writing tests (such as the SAT IIW) that could be substituted for the UC Subject A Examination, thus eliminating it altogether?
2. Since the Subject A requirement can already be met by achieving certain scores on other tests available to UC entering freshmen, and in the light of a common desire to reduce the number of students who must take the Subject A Examination, should those scores be lowered?
3. Is the Subject A Examination a reliable test of reading and writing ability?

4. Is the Subject A Examination a valid measure of the level of reading and writing competence expected by UC faculty of incoming freshmen?

After the full committee agreed that no other available exam offered a comparable testing of reading combined with responsive writing of the sort expected of freshmen by UC faculty, the subcommittee focused on Questions 2-4. It was decided that any student who meets the Subject A requirement should be judged to have an 85% chance of passing the Subject A Exam, the only available test of the skills required by UC faculty. With the help of analysts in the UC Office of the President, who provided data on the relationships between passing scores on the Subject A Exam and scores on the SAT IIW and the AP English Language and Literature exams, we determined what scores on those exams would predict an 85% passing rate on the Subject A Exam. We thereby confirmed that the score now required on the SAT IIW exam to meet the Subject A requirement is the correct one. With regard to the AP exam, we believe that the present cutoff score of 3 is actually too low to predict the 85% passing rate. Because UC allows college credit for this score, we include no recommendation for an adjustment at present, but point out that Subject A is directed at particular skills not necessarily synonymous with simple college-level credit, and urge that this question be reconsidered in the future. The Golden State examination is still too new to provide meaningful data; we will revisit that exam in two years in the hope that more students will have taken it. Our answer to Question 2, then, is that reducing the number of students who must take the Subject A Examination is not a viable option at this time.

Question 3 required an analysis of passing rates over the history of the Exam. These passing rates showed troubling irregularities, most extremely in 1989 and 1995. We addressed this finding in two ways. First, a small group of expert readers with substantial Subject A Exam experience met for two days to do a blind re-reading of 273 exams that had been scored in the original reading by one reader as pass and another as fail, and had been finally judged by a third reader. In the blind re-reading that final score was confirmed in 88% of the cases, a rate that we believe is as high as can realistically be achieved in a test of this kind, thereby eliminating reader unreliability as a source of remediable exam unreliability. Second, George Gadda, Chief Reader of the Subject A Exam Committee, worked with other writing experts to develop a set of permanent specifications, to be used both by the Subject A Exam Committee and by UCOPE, for determining the makeup of the Exam's prompt essay and questions. After three years the committee will review these specifications, in conjunction with the Exam score distributions during the years of their use, and consider possible modifications.

Question 4 is the most difficult to answer in objective terms. Although UCOPE provides the Subject A Chief Reader with score calibrations for the May Exam administration, not all members of the committee have extensive experience with student writing, and only a small number can be expected to have dealt with freshman papers in their own teaching. As a sort of spot-check, too small in its

sample to provide anything like data, but far more rigorous than simple anecdotal evidence, eight UC faculty members, from campuses at Berkeley, Riverside, and San Diego, read six exams that had received scores from 2 to 5 (from a range of 1 to 6), and judged their acceptability for their own freshman courses. As in the exam re-reading by writing instructors, there was some disagreement both among the faculty readers and between them and the assigned scores just at the pass/fail border; but these UC faculty members impressively confirmed the premise of the Subject A Exam, that it be a test of the skills of reading and writing expected by UC faculty of their beginning students.

In conclusion, while the committee believes that the Subject A Examination is an essentially sound testing instrument for the reading and writing requirements at UC, we make three recommendations:

1. A routine review of the findings reported here, in conjunction with the intervening experience with Exam results, should be conducted by UCOPE every five years (first in 2006); we suggest that such a review be made part of the committee's charge.
2. The future membership of the Subject A Exam Committee and of UCOPE should consult the new Subject A Examination specifications each year when the Exam is made up, and should review the specifications for possible revision in the spring of 2004.
3. The type of faculty reading described in Question 4 should be repeated at regular intervals, if possible with larger numbers of faculty readers, to maintain the alignment between the Exam and UC faculty expectations.

UCOPE ATTACHMENT 2. Recommendations of the ESL Subcommittee regarding English as a Second Language programs on UC campuses

1. Each campus should gather information about the size of their ESL population, both freshmen and transfer students.
2. Each campus should have an articulated plan for meeting ESL students' needs and for tracking students' progress.
3. Each campus should offer professional resources for ESL students, including optional or mandatory ESL courses and/or designated bridge programs, advising services, and tutoring programs.
4. Each campus should hire knowledgeable, experienced faculty to instruct its ESL students, whether in ESL courses or mainstream writing programs. Advisors, tutors and staff persons who provide services to ESL students should have appropriate training and experience or be offered training by campus ESL specialists.
5. Campuses should make a reasonable and fair determination of the time allowed for freshman ESL students to satisfy the Subject A requirement. They

should provide ways of satisfying this requirement that recognize ESL students' special circumstances as second language learners of English.

6. Each campus should take steps to provide non-ESL faculty across the disciplines with assistance in working with second language students, drawing on campus and/or systemwide expertise. ESL specialists can contribute to planning campus policies and developing teaching resources for faculty wishing to make their lectures, assignments and assessment measures maximally effective for this diverse population of students.

UCOPE ATTACHMENT 3. Proposal to revise UCOPE bylaws

TO: Michael Cowan, Chairman, UC Academic Council

FROM: Jane R. Stevens, Chairman, UCOPE

RE: Committee Bylaws

The University Committee on Preparatory Education has voted to recommend the following changes in the Committee Bylaws, in the hope that they can be effected by the Fall of 2001; both changes relate to the membership of the Committee.

1. The present workload of UCOPE, together with the considerable store of knowledge required to carry it out, call for the addition of a Vice Chair (to be drawn from the Committee's membership) in order both to broaden expertise in the business of UCOPE and to relieve pressure on the Chair. New initiatives with respect to preparatory education, in part the result of educational and political developments outside the Committee, added to its continuing oversight responsibilities, have significantly expanded UCOPE responsibilities in recent years.

2. Following the current list of members, we request the additional stipulation of "up to two additional members to be appointed by the Committee on Committees upon nomination by the Chair of UCOPE." These new members will represent the two satellite subcommittees established during the last few years to help carry out the work of the Committee. The first of these is the ESL (English as a Second Language) Subcommittee, a group made up of ESL-program representatives from each division, which meets once a year and has advised UCOPE on matters of ESL preparation. Because of the increasing numbers of students for whom ESL instruction is necessary or advisable, however, ESL knowledge and expertise have become essential to the workings of the Committee, and we desperately need an active Committee member to provide that expertise. We therefore propose that the Chair of the ESL

Subcommittee be a full member of UCOPE. (Although not all divisional ESL programs include members of the Faculty Senate, the Chairman appointed to UCOPE would of course be a Senate member, who would represent all the members of the Subcommittee.)

The second of UCOPE's ongoing Subcommittees is responsible for close oversight of the on-line Diagnostic Writing Service, sponsored jointly by the California State University and the University of California, that went into operation in September of 1999. By the end of 1999 it became clear that the UC branch of this program, which had been shaped largely by UCOPE with the cooperation of UCOP, would require the active participation of UC faculty if it were to fulfill its important outreach goal with the degree of integrity we wished. Each year the Chair of UCOPE has therefore appointed a DWS Subcommittee, made up largely of Committee members but sometimes (as in 2000-01) chaired by a Senate member not currently on UCOPE. Because the DWS represents such an important oversight responsibility for the Committee, we need to ensure that the Chair of the DWS Subcommittee be included in the UCOPE membership.

Michael Brown (UCSB)
Nancy Byl (UCSF)
Richard Herz (UCSD)
Donna Hunter (UCSC)
Richard Levin (UCD)
Calvin Moore (UCB)
Parama Roy (UCR)
Myron Simon (UCI)
Jane R. Stevens (UCSD), Chairman

**UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE
ANNUAL REPORT 2000-2001**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The Universitywide Committee on Privilege and Tenure (UCP&T) met four times during the 2000-2001 academic year, continuing and finally concluding the work of translating the 1997 Report of the Task Force on Disciplinary Procedures into modifications to Senate Bylaws. Corresponding revisions to APM-015, Faculty Conduct and Administration of Discipline are being advanced by Administration (in close consultation with UCP&T). UCP&T also proposed revisions to its establishing bylaw, SB 195, to allow statistical record keeping of grievance, disciplinary and early termination cases. UCP&T wishes to acknowledge the hard work and commitment of its administrative consultants, Carole Rossi, University Counsel; and Sheila O'Rourke, Executive Director – Academic Compliance and Special Assistant to the Provost.

**Proposed Revisions to Senate Bylaws 335, 195
Proposed New Senate Bylaws 334, 336, 337**

At the May 23, 2001 meeting of the Academic Assembly, after lengthy discussion and with the adoption of two relatively minor amendments, the Assembly overwhelmingly approved UCP&T's proposed revisions to Senate Bylaws. The committee's discussions on Bylaw revisions began four years ago in response to the 1997 Report of the Task Force on Disciplinary Procedures, a systemwide report that proposed a number of changes in the way that faculty discipline is administered at UC.

In its earlier version Senate Bylaw 335 defined the duties of Divisional Privilege and Tenure (P&T) committees and spelled out the procedures to be used in grievance, disciplinary, or early termination cases. However, dealing with all of those issues within a single bylaw and with a single set of procedures has led to a great deal of procedural confusion and to ambiguities regarding the difference between faculty grievances and faculty discipline. The legislation proposed by UCP&T and adopted by the Assembly resulted in a separate Bylaw for each of the three kinds of cases: discipline, grievance, and early termination. Placing each set of procedures in a separate Bylaw minimizes confusion and clarifies the differences in procedure used in each type of situation.

Burden of proof. Former Bylaw 335 described in some detail the procedures that a P&T Hearing Committee must follow in conducting a formal hearing. However, the Bylaw did not specify who had the burden of proof at such a hearing or what level of proof is required, an omission that is analogous to having a criminal trial

without assigning to the district attorney the burden of proving guilt beyond a reasonable doubt. The revised Bylaws now clearly specify both the burden and the level of proof required at a hearing.

In the event of Chancellors' disagreement with P&T findings. Under UC's system of shared governance, P&T committees hold hearings, but their findings and recommendations are only advisory to the Chancellor (or in certain cases, to the President or the Regents). In the vast majority of cases, the Chancellors' decisions have been fully in accord with the recommendations of P&T. New Bylaw 334 explicitly incorporates an important new agreement reached last year between the Senate and the President's office. In the event that a Chancellor disagrees with the findings of a hearing conducted under P&T's auspices, the Chancellor will meet with the P&T chair, and at the chair's discretion, with the whole P&T committee in order to resolve the differences prior to a final decision by the Chancellor. Language to this effect already is incorporated in the new APM-075.

Statistical record keeping. Because discipline and grievance cases are relatively rare and always treated as confidential, P&T committees and even UCP&T do not have a good perspective on the nature or disposition of these cases. It would be useful to know how many cases there are, whether the number is increasing or decreasing, what kinds of Code of Conduct violations are being prosecuted, what sanctions are appropriate for each type of violation, and whether different campuses generate different types or numbers of cases. A revision to Bylaw 195 requires P&T committees to provide general, non-confidential information on their caseloads to UCP&T, so that a database may be maintained. The 2001-02 UCP&T will continue to work to clarify the exact type of information it will be requesting annually from the campuses.

Statute of limitations. In order to ensure fairness in the conduct of hearings, a statute of limitations is now in effect on the imposition of discipline and on the consideration of grievances. UCP&T's revisions to Bylaws constrain P&T committees to consider a notice of proposed disciplinary action only if less than three years have passed since the administration knew or should have known of the alleged violation of the Faculty Code. A similar limit is in effect for grievances.

A variety of smaller changes to the Bylaws were proposed by UCP&T and adopted by the Assembly, including the following:

- Prehearing conference goals and procedures are set out.
- Specific language encouraging early resolutions is incorporated.
- The option of re-opening hearings is retained, but only if the newly discovered facts were not reasonably discoverable at the time of the hearing.

- Early procedures in grievances are more clearly spelled out.
- The proposed Bylaws give the P&T Hearing Committee the right to use a certified court reporter to record a hearing.
- In disciplinary hearings, the Bylaws include a new section allowing the introduction of evidence (and hearing transcripts) regarding previous disciplinary cases involving the faculty member if the alleged misconduct is similar to those earlier cases.

Proposed Revisions to APM-015 – Faculty Conduct and Administration of Discipline

In an effort paralleling UCP&T's examination of Senate Bylaws, a joint faculty/administrative working group was established in 1999 to draft modifications to APM-015. The APM, of course, is an administrative document, and UCP&T's role is to consult on proposed revisions. The Faculty Code of Conduct, however, which is incorporated into APM-015, is a Senate document. The Academic Council and the Academic Assembly both must approve revisions to the Faculty Code of Conduct, while The Board of Regents holds final authority for approval of any revisions to APM-015.

Early in the 2001-2001 academic year, UCP&T will bring forward proposed changes to APM-015 for adoption by the Assembly. UCP&T anticipates setting out in the revisions in two separate APM sections: 015 and 016. APM 015 is the Faculty Code of Conduct, while APM 016 is the University Policy on Faculty Conduct and the Administration of Discipline (both of which currently are contained solely within APM 015).

Respectfully submitted,

George Blumenthal, Chair (SC)
William Drummond (B)
Edmund Bernauer (D)
Richard Friedenber (I)
Maria Seraydarian (LA)
Jodie Sims Holt (R)
Adele Edling Shank (SD)
Jeanine Wiener-Kronish (SF)
Martin Scharleman (SB)

Committee Analyst: Jeannene Whalen

**UNIVERSITY COMMITTEE ON RESEARCH POLICY
ANNUAL REPORT 2000-2001**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Research Policy met nine times during the 2000-2001 academic year. Highlights of the Committee's activities and accomplishments are noted in this report.

Representation on the Academic Council. In addition to reviewing MRUs, proposals for new schools, and advising on complex issues presented by the National Labs, in recent years, matters of research policy have become an increasing part of UCORP's agenda. As such, UCORP feels strongly that the time has come for the Committee to be formally represented on the faculty governing board of this major research university. In June, UCORP submitted a request, to the Academic Council Chair, for a Bylaw change that would include its Chair in the membership of the Academic Council. It is both appropriate and timely that UCORP have an equal voice with the other Senate Committees represented on the Council, since its charge is central to the mission of the University of California.

DOE Lab Contracts. During the past two years, issues surrounding the DOE Labs occupied much of the Committee's attention. During the 1999-2000 academic year, UCORP began to inform itself about Labs issues in order to participate effectively in the discussions over the renegotiations of the contract that were expected to take place in March/ April 2001. UCORP held its May 1999 meeting at the Lawrence Livermore National Lab (LLNL), and its May 2000 meeting at the Lawrence Berkeley National Lab (LBNL). This gave the committee the opportunity to visit some of the Labs' facilities and to have discussions with both management and scientists. In addition, UCORP held a successful videoconference with management and scientists from the Los Alamos National Lab during its April 2000 meeting. UCORP also consulted regularly about Lab issues with the Office of Research at UCOP. With this background, UCORP was hoping to be able to make an in-depth analysis of UC management of the Labs prior to the contract renegotiations. However, in October 2000, the DOE exercised its option to request a three-year extension of the current contract, with small changes, for LANL and LLNL. Because of the considerably shortened time available for discussion, UCORP was not able to assess, in detail, all of the advantages and disadvantages of UC management. While UCORP would have preferred a longer discussion period, the Committee recommended that the Council endorse the extension of these contracts because of the serious recruitment and retention problems at the Labs. The new contract,

as expected, included the creation of the new position of Vice President for Laboratory Management. The UCORP Chair served on the selection committee for this search, which concluded successfully with the appointment of John McTague. The contract also included several unexpected provisions that are of serious concern to UCORP, including the right of the DOE to remove from contract work any Lab employee. These concerns were transmitted to the Academic Council.

UCORP Subcommittee on UC-DOE Relations. UCORP's support of the contract extension was conditional upon the formation of a Subcommittee that would evaluate the pros and cons of UC management and provide the basis for informed faculty input during the subsequent round of contract negotiations. The objective of the Subcommittee will be to examine the benefits and costs to the University of California and to the nation of UC's management and oversight of the LLNL, LANL, and LBNL, and evaluate the university's capacities to manage these important national resources in the context of recent changes in UC's relationship with the DOE. The work of the Subcommittee will take place over the next two years. A preliminary report to the Academic Council will be completed by Fall 2002, with a final report and recommendations submitted by Spring 2003. The Subcommittee will also recommend whether there should be a separate Senate Committee to inform the Academic Senate at regular intervals about the Labs. The existence of such a Committee would relieve UCORP from the burden of trying to provide information to the faculty on the Labs, in addition to providing advice and recommendations on a variety of other research issues.

Visit to the Los Alamos National Lab. In the place of its April 2001 meeting, UCORP made an unprecedented visit to the Los Alamos National Laboratory in New Mexico. The Committee met formally and informally with both scientists and staff, including those involved in "production" and classified work. Productive discussions focused on the impact of safety and security regulations at the operations level, UC's role in recruitment and retention, the effects of the new rules and regulations contained in the contract extension, and the benefits to Lab personnel of UC's management.

Multicampus Research Unit (MRU) Programs. During the 1999-2000 academic year, UCORP established a Subcommittee to discuss possible ways to reinvigorate the Multicampus Research Unit program. The Subcommittee found that the MRU budget allocation had been stagnant for more than 30 years. In addition, some of the old MRU programs are too dependent on the university and not aggressive enough in seeking outside funding. A funding strategy should be found that would not only allow for a regular and consistent way to reward topnotch MRUs but that would also enable the Office of Research to

create new ones. Sunsetting some of the old programs would be one way to make funds available. This discussion continued over the year with Office of Research staff and the Vice President-Budget.

MRU Comparative Reviews. UCORP reviewed the reports on the comparative fifteen-year review of the Toxic Substances Research and Teaching Program, University of California Energy Institute (UCEI), and the Cancer Research Coordinating Committee (CRCC) and concurred that these three MRUs should be continued. In its review of the five-year report on the California Space Institute (CalSpace), UCORP recommended that this MRU be disestablished, and that a successor MRU be established to foster space research within the university through a competition that would be open to all campuses. Among the reasons for making this recommendation was that, during the past twenty years, CalSpace has had only limited success in establishing and maintaining multicampus programs. UCORP's recommendation was adopted by the Academic Council.

2002-2003 Research Initiatives. UCORP made recommendations on the proposed research initiatives for the 2002-2003 Regents Budget. In a discussion about the research emphases, UCORP encouraged the university to have more discourse with Legislators about areas of research that faculty think are both important and relevant. UCORP also suggested that it would be helpful if campus researchers, who are seeking funds, could be informed about the recommendations made on the Initiatives through their Divisional Committees on Research (CORs).

Proposed New Schools/Programs. During the year, UCORP reviewed and submitted formal recommendations to the Academic Council Chair on the following proposals/prospectuses:

UCB Institute for Geophysics & Planetary Physics (an MRU)

UCI Institute for Geophysics & Planetary Physics (an MRU)

UCLA Global Film School

UCI School of Law

UCSD Graduate School of Management

UCR School of Law

UCD Proposal to Reconstitute Division of Education

UCD Graduate School of the Environment

UCI School of Information/Computer Science

UCI School of Public Health

UCI School of Design

UCSF School of Advanced Health Studies

Other Reports. The Committee also reviewed and wrote opinions on the following reports:

Proposed Revisions to APM 025-Conflict of Commitment

Report from the University Committee on Library

Report from the Task Force on the Administrative Infrastructure Needs in Support of Industry-University Research

Task Force on Year-Round Operations. In a letter to the Academic Council Chair, UCORP voiced its concern about the long-term consequences of year-round operations on faculty, and recommended that the Systemwide Academic Senate be involved in a thorough discussion of this issue. Among UCORP's many concerns is how faculty will be able to engage in university government under this arrangement at the departmental, campus and systemwide levels. UCORP strongly urged the Council Chair to establish a Task Force to study the many issues surrounding year-round operations.

UCORP Representation. Either the Chair or a member represented UCORP on the following University Committees during the year: University Committee on Planning and Budget (UCPB), UC Merced Task Force, Council on Research, Industry-University Cooperative Research Program Steering Committee, President's Council on the National Labs, Science and Technology Panel.

Acknowledgment. On behalf of the UCORP members, I wish to acknowledge the invaluable contributions made by the following members of the Office of Research that helped to inform UCORP's discussions during the year: past Vice Provost-Research, Robert Shelton; Interim Vice Provost-Research, Larry Coleman; Multicampus Research Director, Carol McClain; and most notably Associate Vice Provost for Research and Laboratory Programs, Rulon Linford.

Respectfully submitted:

Peter Young, Chair

Henry Abarbanel (SD), Vice Chair

Todd LaPorte (B)

Tu Jarvis (D)

Alexei Maradudin (I)

Richard Gatti (LA)

Max Neiman (R)

Girish Vyas (SF)

Janis Ingham (SB)

Darrell Long (SC)

Betty Marton (Committee Analyst)

VI. Reports of Special Committees (none)

VII. Reports of Standing Committees

A. Academic Council

Chand Viswanathan, Chair

- Report on new degree titles approved by the Academic Council (information)

Senate Bylaw 125.B.6 specifies that “The Coordinating Committee on Graduate Affairs shall submit to the Academic Council for final action on behalf of the Assembly proposals for the establishment of new graduate degrees submitted in accordance with Bylaw 180.B.5 when such proposals cannot be included in the agenda of a regular Assembly meeting to be held within sixty calendar days after Committee action.”

“New graduate degrees” means degrees whose titles are new to a given campus. The Academic Council approved two such degrees in July and one in August. Degrees approved in July were the DPTSc at UC San Francisco for a joint doctoral program in Physical Therapy Sciences between UCSF and California State University San Francisco; and the M.Ed. at UC San Diego for Program in Teacher Education. The degree approved in August was the M.Ed. at UC Riverside for a Master’s of Education Program. Because the Council was acting on behalf of the Assembly, it is reporting its actions to the Assembly now.

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

Dorothy Perry, Chair

- **Approval of Comprehensive Admissions Policy (action)**

The Assembly is being asked to approve BOARS’ recommendation to institute a system of comprehensive review of applicants for undergraduate admission.

Justification from BOARS Chair Perry:

BOARS is submitting to the Assembly today a proposal to adopt a system of comprehensive review of applicants for undergraduate admission. This system is intended to replace UC’s current system of tiered admissions review. This latter system is a requirement of the 1995 Regental Policy SP-1, under which campuses are required to admit 50 to 75 percent of their freshman classes solely on the basis of academic criteria, including high school grades and test scores. This proportion of each admitted class constitutes one tier in the current admissions system. The other tier is composed of students admitted on the basis of both academic and supplemental criteria. BOARS is proposing to have all students

considered on the basis of a single, comprehensive set of criteria. These criteria are defined in 14 bullet points listed in a set of comprehensive review guidelines that follow this justification in the *Notice of Meeting*. It is important to note that these are the same criteria currently used in a tiered fashion, the last four being the supplemental criteria. BOARS is not proposing changing the criteria; it is proposing applying them in an expanded way.

At the outset, it might be helpful to define what is meant by comprehensive review. BOARS has agreed upon the following definition:

Comprehensive review is the process by which students applying to UC campuses are evaluated for admission using multiple measures of achievement and promise, while considering the context in which each student has demonstrated accomplishment.

The proposed comprehensive review strategy based on this definition would continue to emphasize academic achievement as the most important element for consideration, but it would broaden the definition to include achievement in the context of each applicant's opportunities.

The possibility of adopting a comprehensive review process arose at the Regents' meeting of May 2001, when they voted to rescind Regental orders SP-1 and SP-2, which forbade the use of race and ethnicity in both admissions and hiring practices. Although SP-1 and SP-2 were rescinded by the Regents in May – and replaced by a new Regents order, RE-28 – the tiered admissions system instituted under SP-1 remains in place per RE-28 until such time as an acceptable alternative is proposed by the Senate and approved by the Regents. That alternative is what you have before you today.

In considering what changes to propose in undergraduate admissions, BOARS embarked on a deliberative process involving several days of meetings that resulted in an alternative admissions proposal and the enclosed draft guidelines for implementation. There has been strong interest among the public and the Regents to evaluate possible alternatives in an expedited manner so that, if accepted, new procedures could be effective for students entering the University in fall 2002. Due to this heightened interest, BOARS sent its proposal to the Academic Council in July; further, the proposal was forwarded to the campuses for review over the summer months. Campus administrations made resources available for faculty to engage in this unusual summer process, and BOARS received the campus responses by September 1, 2001. In addition to the faculty review processes on the campuses, admissions staff both on the campuses and systemwide engaged in planning processes so that, should the Assembly approve the proposal today, and should the Regents approve the proposal in

November, applicants can be reviewed under the new system for the upcoming admissions cycle.

The rationale for the proposed change to a comprehensive review of applicants' files is a basic one. UC faculty recognize that all high school students do not have the same academic opportunities – in fact there are major differences among high school course offerings, educational preparation of teachers, school resources, family income, and support for educational endeavors both in the communities and at home. Comprehensive review provides for trained admissions staff and faculty to employ a more inclusive definition of merit that is based on our existing guidelines, and still geared strongly toward measures of academic achievement. This broadened definition would continue to recognize and reward high academic achievement as measured by GPA and test scores, but would permit the evaluation of obstacles overcome by students in their educational advancement. The proposed definition, principles, guidelines, and accountability measures are presented for your consideration in the enclosed documents.

BOARS also recognizes that some campuses are poised to adopt a comprehensive review structure, while others will require more time to develop the mature processes. In reviewing preliminary plans from the campuses, it became clear that each would have to individualize the processes, and that development of comprehensive review will be iterative and evaluative in nature. It will also require faculty and admissions staff time and energy spent in new ways.

During the course of faculty discussion, several important considerations continually emerged. They centered around maintaining the high academic quality of our student bodies, identification of a system of accountability permitting the comprehensive review policies to be used fairly and not distorted to look like racial preferences of any kind, and identification of resources sufficient to administer the processes on the campuses in a fair and complete way. BOARS has proposed guidelines that continue to emphasize the significance of high academic achievement – grades and test scores will continue to provide the basis for admission. In addition, a system of accountability, requiring each campus to audit its practices and evaluate them annually, both locally on campus and in conjunction with systemwide faculty and staff is required. The proposed definition of the accountability structure is included in this *Notice of Meeting*.

Resources have become a significant issue among faculty, staff, and administrators at all levels. This is so because comprehensive review is more expensive than review based solely on grades and test scores. This concern has

been underscored in the light of the downturn in the state's economy. However, the Office of the President is committed to implementing this change, if approved by the Assembly and the Regents. President Atkinson has pledged sufficient funding for the admissions offices on the campuses to embark on the process, and maintain it. President Atkinson will be remarking on this situation at the Assembly meeting.

Close timing of the necessary approval steps for the comprehensive review proposal means that BOARS documents are presented to you in the *Notice of Meeting*, even though the Academic Council has not made a recommendation regarding the proposal. The Council has been involved in this process since it began, and has been instrumental in arranging the unusual summer faculty review process. It anticipates arriving at a recommendation about comprehensive review at its October meeting. That recommendation will be delivered to you at this meeting.

BOARS wishes to acknowledge and thank the UC faculty and staff who participated in this activity over the summer. That deliberative work permits BOARS to present this proposal to you for approval at the fall meeting of the Assembly.

PROPOSED GUIDELINES FOR IMPLEMENTATION OF UNIVERSITY POLICY ON UNDERGRADUATE ADMISSIONS

I. OVERVIEW

On May 20, 1988, The Regents of the University of California adopted a University of California Policy on Undergraduate Admissions. The Policy states in part that:

Mindful of its mission as a public institution, the University of California...seeks to enroll, on each of its campuses, a student body that, beyond meeting the University's eligibility requirements, demonstrates high academic achievement or exceptional personal talent, and that encompasses the broad diversity of cultural, racial, geographic, and socio-economic backgrounds characteristic of California.

In December 1995, following passage the previous July of Regents Resolution SP-1, a task force convened by the President of the University reviewed existing *Guidelines for the Implementation of University Policy on Undergraduate Admissions* and recommended substantive changes. The revised *Guidelines* were issued in July 1996 and revised in May 2000 to reflect the University's newly adopted Eligibility in the Local Context (ELC) policy.

In May 2001, The Regents adopted Resolution RE-28, which rescinded Resolution SP-1 and reaffirmed the goals of the 1988 Policy as follows:

the University shall seek out and enroll, on each of its campuses, a student body that demonstrates high academic achievement or exceptional personal talent, and that encompasses the broad diversity of backgrounds characteristic of California.

Following the passage of RE-28, the President asked the Academic Senate to consider the adoption of evaluation procedures that would look at applicants in a comprehensive manner and would utilize a variety of measures of achievement.

The present revision of the *Guidelines* follows extensive deliberation on the part of the Academic Senate, its Board of Admissions and Relations with Schools (BOARS), and its individual campus divisions and faculty admissions committees undertaken during the summer of 2001. The work of the Academic Senate built on themes already developed by the 1995 Task Force. For example, the report of the Task Force commented on the "need for a comprehensive review of the methods used for assessing academic performance, beyond

utilizing criteria such as GPA and standardized test scores” and suggested that “the selection process could be altered in the future to include a more comprehensive approach to reviewing students’ academic accomplishments and personal backgrounds.” The work of the Academic Senate should be considered as yet another step in the continuing evolution of undergraduate admissions practices and policies.

Effective with applicants seeking admission for the fall 2002 term and thereafter, the following revised guidelines and procedures shall be followed for implementation of the 1988 University of California Policy on Undergraduate Admissions and RE-28, adopted in May 2001.

These selection guidelines apply to campuses that have to select from a pool of eligible applicants, and to students who have met the established UC eligibility requirements for admission¹. These eligibility requirements are established by the University in conformance with the specifications outlined in the California Master Plan for Higher Education, which specifies that the top one-eighth of the State’s public high school graduates, as well as those community college transfer students who have successfully completed specified college work, be eligible for admission to the University of California.

These guidelines provide the framework within which campuses shall establish specific criteria and procedures for the selection of undergraduate applicants to be admitted when the number of eligible applicants exceeds the places available.

II. GUIDING PRINCIPLES FOR COMPREHENSIVE REVIEW

As part of its work on behalf of the Academic Senate, BOARS has adopted the following definition and principles to guide the formulation of individual admissions policies for campuses selecting among UC eligible applicants. Campus admissions procedures should involve a comprehensive review of applications. BOARS defines comprehensive review as:

The process by which students applying to UC campuses are evaluated for admission using multiple measures of achievement and promise while considering the context in which each student has demonstrated academic accomplishment.

¹ These guidelines apply to those students eligible for admission. Up to 6 percent of new enrolled freshmen and 6 percent of new enrolled advanced standing students can be admitted by exception, as authorized by The Regents. Refer also to the Policy on Undergraduate Admissions by Exception.

In designing campus procedures, campus admissions committees should adhere to the following guiding principles:

1. The admissions process honors academic achievement and accords priority to students of high academic accomplishment. At the same time, merit should be assessed in terms of the full range of an applicant's academic and personal achievements and likely contribution to the campus community, viewed in the context of the opportunities and challenges that the applicant has faced.
2. Campus admissions procedures should involve a comprehensive review of applications using a broad variety of factors to select an entering class.
3. No fixed proportion of applicants should be admitted based solely on a narrow set of criteria.
4. Campus policies should reflect continued commitment to the goal of enrolling classes that exhibit academic excellence as well as diversity of talents and abilities, personal experience, and backgrounds.
5. Faculty on individual campuses should be given flexibility to create admission policies and practices that, while consistent with Universitywide criteria and policies, are also sensitive to local campus values and academic priorities.
6. The admission process should select students of whom the campus will be proud, and who give evidence that they will use their education to make contributions to the intellectual, cultural, social, and political life of the State and the Nation.
7. The admissions process should select those students who demonstrate a strong likelihood that they will persist to graduation.
8. Campus selection policies should ensure that no applicant will be denied admission without a comprehensive review of his or her file.

Faculty takes their responsibilities for admission and selection very seriously. BOARS anticipates that campuses will act autonomously in designing campus-specific policies and processes that are consistent with Universitywide policies and guidelines. BOARS will continue to monitor campus policies and work with faculty to continuously improve the processes and outcomes.

III. SELECTION CRITERIA

Campuses receiving applications in excess of the number required to achieve their enrollment target for a specific term shall select students for admission as follows:

A. Freshman Applicants

The following criteria provide a comprehensive list of factors campuses may use to select their admitted class. Based on campus-specific institutional goals and needs, admissions decisions will be based on a broad variety of factors to ensure attainment of the goals set forth in the 1988 University of California Policy on Undergraduate Admissions and RE-28.

1. Academic Grade Point Average (GPA) calculated on all academic courses completed in the subject areas specified by the University's eligibility requirements (the a-f subjects), including additional points for completion of University certified honors courses (see 4, below). It is recommended that the maximum value allowed for the GPA shall be 4.0.
2. Scores on the following tests: the Scholastic Assessment Test I or the American College Test, and the College Board Scholastic Assessment Test II: Subject Tests.
3. The number, content of, and performance in courses completed in academic subjects beyond the minimum specified by the University's eligibility requirements.
4. The number of and performance in University approved honors courses, College Board Advanced Placement courses, International Baccalaureate courses, and transferable college courses completed. It is recommended that caution be exercised in order not to assign excessive weight to these courses, especially if considerable weight already has been given in the context of 1, above. Additionally, in recognition of existing differences in availability of these courses among high schools, it is recommended that reviewers assess completion of this coursework against the availability of these courses at the candidate's secondary school.
5. Being identified as eligible in the local context, by being ranked in the top 4% of the class at the end of the junior year, as determined by academic criteria established by the University of California.
6. The quality of the senior year program, as measured by type and number of academic courses (see 3 and 4, above) in progress or planned.

7. The quality of academic performance relative to the educational opportunities available in the applicant's secondary school.
8. Outstanding performance in one or more specific academic subject areas.
9. Outstanding work in one or more special projects in any academic field of study.
10. Recent, marked improvement in academic performance, as demonstrated by academic grade point average and quality of coursework (see 3 and 4, above) completed and in progress, with particular attention being given to the last two years of high school.
11. Special talents, achievements, and awards in a particular field, such as in the visual and performing arts, in communication, or in athletic endeavors; special skills, such as demonstrated written and oral proficiency in other languages; special interests, such as intensive study and exploration of other cultures; or experiences that demonstrate unusual promise for leadership, such as significant community service or significant participation in student government; or other significant experiences or achievements that demonstrate the applicant's promise for contributing to the intellectual vitality of a campus.
12. Completion of special projects undertaken either in the context of the high school curriculum or in conjunction with special school events, projects or programs co-sponsored by the school, community organizations, postsecondary educational institutions, other agencies, or private firms, that offer significant evidence of an applicant's special effort and determination or that may indicate special suitability to an academic program on a specific campus.
13. Academic accomplishments in light of the applicant's life experiences and special circumstances. These experiences and circumstances may include, but are not limited to, disabilities, low family income, first generation to attend college, need to work, disadvantaged social or educational environment, difficult personal and family situations or circumstances, refugee status, or veteran status.
14. Location of the applicant's secondary school and residence. These factors shall be considered in order to provide for geographic diversity in the student population and also to account for the wide variety of educational environments existing in California.

B. Advanced Standing Applicants

Advanced standing applicants shall be selected by each campus using the criteria listed below as well as criteria 11-14 listed above. Priority consideration for admission of advanced standing applicants shall be given to upper division junior transfers from California Community Colleges.

Criteria to Select Advanced Standing Applicants

1. Completion of a specified pattern or number of courses that meet breadth or general education requirements.
2. Completion of a specified pattern or number of courses that provide continuity with upper division courses in the major.
3. Grade point average in all transferable courses, and, in particular, grade point average in lower division courses required for the applicant's intended major.
4. Participation in academically selective honors courses or programs.

(Refer to items 2 through 6 in Section A above for additional criteria to consider.)

IV. APPLICATION PROCEDURES

A common filing period for submission of applications shall be established by the Office of the President in consultation with the campuses. These dates shall be observed by all campuses and may be extended only if a campus determines that additional applications are required to meet enrollment targets. All applications submitted during the prescribed dates shall receive equal consideration for admission.

Applicants shall file one application on which they shall indicate all the campuses where they wish to be considered for admission.

Campuses shall observe and publish a common notification period for notifying applicants of their admission status.

V. ACCOMMODATION OF UC ELIGIBLE APPLICANTS

UC eligible resident applicants, who have not been admitted at any of the campuses of their choice shall be offered a space at other UC campuses where

space is available. This process, called referral, reaffirms the long-standing University commitment to provide a place for every eligible California applicant who wishes to enroll.

In addition to the referral process, campuses may choose to offer other enrollment alternatives to UC eligible applicants. Examples of such alternatives may include:

1. Fall term admission to a different major,
2. Deferred admission to another term; or,
3. Enrollment at a community college with provision for admission at a later time, if a stated level of academic achievement is maintained (for freshman applicants only).

**BOARS Statement on Accountability
for Comprehensive Review of Eligible Applicants**

1. Each campus should articulate its admissions goals based on the following definition of comprehensive review of applicants:

Comprehensive review is the process by which students applying to UC campuses are evaluated for admission using multiple measures of achievement and promise, while considering the context in which each student has demonstrated accomplishment.

2. Each campus should define its campus admissions criteria.

3. Campuses should ensure that the faculty and supporting staff who evaluate applicants are well-qualified to select from among eligible applicants for the campus.

4. Campus practices should be tailored to specific goals but also reflect the best practices available.

5. Campus practices should be regularly evaluated and monitored both by the Divisional Senates and by BOARS during the admissions process.

6. Annual admissions and enrollment reports should be submitted both to the campus senates and to BOARS. These reports would define campus goals for admission and evaluate the extent to which the goals are being met.

7. BOARS would disseminate to the campuses systemwide information that permits sharing of best practices and refinement of campus procedures.

VII. Reports of Standing Committees

C. Committee on Privilege & Tenure (UCP&T)

George Blumenthal, Immediate Past Chair

Jodie Holt, Chair

- Approval of Revisions to Academic Personnel Manual (APM Section 015 and new APM Section 016 (action))

The Assembly is being asked to approve the new APM section and the APM revision noted above.

Justification from UCP&T Immediate Past Chair Blumenthal:

At today's meeting, the Assembly of the Senate is being asked to approve revisions to the Academic Personnel Manual's section 015, and to approve a new, related APM section, 016. The Academic Personnel Manual is an administrative document; changes in the APM normally are approved by the President of the University, with the Senate playing a consultative role in the revision process. By tradition, however, sections of the APM dealing with faculty discipline have been submitted to the Assembly for approval. Because authority for discipline derives ultimately from the Regents, revisions to APM-015 (and now 016) are also submitted to the Regents for their approval. Consequently, should the Assembly approve these proposed revisions to the APM, they will be submitted to the Regents for their consideration. With Regental approval, APM-016 and the revised APM-015 would be issued by the President as University policy, the President already having approved these provisions. The APM revisions are being presented to the Assembly by the University Committee on Privilege and Tenure because UCP&T worked in tandem with the Office of the President in revising these faculty regulations.

The process of reforming the University of California procedures and policies regarding the discipline of faculty began several years ago with the recommendations of the joint senate-administrative Task Force on Disciplinary Procedures chaired by Professor Daniel Simmons. With the work of the Simmons panel in hand, both Senate and administration agreed on the need to revise UC's disciplinary procedures and policies. UCP&T has worked intensively over the past two years to draft new rules for adoption. These rules are set forth in two separate bodies of regulations, which are complementary to one another. One set is the APM, whose proposed revisions are before the Assembly today. A second is the set of Senate Bylaws governing the operation of Privilege and Tenure Committees. Last May, the Assembly approved revisions to Senate Bylaws 195 and 334-337. Bylaws 334-337 govern the functioning of campus Privilege & Tenure Committees, which are charged with carrying out hearings and other procedures in connection with faculty discipline, grievance, and early

termination cases. Bylaw 195 specifies the duties of the systemwide University Privilege & Tenure Committee. The new Bylaws include many substantive changes, including clear statements of the standards of proof needed in each type of Privilege and Tenure case, clarifications of who bears the burden of proof, procedures for resolving potential disagreements between chancellors and P&T committees, and the establishment of a record-keeping function for UCP&T.

UCP&T is now bringing forward for Assembly adoption changes to the other major body of regulations dealing with faculty discipline, the APM. These APM revisions are set forth in two separate APM sections, 015 and 016. The former is the Faculty Code of Conduct, while the latter is University Policy on Faculty Conduct and the Administration of Discipline. In the current APM, both of these overarching bodies of regulations are included within APM-015.

The Faculty Code of Conduct essentially does three things: It sets forth the professional rights of faculty (to freedom of expression, freedom of inquiry and so forth); it sets forth both general ethical principles for faculty and examples of unacceptable faculty conduct; and it sets forth rules and recommendations for the enforcement of the Faculty Code. In contrast, The University Policy on Faculty Conduct and the Administration of Discipline includes a good deal of general policy regarding faculty discipline; it elaborates on the various penalties that may be imposed for violations of the Faculty Code of Conduct; it specifies what types of faculty behaviors are covered under the Faculty Code, as opposed to other University regulations (such as those dealing with incompetent performance); and it specifies which academic personnel are governed by the Faculty Code. The revised APM 015 and new 016 have been re-ordered because it makes sense for disciplinary principles to come before disciplinary procedures.

Review of the APM revisions before the Assembly today has proceeded as follows. An earlier version of these revisions was brought before the Assembly at its February 2001 meeting for discussion and to inform the Assembly of UCP&T's ongoing efforts. A revised version of APM 015 and 016 were subsequently sent to the campuses and to systemwide Senate committees in April 2001 for formal review. UCP&T has received considerable feedback from systemwide Senate committees and from several Divisions of the Senate regarding these proposed revisions. As a result, the committee has made a number of changes in the documents. I believe that the version we are now submitting is much improved and has benefited greatly from those comments. Appended to this justification is a memorandum showing all revisions to the documents since they were circulated for formal review in April.

Let me now summarize the main features of the revisions we are proposing, starting with those in the Faculty Code of Conduct, which is divided into Parts I,

II, and III. We have proposed relatively few changes in the Code's Part I (faculty rights) and Part II (ethical principles and unacceptable conduct). Our main intent in these sections was to strengthen the principle that faculty may be disciplined only for conduct that meets the standard set forth in the Code for unacceptable faculty conduct: conduct which is inconsistent with the ethical principles and which significantly impairs the University's central functions. In Part III of the Faculty Code, we replaced the recommended guidelines for the campuses with a set of mandatory guidelines and a second set of recommendations, intended to make campus procedures consistent with the Senate bylaws and to make them more efficient and fair.

The most important change in the proposed APM 016 is the inclusion of two new possible sanctions for faculty. One is the denial or curtailment of emeritus status. Currently, no sanction applies to emeriti. While it is desirable that emeriti remain an integral part of the University community, it is also important that there be a mechanism in place to guarantee and enforce appropriate behavior for emeriti. In addition, in UCP&T's view, the existing sanction of demotion is appropriate only in cases where promotion was inappropriately received, for example by fraud. Therefore, we are proposing an additional sanction of reduction in pay (without demotion) for some specified period of time. In certain cases, this new sanction may provide a less onerous alternative to the sanction of suspension without salary.

What now follows is a more detailed listing of all the proposed changes to the original APM 015 policy. A list of changes made just since the proposed revisions were circulated for formal review is attached.

Revised APM 015 Preamble

- Language was added to clarify that the Faculty Code of Conduct is not limited to the types of unacceptable conduct enumerated in the Code, and that other types of conduct may be the basis for disciplinary action if the conduct meets the standard set forth in the Code for unacceptable faculty conduct: conduct which is inconsistent with the ethical principles and which significantly impairs the University's central functions.

Revised APM 015 Part II

- Language was added to make clear that a faculty member may face disciplinary sanctions ONLY for conduct which meets the standard set forth in the Code for unacceptable faculty conduct: conduct which is inconsistent with the ethical principles and which significantly impairs the University's central functions.

- Language was added to clarify that sanctions may be imposed for violations of University policies only to the extent that such violations meet the standard set forth in the Code for unacceptable faculty conduct.
- Language was added to clarify that the section on students applies to all individuals under the academic supervision of a faculty member (such as postdocs, teaching assistants, and other employees).
- The language referring to discrimination was updated to conform to changes in law and University policy (in particular, new laws regarding veterans, protected medical conditions, and harassment).
- The word "knowing" was deleted from the existing provisions regarding violation of University policy applying to non-discrimination on the basis of disability.
- The phrase "research misconduct" was added to the existing provision for types of unacceptable conduct relating to violations of canons of intellectual honesty.
- Language was added to make discrimination, including harassment, against University employees a type of unacceptable conduct.
- Language was added to make serious violation of University policies governing the professional conduct of faculty a type of unacceptable conduct (this includes several new policies such as whistleblower protection and conflict of commitment, but again, only to the extent that such misconduct meets the standard set forth in the Code for unacceptable faculty conduct.

Revised APM 015 Part III

- The existing principles recommended as guidelines in developing divisional disciplinary procedures was divided into two sections, one with mandatory principles and one with recommended principles.
- Language was added requiring that no disciplinary action may proceed if more than three years have passed between the time the Chancellor (or the Chancellor's designee) knew or should have known of the alleged violation and the delivery of the notice of proposed disciplinary action (consistent with the new Senate bylaws).
- Language was added requiring that the Chancellor (or the Chancellor's designee) may not initiate notice of proposed disciplinary action unless there has been a finding of probable cause.

- Language was modified to reflect that divisional procedures must include designation of the following disciplinary sanctions authorized in the University Policy on Faculty Conduct and the Administration of Discipline: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University.
- Language was added to clarify that staff, in addition to students, faculty, the administration and other members of the University community, may bring forward allegations of misconduct.
- Language was added to encourage Divisions to provide faculty investigators with training, consultation or legal counsel to assist with the investigation of faculty disciplinary cases.
- Language was added to encourage Divisions to develop procedures for mediation of disciplinary cases.
- Language was added to encourage Divisions to develop procedures to allow information about ongoing disciplinary proceedings to be shared with the complainant(s) to the extent allowable by State law and University policy.
- Language was added to encourage Divisions to develop reasonable time frames for the conduct of disciplinary procedures.
- Language was added to encourage Divisions to develop procedures for keeping records of disciplinary matters in a confidential manner and sharing such records with Senate and administrative officers with a need to know in accordance with State law and University policy.

New APM 016 Section I - Introduction

- Language was added to clarify that the Faculty Code of Conduct applies to the professional responsibilities of faculty but that faculty members, like all other members of the University community are subject to general rules and regulations and may be subject to appropriate administrative actions for failure to comply with such regulations.
- Language was added to address cases where the Chancellor's tentative decision regarding discipline of a faculty member disagrees with the recommendation of the Divisional Privilege and Tenure Committee.

New APM 016 Section II - Types of Disciplinary Sanctions

- A new disciplinary sanction of denial or curtailment of emeritus status was added and the current disciplinary sanction of demotion was divided into two separate sanctions: demotion and reduction in pay (without demotion).
- Language was added to clarify that written censures should be maintained in a designated personnel file or files for a period of time specified in writing.
- Language was added to clarify that demotion as a sanction should be imposed in a manner consistent with the merit based system of advancement and is appropriate only when the misconduct is relevant to the academic advancement of the faculty member.
- Language was added to clarify that suspension as a sanction is without pay and may include the loss of normal faculty privileges such as access to University property, participation in departmental governance and other campus privileges.
- Language was added to permit a Chancellor to waive or limit the imposition of a disciplinary sanction on the condition that the accused faculty member perform some specified actions designed to address the harm caused by the misconduct.
- Language was added to clarify the difference between suspension as a sanction and involuntary leave (with pay) which may be imposed prior to the initiation of disciplinary action if it is found that there is a strong risk that the accused faculty member's continued presence on campus will cause immediate or serious harm to the University community.
- Language was added to clarify existing policy that in rare and egregious cases a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action, and to clarify grievance rights and procedures (including prompt written notice) for faculty members subject to such actions.

New APM 016 Section III - Procedures

- Language was added to clarify the difference between disciplinary actions and grievance actions as reflected in the newly enacted Bylaws of the Academic Senate 334-337, in that a disciplinary action generally is commenced by the administration against a faculty member based on

charges that have been investigated and found to have probable cause, while a grievance action is initiated by a faculty member who believes that he or she has suffered injury as the result of a violation of the faculty member's rights and privileges.

- Language was added to clarify that the Faculty Code of Conduct also applies to faculty members holding administrative appointments and that such faculty members may be subject to disciplinary action under the Code for professional misconduct in their administrative appointments in addition to administrative actions involving the removal of their administrative title.

To summarize, UCP&T urges that Academic Assembly approve the revised Faculty Code of Conduct and endorse the changes proposed in APM 016.

On the pages that follow, Assembly members can see APM 015 as currently written; APM 015 with its proposed revisions noted in underlines and strikeouts; and the new, proposed APM 016. The agenda item concludes with a listing of changes made to the APM proposal since the revisions were circulated last April for formal review.

Current APM 015 for Assembly Review

015-0 Policy

The University policy on faculty conduct and the administration of discipline is set forth in its entirety on the following pages.

UNIVERSITY POLICY ON FACULTY CONDUCT AND THE ADMINISTRATION OF DISCIPLINE

Section I

This Policy, as recommended by the President of the University and approved by The Regents on June 14, 1974, supersedes the President's interim statement on the same subject, issued on January 15, 1971. The present policy incorporates the Faculty Code of Conduct as approved by the Assembly of the Academic Senate on June 15, 1971 and amended by the Assembly on May 30, 1974, and with amendments approved by the Assembly on March 9, 1983, May 6, 1986, and May 7, 1992, and by The Regents on July 18, 1986, May 15, 1987, and June 19, 1992. In addition, technical changes were made September 1, 1988.

Part I of the Faculty Code notes the responsibility of the administration to preserve conditions that protect and encourage the faculty in its central pursuits. Part II defines normative conditions for faculty conduct and sets forth types of unacceptable faculty conduct subject to University discipline. Part III makes recommendations and proposes guidelines to assure the development of fair procedures for enforcing the Code.

Nothing in the Faculty Code, or in this Policy, is intended to change the various authorities and responsibilities of the Academic Senate, the administration, and The Regents as currently set forth in the Standing Orders of The Regents, the policies and regulations of the University, and the By-Laws and Regulations of the Academic Senate.

The Faculty Code explicitly does not deal with policies, procedures, or possible sanctions pertaining to strikes by members of the faculty. These are covered by Regental and administrative policies external to the Code.

Except for the matter of strikes, and with recognition that Part III of the Code consists solely of suggested guidelines and recommendations to the Divisions of the Academic Senate and the campus administrations, the Faculty Code, as incorporated into this Policy, is the official basis for imposing discipline on members of the faculty for professional misconduct.

With respect to the imposition of disciplinary sanctions, the Faculty Code deals only with professional conduct or misconduct. However, faculty members, in common with all other members of the University community, are subject to the general rules and regulations of the University – e.g., those pertaining to parking, library privileges, health and safety, and use of University facilities – and are subject to appropriate sanctions for failure to comply with such rules and regulations.

To maintain consistency in the future between the Code, if it should be further amended by the Academic Senate, and any new or changed Regental or administrative policies relating to faculty conduct that might be adopted, the President will consult with appropriate agencies of the Academic Senate, and will undertake to facilitate any needed joint action by the Senate and The Regents or the administration.

In case of disagreement between the administration and the faculty over the interpretation or application of the Code, conflicts will be resolved on a case-by-case basis, with the fullest consideration given to peer judgments achieved through procedures for discipline.

Disciplinary action is to be distinguished from certain other administrative actions taken as the result, not of willful misconduct but rather, for example, of disability or incompetence. The administration naturally bears the responsibility of assuring that the University's resources are used productively and appropriately. In meeting this responsibility, administrators must occasionally take actions which resemble certain disciplinary sanctions but which are actually of an entirely different character. These actions are subject to separate procedures with due process guarantees and should not be confused with disciplinary action with its implications of culpability and sanction.

Authority for discipline derives from The Regents. The Regents have made the Chancellor of each campus responsible for discipline on the campus (Standing Order 100.6(a)), subject to certain procedures and safeguards involving the President and the Academic Senate (Standing Orders 100.4(c) and 103.9 and 103.10).

The types of discipline that may be imposed on a member of the faculty are as follows: *written censure*, *suspension* (other than interim suspension with pay), *demotion*, and *dismissal* from the employ of the University. The severity and type of discipline selected for a particular offense must be appropriately related to the nature and circumstances of the case.

1. **Written Censure**

A formal expression of institutional rebuke, conveyed by the Chancellor or by a Dean to whom the Chancellor has delegated authority for this kind of disciplinary action. Written censure is to be distinguished from an informal

spoken warning, and must be delivered confidentially to the recipient. Informal spoken warning is not an official disciplinary action.

2. **Suspension**

Debarment of a faculty member for some stated period of time from the continuance of the appointment on its normal terms. Authority for the suspension of a faculty member rests with the Chancellor and may not be redelegated.

Suspension as a disciplinary action is to be distinguished from *interim suspension with pay*, which is a precautionary action, but not a form of discipline. A Chancellor is authorized to impose an interim suspension, with full pay, on a faculty member if it is found that there is a clear probability that the faculty member's continued assignment to regular duties will be immediately and seriously harmful to the University community. When such action is necessary it must be possible to impose the interim suspension swiftly, without resorting to normal disciplinary procedures, but the Chancellor must as soon as possible explain the reasons for the interim suspension and initiate disciplinary procedures by bringing charges against the suspended faculty member.

3. **Demotion**

Reduction to lower rank, step, or salary. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step or salary of any faculty member to a lower step or salary rests with the Chancellor. For either action, this authority may not be redelegated.

Authority for demoting a faculty with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.

In all cases, the Chancellor shall consult with the appropriate advisory committee(s) of the Division of the Academic Senate prior to demoting or recommending for demotion any member of the faculty.

4. **Dismissal from the Employ of the University**

The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment. This authority may not be redelegated. Authority for dismissal of a faculty member who has tenure or security of

employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor. In all cases, the Chancellor shall consult with the appropriate advisory committee(s) of the Division of the Academic Senate prior to dismissing or recommending for dismissal any member of the faculty.

Procedures for Discipline

Safeguards against arbitrary or unjust disciplinary actions, including provision for hearings and appeals, are well established in the University.

The Standing Orders provide that actions of certain types, some of them disciplinary in character, may not be carried out without the opportunity of a prior hearing before, or without advance consultation with, "a properly constituted advisory committee of the Academic Senate" (Standing Orders 100.4(c), 103.9 and 103.10). In addition, Standing Order 103.2 provides that any member of the Academic Senate may have the privilege of a hearing by an appropriate Senate committee on matters relating to personal, departmental, or University welfare.

The Academic Senate has established Committees on Privilege and Tenure in each of the nine Divisions. The composition and duties of these committees are defined by the Academic Senate. The traditional roles of the Divisional Committees on Privilege and Tenure are to take under consideration complaints against or by members of the Academic Senate and – in certain cases – other members of the faculty. The committees hold hearings and advise the administration.

For all academic appointees who are not members of the Academic Senate (and this group includes certain categories of faculty members) there is an avenue for hearings and appeals separate from that of the Senate's committees. This avenue is provided in Section 140 of the Academic Personnel Manual and concomitant procedures established on each campus. Beyond these existing provisions for hearings and appeals, it is desirable to establish clearly the procedures to be followed in initiating and carrying through the various types of disciplinary action. It is not essential that the procedures be identical on every campus – for example, it is left to campus option whether a prior hearing shall be required before the imposition of a milder form of discipline such as written censure. It is important, however, that the same basic principles and standards prevail throughout the University.

It is the responsibility of each Chancellor to establish procedures for the administration of discipline on the campus, in consultation with the campus Division of the Academic Senate and such other advisory groups as are appropriate. No disciplinary sanction for professional misconduct shall be imposed except in accordance with specified procedures. Chancellors are to keep the President

informed about campus procedures and to report any significant changes made in such procedures. The President will consult periodically with the Chancellors and the Academic Senate about procedures that are being employed in order to assure equitable standards for discipline throughout the University.

Section II

THE FACULTY CODE OF CONDUCT AS APPROVED BY THE ASSEMBLY OF THE ACADEMIC SENATE

(Code of Professional Rights, Responsibilities,
and Conduct of University Faculty,
and University Disciplinary Procedures)

Preamble

The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach the truth in accord with appropriate standards of scholarly inquiry.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty's special professional competence, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members.

It is the intent of this Code to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.

Part I of this Code sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions.

Part II of this Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings.

In Part II a clear distinction is made between statements of (1) ethical principles and (2) types of unacceptable behavior.

1. **Ethical Principles**

These are drawn primarily from the 1966 *Statement on Professional Ethics* and subsequent revisions of June, 1987, issued by the American Association of University Professors. They comprise ethical prescriptions affirming the highest professional ideals. They are aspirational in character, and represent objectives toward which faculty members should strive. Behavior in accordance with these principles clearly precludes the application of a disciplinary sanction. These Ethical Principles are to be distinguished from *Types of Unacceptable Faculty Conduct* referred to in the following paragraph. The *Types of Unacceptable Faculty Conduct*, unlike the Ethical Principles, are mandatory in character, and state minimum levels of conduct below which a faculty member cannot fall without being subject to University discipline.

2. **Types of Unacceptable Faculty Conduct**

Derived from Ethical Principles, these statements specify types of unacceptable faculty behavior which are subject to University discipline because, as stated in the introductory section to Part II, they are “not justified by the Ethical Principles” and they “significantly impair the University’s central functions as set forth in the Preamble.”

Although the listing in neither category of statements is exhaustive, it encompasses major concerns traditionally and currently important to the profession. It is expected that case adjudication, the lessons of experience and evolving standards of the profession will promote reasoned adaptation and change of this Code. It should be noted, however, that no provision of the Code shall be construed as providing the basis for judging the propriety or impropriety of collective withholding of services by faculty. Rules and sanctions that presently exist to cover such actions derive from sources external to this Code.

Part III of this Code deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and must reflect significant faculty involvement. Common guidelines for these enforcement procedures and sanctions are elaborated, and procedural arrangements are suggested which may be employed, at the option of each Division, to satisfy these guidelines.

Part I

Professional Rights of Faculty

In support of the University's central functions as an institution of higher learning, a major responsibility of the Administration is to protect and encourage the faculty in its teaching, learning, research, and public service. The authority to discipline faculty members in appropriate cases derives from the shared recognition by the faculty and the Administration that the purpose of discipline is to preserve conditions hospitable to these pursuits. Such conditions, as they relate to the faculty, include, for example:

1. free inquiry, and exchange of ideas;
2. the right to present controversial material relevant to a course of instruction;
3. enjoyment of constitutionally protected freedom of expression;
4. participation in the governance of the University, as provided in the Bylaws and Standing Orders of The Regents and the regulations of the University, including
 - (a) approval of course content and manner of instruction,
 - (b) establishment of requirements for matriculation and for degrees,
 - (c) appointment and promotion of faculty,
 - (d) selection of chairs of departments and certain academic administrators,
 - (e) discipline of members of the faculty, and the formulation of rules and procedures for discipline of students,
 - (f) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement, and
 - (g) determination of the forms of departmental governance;
5. the right to be judged by one's colleagues, in accordance with fair procedures, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.

Part II

Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct

This listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. Since University discipline, as distinguished from other forms of reproof, should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition, or its consequences, the following general principle is intended to govern all instances of its application:

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

A. Teaching and Students

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

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
 - (a) arbitrary denial of access to instruction;
 - (b) significant intrusion of material unrelated to the course;
 - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
 - (d) evaluation of student work by criteria not directly reflective of course performance;
 - (e) undue and unexcused delay in evaluating student work.
2. Discrimination against a student on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition*, status as a Vietnam-era veteran or disabled veteran, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Knowing violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of handicap.

*Medical condition, according to the California Fair Employment and Housing Act, means “health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured.”

4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.

B. Scholarship

Ethical Principles. “Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

Violation of canons of intellectual honesty, such as intentional misappropriation of the writings, research, and findings of others.

C. The University

Ethical Principles. “As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

1. Intentional disruption of functions or activities sponsored or authorized by the University.

2. Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University's central functions will be significantly impaired.
3. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
4. Forcible detention, threats of physical harm to, harassment or intimidation of another member of the University community, with the intent to interfere with that person's performance of University activities.

D. Colleagues

Ethical Principles. "As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution." (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
2. Discrimination against faculty on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition*, status as a Vietnam-era veteran or disabled veteran, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Knowing violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against faculty on the basis of handicap.

*Medical condition, according to the California Fair Employment and Housing Act, means "health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured."

4. Breach of established rules governing confidentiality in personnel procedures.

E. The Community

Ethical Principles. “Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community. When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University.” (U.C. Academic Council Statement, 1971)

Types of unacceptable conduct:

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.)
2. Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.

Part III

Enforcement and Sanctions

The Assembly of the Academic Senate recommends that each Division, in cooperation with the campus Administration, promptly develop procedures dealing with the investigation of allegations of faculty misconduct and the conduct of disciplinary proceedings.

Procedures shall be consistent with the By-Laws of the Academic Senate. Each Division should duly notify the University Committee on Rules and Jurisdiction and the University Committee on Privilege and Tenure of the procedures it has adopted and any subsequent changes therein. These Committees in turn are directed to report periodically to the Assembly of the Academic Senate on procedures adopted by the Divisions and to recommend to the Assembly such action as they deem appropriate for assuring compliance with the By-Laws of the Academic Senate or the promotion of uniformity among Divisions to the extent to which it appears necessary and desirable.

The following principles are recommended as guidelines in developing disciplinary procedures.

1. No disciplinary sanction for professional misconduct should be imposed by the Administration except in accordance with specified campus procedures adopted after appropriate consultation with agencies of the Academic Senate, as prescribed in the introduction to this part of the Code.
2. No disciplinary sanction should be imposed until after the faculty member has had an opportunity for a hearing before the Divisional Committee on Privilege and Tenure, subsequent to a filing of a charge by the appropriate administrative Officer, as described in Academic Senate By-Law 335.
3. Provision should be made for developing procedures whereby the Divisional Committee on Privilege and Tenure may sit in panels smaller than the full committee, to hear minor disciplinary cases or to facilitate the efficient and timely handling of a heavy case load.
4. There should be an appropriate mechanism for consideration and investigation of allegations of misconduct received from members of the faculty, students, the Administration, and other members of the University community.
5. There should be provision for a method by which efforts can be made for informal disposition of allegations of faculty misconduct before formal disciplinary proceedings are instituted.
6. Appropriate precautions should be taken to safeguard the confidentiality of investigative and disciplinary proceedings.
7. Because it is desirable that the faculty meaningfully participate in its own self-discipline, and in order to provide the Administration with faculty advice in the beginning stages of what may become formal disciplinary proceedings, appropriate procedures should be developed to involve the faculty in participating in the investigation of allegations of misconduct and/or in making recommendations to appropriate administrative officers whether a disciplinary charge should be filed.
8. There should be provision, to the maximum feasible extent, for separating investigative and judicial functions. A faculty member who has participated in investigating an allegation of misconduct or in recommending that a charge should be filed should thereafter not participate, as a member of the Committee on Privilege and Tenure, in the hearing of that charge.
9. Consideration should be given to provision for the Divisional Committee on Privilege and Tenure to reconsider a case on which the Chancellor disagrees with the Committee's findings.

10. In the implementation of all procedures, specific provisions should be made for the time span within which certain actions may or must be taken.
11. There should be provision for the Chancellor to impose an interim suspension, with full pay, on a faculty member, without having followed the procedures otherwise applicable for imposing disciplinary sanctions, when the Chancellor finds that there is a clear probability that the faculty member's continued assignment to regular duties will be immediately and seriously harmful to the University community. There should be provision for written statement of the reasons for such a suspension, and procedures for prompt filing by the Chancellor of a charge with the Committee on Privilege and Tenure and for prompt hearing by that Committee.
12. The procedures adopted should include designation of permissible disciplinary sanctions. The following disciplinary sanctions are authorized in The Regents' statement of University Policy on Faculty Conduct and the Administration of Discipline, of which this Faculty Code is an integral part: written censure; suspension (other than interim suspension with pay); demotion (in rank or in salary step); dismissal from the employ of the University.
13. There should be consideration of provision for the availability of removal or termination of a sanction, either automatically or by administrative discretion, in individual cases. The nature and circumstances of the offense should determine the severity and type of discipline.

Revised APM 015 for Assembly Consideration

015-0—**Policy**

~~The University policy on faculty conduct and the administration of discipline is set forth in its entirety on the following pages.~~

~~UNIVERSITY POLICY ON FACULTY CONDUCT AND THE ADMINISTRATION OF DISCIPLINE~~

[NOTE: The text from Section I of the University Policy on Faculty Conduct and the Administration of Discipline has been moved to new APM - 016]

~~Section I~~

~~This Policy, as recommended by the President of the University and approved by The Regents on June 14, 1974, supersedes the President's interim statement on the same subject, issued on January 15, 1971. The present This policy incorporates is the Faculty Code of Conduct as approved by the Assembly of the Academic Senate on June 15, 1971, and amended by the Assembly on May 30, 1974, and with amendments approved by the Assembly on March 9, 1983, May 6, 1986, and May 7, 1992, and XXXX, 2001, and by The Regents on July 18, 1986, May 15, 1987, and June 19, 1992, and XXXX, 2001. In addition, technical changes were made September 1, 1988.~~

~~Additional policies regarding the scope and application of the Faculty Code of Conduct and the University's policies on faculty conduct and the administration of discipline are set forth in APM - 016, the University Policy on Faculty Conduct and the Administration of Discipline.~~

~~Part I of the Faculty Code notes the responsibility of the administration to preserve conditions that protect and encourage the faculty in its central pursuits. Part II defines normative conditions for faculty conduct and sets forth types of unacceptable faculty conduct subject to University discipline. Part III makes recommendations and proposes guidelines to assure the development of fair procedures for enforcing the Code.~~

~~Nothing in the Faculty Code, or in this Policy, is intended to change the various authorities and responsibilities of the Academic Senate, the administration, and The Regents as currently set forth in the Standing Orders of The Regents, the policies and regulations of the University, and the By Laws and Regulations of the Academic Senate.~~

~~The Faculty Code explicitly does not deal with policies, procedures, or possible sanctions pertaining to strikes by members of the faculty. These are covered by Regental and administrative policies external to the Code.~~

~~Except for the matter of strikes, and with recognition that Part III of the Code consists solely of suggested guidelines and recommendations to the Divisions of the Academic Senate and the campus administrations, the Faculty Code, as incorporated into this Policy, is the official basis for imposing discipline on members of the faculty for professional misconduct.~~

~~With respect to the imposition of disciplinary sanctions, the Faculty Code deals only with professional conduct or misconduct. However, faculty members, in common with all other members of the University community, are subject to the general rules and regulations of the University — e.g., those pertaining to parking, library privileges, health and safety, and use of University facilities — and are subject to appropriate sanctions for failure to comply with such rules and regulations.~~

~~To maintain consistency in the future between the Code, if it should be further amended by the Academic Senate, and any new or changed Regental or administrative policies relating to faculty conduct that might be adopted, the President will consult with appropriate agencies of the Academic Senate, and will undertake to facilitate any needed joint action by the Senate and The Regents or the administration.~~

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~~Disciplinary action is to be distinguished from certain other administrative actions taken as the result, not of willful misconduct but rather, for example, of disability or incompetence. The administration naturally bears the responsibility of assuring that the University's resources are used productively and appropriately. In meeting this responsibility, administrators must occasionally take actions which resemble certain disciplinary sanctions but which are actually of an entirely different character. These actions are subject to separate procedures with due process guarantees and should not be confused with disciplinary action with its implications of culpability and sanction.~~

~~Authority for discipline derives from The Regents. The Regents have made the Chancellor of each campus responsible for discipline on the campus (Standing Order 100.6(a)), subject to certain procedures and safeguards involving the President and the Academic Senate (Standing Orders 100.4(c) and 103.9 and 103.10).~~

~~The types of discipline that may be imposed on a member of the faculty are as follows: *written censure*, *suspension* (other than interim suspension with pay), *demotion*, and *dismissal* from the employ of the University. The severity and type of discipline selected for a particular offense must be appropriately related to the nature and circumstances of the case.~~

~~1.—**Written Censure**~~

~~A formal expression of institutional rebuke, conveyed by the Chancellor or by a Dean to whom the Chancellor has delegated authority for this kind of disciplinary action. Written censure is to be distinguished from an informal spoken warning, and must be delivered confidentially to the recipient. Informal spoken warning is not an official disciplinary action.~~

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~~Debarment of a faculty member for some stated period of time from the continuance of the appointment on its normal terms. Authority for the suspension of a faculty member rests with the Chancellor and may not be redelegated.~~

Suspension as a disciplinary action is to be distinguished from *interim suspension with pay*, which is a precautionary action, but not a form of discipline. A Chancellor is authorized to impose an interim suspension, with full pay, on a faculty member if it is found that there is a clear probability that the faculty member's continued assignment to regular duties will be immediately and seriously harmful to the University community. When such action is necessary it must be possible to impose the interim suspension swiftly, without resorting to normal disciplinary procedures, but the Chancellor must as soon as possible explain the reasons for the interim suspension and initiate disciplinary procedures by bringing charges against the suspended faculty member.

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~~The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment. This authority may not be redelegated. Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor. In all cases, the Chancellor shall consult with the appropriate advisory committee(s) of the Division of the Academic Senate prior to dismissing or recommending for dismissal any member of the faculty.~~

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Section II

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(Code of Professional Rights, Responsibilities,
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It is the intent of ~~this~~ the Faculty Code of Conduct to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.

Part I of this Code sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions.

Part II of this Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings.

In Part II a clear distinction is made between statements of (1) ethical principles and (2) types of unacceptable behavior.

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These are drawn primarily from the 1966 *Statement on Professional Ethics* and subsequent revisions of June, 1987, issued by the American Association of University Professors. They comprise ethical prescriptions affirming the highest professional ideals. They are aspirational in character, and represent objectives toward which faculty members should strive. Behavior in accordance with these principles clearly precludes the application of a disciplinary sanction. These Ethical Principles are to be distinguished from *Types of Unacceptable Faculty Conduct* referred to in the following paragraph. The *Types of Unacceptable Faculty Conduct*, unlike the Ethical Principles, are mandatory in character, and state minimum levels of conduct below which a faculty member cannot fall without being subject to University discipline.

2. **Types of Unacceptable Faculty Conduct**

Derived from the Ethical Principles, these statements specify examples of types of unacceptable faculty behavior which are subject to University discipline because, as stated in the introductory section to Part II, they are “not justified by the Ethical Principles” and they “significantly impair the University’s central functions as set forth in the Preamble.”

~~Although the listing in neither category of statements is exhaustive, it~~ The Ethical Principles encompasses major concerns traditionally and currently important to the profession. The examples of types of unacceptable faculty conduct set forth below are not exhaustive. It is expected that case adjudication, the lessons of experience and evolving standards of the profession will promote reasoned adaptation and change of this Code. Faculty may be subjected to disciplinary action under this Code for any type of conduct which, although not specifically enumerated herein, meets the standard for unacceptable faculty behavior set forth above. It should be noted, however, that no provision of the Code shall be construed as providing the basis for judging the propriety or impropriety of collective withholding of services by faculty. Rules and sanctions that presently exist to cover such actions derive from sources external to this Code.

Part III of this Code deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and must reflect significant faculty involvement. ~~Common guidelines for these enforcement procedures and sanctions are elaborated, and procedural arrangements are suggested which may be employed, at the option of each Division, to satisfy these guidelines.~~ In order to guide each campus in the development of disciplinary procedures that comply with this policy and Senate Bylaws, Part III provides an outline of mandatory principles to which each Division must adhere and discretionary principles which are strongly recommended.

Part I – Professional Rights of Faculty

In support of the University's central functions as an institution of higher learning, a major responsibility of the Administration is to protect and encourage the faculty in its teaching, learning, research, and public service. The authority to discipline faculty members in appropriate cases derives from the shared recognition by the faculty and the Administration that the purpose of discipline is to preserve conditions hospitable to these pursuits. Such conditions, as they relate to the faculty, include, for example:

1. free inquiry, and exchange of ideas;
2. the right to present controversial material relevant to a course of instruction;
3. enjoyment of constitutionally protected freedom of expression;
4. participation in the governance of the University, as provided in the Bylaws and Standing Orders of The Regents and the regulations of the University, including
 - (a) approval of course content and manner of instruction,
 - (b) establishment of requirements for matriculation and for degrees,
 - (c) appointment and promotion of faculty,
 - (d) selection of chairs of departments and certain academic administrators,
 - (e) discipline of members of the faculty, and the formulation of rules and procedures for discipline of students,
 - (f) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement, and
 - (g) determination of the forms of departmental governance;

5. the right to be judged by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.

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

This listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. Since University discipline, as distinguished from other forms of reproof or administrative actions, should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition, or its consequences, the following general principle is intended to govern all instances of its application:

University discipline under this Code may be imposed on a faculty member only for conduct which is not justified by the ethical principles and which significantly impairs the University's central functions as set forth in the Preamble. To the extent that violations of University policies mentioned in the examples below are not also inconsistent with the ethical principles, these policy violations may not be independent grounds for imposing discipline as defined herein. The *Types of Unacceptable Conduct* listed below in Sections A through E are examples of types of conduct which meet the preceding standards and hence are presumptively subject to University discipline. Other types of serious misconduct, not specifically enumerated herein, may nonetheless be the basis for disciplinary action if they also meet the preceding standards.

A. Teaching and Students

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

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
 - (a) arbitrary denial of access to instruction;
 - (b) significant intrusion of material unrelated to the course;
 - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;

- (d) evaluation of student work by criteria not directly reflective of course performance;
 - (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition*, status as a ~~Vietnam-era~~ covered veteran ~~or disabled veteran~~, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
 3. ~~Knowing~~ Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of ~~handicap~~ disability.
 4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
 5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.

*~~Medical condition, according to the California Fair Employment and Housing Act, means "health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured."~~

B. Scholarship

Ethical Principles. “Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others.

C. The University

Ethical Principles. “As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

1. Intentional disruption of functions or activities sponsored or authorized by the University.
2. Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University’s central functions will be significantly impaired.
3. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
4. Forcible detention, threats of physical harm to, or harassment or intimidation of another member of the University community, ~~with the intent to interfere~~ that interferes with that person’s performance of University activities.
5. Discrimination, including harassment, against University employees on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition, status as a covered veteran or, within the limits imposed by law or University regulations, because of age or citizenship, or for other arbitrary or personal reasons.

6. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against employees on the basis of disability.

7. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.

D. **Colleagues**

Ethical Principles. “As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
2. Discrimination, including harassment, against faculty on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition*, status as a ~~Vietnam-era~~ covered veteran ~~or disabled veteran~~, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. ~~Knowing~~ Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against faculty on the basis of ~~handicap~~ disability.
4. Breach of established rules governing confidentiality in personnel procedures.

*~~Medical condition, according to the California Fair Employment and Housing Act, means "health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured."~~

E. **The Community**

Ethical Principles. “Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community. When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University.” (U.C. Academic Council Statement, 1971)

Types of unacceptable conduct:

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.)
2. Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.

Part III – Enforcement and Sanctions

The Assembly of the Academic Senate recommends that each Division, in cooperation with the campus Administration, ~~promptly~~ develop and periodically re-examine procedures dealing with the investigation of allegations of faculty misconduct and the conduct of disciplinary proceedings.

Procedures shall be consistent with the ~~By-Laws~~ Bylaws of the Academic Senate. Each Division should duly notify the University Committee on Rules and Jurisdiction and the University Committee on Privilege and Tenure of the procedures it has adopted and any subsequent changes therein. These Committees in turn are directed to report periodically to the Assembly of the Academic Senate on procedures adopted by the Divisions and to recommend to the Assembly such action as they deem appropriate for assuring compliance with the ~~By-Laws~~ Bylaws of the Academic Senate or the promotion of uniformity among Divisions to the extent to which it appears necessary and desirable.

~~The following principles are recommended as guidelines in developing disciplinary procedures.~~

- A. In the development of disciplinary procedures, each Division must adhere to the following principles:
1. No disciplinary sanction for professional misconduct ~~should~~ shall be imposed by the Administration except in accordance with specified campus procedures adopted after appropriate consultation with agencies of the Academic Senate, as prescribed in the introduction to this part of the Code. Systemwide procedures for the conduct of disciplinary hearings are set forth in Academic Senate Bylaw 336.

2. No disciplinary sanction ~~should~~ shall be imposed until after the faculty member has had an opportunity for a hearing before the Divisional Committee on Privilege and Tenure, subsequent to a filing of a charge by the appropriate administrative Officer, as described in Academic Senate ~~By Law~~ Bylaw 335 336.
 3. No disciplinary action may commence if more than three years have passed between the time when the Chancellor knew or should have known about the alleged violation of the Faculty Code of Conduct and the delivery of the notice of proposed disciplinary action.
 4. The Chancellor may not initiate notice of proposed disciplinary action unless there has been a finding of *probable cause*. The *probable cause* standard means that the facts as alleged in the complaint, if true, justify the imposition of discipline for a violation of the Faculty Code of Conduct and that the Chancellor is satisfied that the University can produce credible evidence to support the claim. In cases where the Chancellor wants a disciplinary action to proceed, the divisional hearing committee must hold a hearing and make findings on the evidence presented unless the accused faculty member settles the matter with the Chancellor prior to the hearing or explicitly waives his or her right to a hearing.
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~~12.~~ 5. The procedures adopted ~~should~~ shall include designation of ~~permissible disciplinary sanctions~~— ~~T~~the following disciplinary sanctions ~~are~~ authorized in ~~The Regents' statement of~~ the University Policy on Faculty Conduct and the Administration of Discipline, of which this Faculty Code of Conduct is an integral part: written censure; ~~;~~ ~~suspension (other than interim suspension with pay);~~ reduction in salary; ~~;~~ ~~demotion (in rank or in salary step);~~ ; suspension; ; denial or curtailment of emeritus status; ; and dismissal from the employ of the University. The Divisional Committee on Privilege and Tenure shall not recommend the imposition of a sanction more severe than that in the notice of proposed disciplinary action. More than one disciplinary sanction may be imposed for a single act of misconduct, e.g. a letter of censure and a suspension.

A. In the development of disciplinary procedures, it is recommended that each Division adhere to the following principles:

- ~~3.~~ 1. Provision should be made for developing procedures whereby the Divisional Committee on Privilege and Tenure may sit in panels smaller than the full committee, to hear minor disciplinary cases or to facilitate the efficient and timely handling of a heavy case load. In order to facilitate the efficient and timely handling of disciplinary matters, it is recommended that procedures be developed that allow each Divisional Committee on Privilege and Tenure to sit in hearing panels smaller than the full committee.
- ~~4.~~ 2. There should be an appropriate mechanism for consideration and investigation of allegations of misconduct received from members of the faculty, staff, students, the Aadministration, and other members of the University community. Procedures should be developed which encourage a single formal investigation of the allegations leading to the proposed disciplinary action.
- ~~7.~~ 3. Because it is desirable that the faculty meaningfully participate in its own self-discipline, and in order to provide the Aadministration with faculty advice in the beginning stages of what may become formal

disciplinary proceedings, appropriate procedures should be developed to involve the faculty in participating in the investigation of allegations of misconduct and/or in making recommendations to appropriate administrative officers whether a disciplinary charge should be filed. Divisions are encouraged to develop procedures to provide faculty investigators with training, consultation, or legal counsel to assist with the investigation of faculty disciplinary cases.

5. ~~4.~~ There should be provision for ~~a method by which efforts can be made for~~ informal disposition of allegations of faculty misconduct before formal disciplinary proceedings are instituted. Procedures should be developed for mediation of cases where mediation is viewed as acceptable by the Chancellor and the faculty member accused of misconduct. Mediators should be trained in mediation, be regarded as neutral third parties and have experience in the University environment. In cases where a settlement resolving disciplinary charges is entered into after a matter has been referred to an Academic Senate committee, the Chancellor is encouraged to consult with the Chair of the Divisional Privilege and Tenure committee prior to finalizing the settlement.
- ~~6.~~ 5. Appropriate precautions should be taken to safeguard the confidentiality of investigative and disciplinary proceedings. Procedures should be developed that allow information about an ongoing disciplinary proceeding, including information about the outcome, to be shared with complainant(s), to the extent allowable by State law and University policy.
- ~~8.~~ 6. There should be provision, to the maximum feasible extent, for separating investigative and judicial functions. A faculty member who has participated in investigating an allegation of misconduct or in recommending that a charge should be filed should thereafter not participate, as a member of the Committee on Privilege and Tenure, in the hearing of that charge.

- ~~9. — Consideration should be given to provision for the Divisional Committee on Privilege and Tenure to reconsider a case on which the Chancellor disagrees with the Committee's findings.~~
10. 7. In the implementation of all procedures, specific provisions should be made for the time span within which certain actions may or must be taken. Every effort should be made to conform to reasonable, specified time frames. Ideally, a hearing should commence within 90 days of the date on which the accused faculty member has been notified of the intention to initiate a disciplinary proceeding. A faculty member who is entitled to a hearing should not be permitted thereafter to delay imposition of discipline by refusing to cooperate or being unavailable for a scheduled hearing. A hearing shall not be postponed because the faculty member is on leave or fails to appear.
- ~~11. — There should be provision for the Chancellor to impose an interim suspension, with full pay, on a faculty member, without having followed the procedures otherwise applicable for imposing disciplinary sanctions, when the Chancellor finds that there is a clear probability that the faculty member's continued assignment to regular duties will be immediately and seriously harmful to the University community. There should be provision for written statement of the reasons for such a suspension, and procedures for prompt filing by the Chancellor of a charge with the Committee on Privilege and Tenure and for prompt hearing by that Committee.~~
13. 8. There should be consideration of provision for the availability of removal or termination of a sanction, either automatically or by administrative discretion, in individual cases. The nature and circumstances of the offense should determine the severity and type of discipline.
9. Procedures should be developed for keeping records of disciplinary matters in a confidential manner and sharing such records with Senate and administrative officers with a need to know in accordance with State law and University policy.

APM 016 for Assembly Consideration

[NOTE: The text in proposed APM - 016 derives from text that currently appears in APM - 015]

015-0—**Policy**

University Policy on Faculty Conduct and the Administration of Discipline

The University policy on faculty conduct and the administration of discipline is set forth in its entirety ~~on the following pages~~ in this policy and in the Faculty Code of Conduct.

Section I – Introduction and General Policy

This ~~P~~policy, as recommended by the President of the University and approved by The Regents on June 14, 1974, and XXXX, 2001, supersedes the President's interim statement on the same subject, issued on January 15, 1971. The present policy ~~incorporates~~ is to be read in conjunction with the Faculty Code of Conduct ~~as approved by the Assembly of the Academic Senate on June 15, 1971 and amended by the Assembly on May 30, 1974, and with amendments approved by the Assembly on March 9, 1983, May 6, 1986, and May 7, 1992, and by The Regents on July 18, 1986, May 15, 1987, and June 19, 1992. In addition, technical changes were made September 1, 1988.~~

The Faculty Code of Conduct is set forth in APM - 015. Part I of the Faculty Code of Conduct notes the responsibility of the administration to preserve conditions that protect and encourage the faculty in its central pursuits. Part II defines normative conditions for faculty conduct and sets forth types of unacceptable faculty conduct subject to University discipline. Part III makes recommendations and proposes guidelines to assure the development of fair procedures for enforcing the Code.

Nothing in the Faculty Code of Conduct, or in this ~~Policy~~, is intended to change the various authorities and responsibilities of the Academic Senate, the administration, and The Regents as currently set forth in the Standing Orders of The Regents, the policies and regulations of the University, and the ~~By-Laws~~ Bylaws and Regulations of the Academic Senate.

The Faculty Code of Conduct explicitly does not deal with policies, procedures, or possible sanctions pertaining to strikes by members of the faculty. These are covered by Regental and administrative policies external to the Code.

Except for the matter of strikes, and with recognition that Part III of the Faculty Code of Conduct consists ~~solely of suggested guidelines~~ of mandatory principles and recommendations to the Divisions of the Academic Senate and the campus administrations, the Faculty Code of Conduct, as ~~incorporated into this Policy~~ set forth in APM - 015, is the official basis for imposing discipline on members of the faculty for professional misconduct.

With respect to the imposition of disciplinary sanctions, the Faculty Code of Conduct deals only with ~~professional conduct or misconduct~~ the professional responsibilities, ethical principles, and standards of conduct that pertain to the professional obligations of faculty members. No disciplinary sanctions described in this policy may be imposed on faculty members other than through the procedures pursuant to this policy and the Faculty Code of Conduct. In addition, ~~However,~~ faculty members, may be subject to certain administrative actions which are outside the scope of faculty discipline. For example, like in common with all other members of the University community, faculty members are subject to the general rules and regulations of the University —e.g., such as those pertaining to parking, library privileges, health and safety, and use of University facilities. —~~and~~ Faculty are subject to appropriate administrative actions ~~sanctions~~ for failure to comply with

such rules and regulations. Another example applies to faculty members serving in administrative appointments who are subject to administrative actions for misconduct in their role as administrators. Faculty members serving in administrative roles may be subject to disciplinary sanctions under this policy in addition to administrative actions, if the faculty member's misconduct in the role of an administrator also violates the ethical and professional standards for faculty set forth in the Faculty Code of Conduct.

To maintain consistency in the future between the Faculty Code of Conduct, if it should be further amended by the Academic Senate, and any new or changed Regental or administrative policies relating to faculty conduct that might be adopted, the President will consult with appropriate agencies of the Academic Senate, and will undertake to facilitate any needed joint action by the Senate and The Regents or the administration.

Authority for discipline derives from The Regents. The Regents have made the Chancellor of each campus responsible for discipline on the campus (Standing Order 100.6(a)), subject to certain procedures and safeguards involving the President and the Academic Senate (Standing Orders 100.4(c) and 103.9 and 103.10).

This policy regarding faculty discipline requires a spirit of active cooperation between the administration, as embodied by the Chancellor, and the Academic Senate. In case of disagreement between the administration and the faculty over the interpretation or application of the Faculty Code of Conduct, conflicts will be resolved on a case-by-case basis, with the fullest consideration given to peer judgments achieved through procedures for discipline. In cases where a Chancellor's tentative decision regarding the imposition of discipline on a faculty member disagrees with the recommendation of the Divisional Privilege and Tenure Committee, the Chancellor shall inform the Chair of the Privilege and Tenure Committee in writing that he or she may disagree and ask if the Chair would like the Chancellor to meet with the Chair or with the whole committee prior to making a final decision or recommendation.

Disciplinary action is to be distinguished from certain other administrative actions taken as the result, not of willful misconduct but rather, for example, of disability or incompetence. The administration naturally bears the responsibility of assuring that the University's resources are used productively and appropriately. In meeting this responsibility, administrators must occasionally take actions which resemble certain disciplinary sanctions but which are actually of an entirely different character. These actions are subject to separate procedures with due process guarantees and should not be confused with disciplinary action with its implications of culpability and sanction. APM - 075 on Termination for Incompetent Performance articulates the conditions under which faculty members with tenure or security of employment may be terminated for incompetent performance.

~~Authority for discipline derives from The Regents. The Regents have made the Chancellor of each campus responsible for discipline on the campus (Standing Order 100.6(a)), subject to certain procedures and safeguards involving the President and the Academic Senate (Standing Orders 100.4(c) and 103.9 and 103.10).~~

Section II - Types of Disciplinary Sanctions

The types of discipline that may be imposed on a member of the faculty are as follows, in order of increasing severity: written censure, reduction in salary, demotion, suspension (~~other than interim suspension with pay~~), ~~demotion~~, denial or curtailment of emeritus status, and dismissal from the employ of the University. In any disciplinary proceeding, the Chancellor may not impose a type of discipline more severe than that which was set forth in a written notice of proposed disciplinary action to the faculty member. The Chancellor may impose additional appropriate remedial or corrective sanctions not set forth in this Code only with the consent of the accused faculty member. More than one disciplinary sanction may be imposed for a single act of misconduct, e.g. a letter of censure and a suspension. The Chancellor may remove or terminate a sanction, either automatically or by administrative discretion, in individual cases. The severity and type of discipline selected for a particular offense must be appropriately related to the nature and circumstances of the case.

1. **Written Censure**

A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor ~~or by a Dean to whom the Chancellor has delegated authority for this kind of disciplinary action~~. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.

2. **Reduction in Salary**

Reduction to lower salary without change in rank or step. The authority to reduce the salary of any faculty member rests with the Chancellor. This authority may not be redelegated. The amount and duration of the reduced salary shall be specified.

3. **Demotion**

Reduction to lower rank, or step with corresponding reduction in ~~or~~ salary. Demotion as a disciplinary action should be imposed in a manner consistent with the merit based system for advancement. Generally, demotion is an appropriate sanction when the misconduct is relevant to the academic advancement process of the faculty member. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step ~~or salary~~ of any faculty member to a lower step ~~or salary~~ rests with the Chancellor. ~~For either action,~~ This authority may not be redelegated.

Authority for demoting a faculty member with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.

~~In all cases, the Chancellor shall consult with the appropriate advisory committee(s) of the Division of the Academic Senate prior to demoting or recommending for demotion any member of the faculty.~~

2. 4. Suspension

~~Debarment~~ Suspension of a faculty member without pay for some stated period of time from the continuance of the appointment on its normal terms. Unless otherwise noted, the terms of a suspension will include loss of normal faculty privileges such as access to University property, participation in departmental governance, voting rights, administration of grants, supervision of graduate students, and use of University administrative staff, and may include loss of other campus privileges such as parking and library privileges. The degree and duration of the suspension shall be specified. Authority for the suspension of a faculty member rests with the Chancellor and may not be redelegated.

Suspension as a disciplinary action is to be distinguished from *interim suspension with pay* involuntary leave, which is a precautionary action, ~~but not a form of discipline.~~ A Chancellor is authorized to impose an interim suspension, with full pay, on a faculty member if it is found that there is a clear probability that the faculty member's continued assignment to regular duties will be immediately and seriously harmful to the University community. ~~When such action is necessary it must be possible to impose the interim suspension swiftly, without resorting to normal disciplinary procedures, but the Chancellor must as soon as possible explain the reasons for the interim suspension and initiate disciplinary procedures by bringing charges against the suspended faculty member.~~

5. Denial or Curtailment of Emeritus Status

Denial or curtailment of current or future emeritus status of a faculty member, including the privileges associated with the emeritus status. The denial or curtailment of emeritus status does not affect the faculty member's entitlement to earned retirement benefits. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

4. 6. Dismissal from the Employ of the University

The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment. This authority may not be redelegated. Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor. ~~In all cases, the Chancellor shall consult with the appropriate advisory committee(s) of the Division of the Academic Senate prior to dismissing or recommending for dismissal any member of the faculty.~~

Prior to the imposition of any disciplinary sanction(s) as described above, the Chancellor may waive or limit any or all disciplinary sanction(s) on the condition that the accused faculty member performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the faculty member's professional misconduct or to prevent future misconduct.

If the imposition of a disciplinary sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the faculty member to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the faculty member has complied with the conditions of the waiver rests with the Chancellor. The Chancellor may designate a fixed time period for compliance with the terms of the waiver, after which the authority to impose discipline will lapse. If a faculty member disputes the Chancellor's determination, the faculty member may grieve under applicable faculty grievance procedures.

A Chancellor is authorized to initiate involuntary leave with pay prior to the initiation of a disciplinary action if it is found that there is a strong risk that the accused faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of his or her wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures. In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor's power to suspend the pay of a faculty member who is absent without authorization and fails to perform his or her duties for an extended period of time, pending the resolution of the faculty member's employment status with the University. However, within 10 working days after the imposition of involuntary leave, the Chancellor must explain to the faculty member in writing the reasons for the involuntary leave and initiate disciplinary procedures by bringing charges against the faculty member on leave. Thereafter, the faculty member may grieve the decision to place him or her on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis and may recommend reinstatement of pay and back pay in cases where pay status was suspended.

Section III - Procedures for ~~Imposition of Discipline~~ Disciplinary Sanction

Safeguards against arbitrary or unjust disciplinary actions, including provision for hearings and appeals, are well established in the University.

The Standing Orders provide that actions of certain types, some of them disciplinary in character, may not be carried out without the opportunity of a prior hearing before, or without advance consultation with, “a properly constituted advisory committee of the Academic Senate” (Standing Orders 100.4(c), 103.9 and 103.10). ~~In addition, Standing Order 103.2 provides that any member of the Academic Senate may have the privilege of a hearing by an appropriate Senate committee on matters relating to personal, departmental, or University welfare.~~

The Academic Senate has established Committees on Privilege and Tenure in each of the nine Divisions. The composition and duties of these committees are defined by the Academic Senate. One of the traditional roles of the Divisional Committees on Privilege and Tenure is to conduct hearings on disciplinary charges initiated by the Chancellor under this policy and make findings of fact and recommendations to the Chancellor regarding proposed disciplinary sanctions. The procedures for disciplinary hearings are set forth in Academic Senate Bylaw 336.

Another traditional role, to be distinguished from the conduct of disciplinary hearings, is to consider grievances by members of the Academic Senate regarding their rights and privileges as faculty members. The procedures for considering grievances are set forth in Academic Senate Bylaw 335. A disciplinary action is distinguished from a grievance action in that a disciplinary action generally is commenced by the administration against a faculty member based on charges that the faculty member has violated the Faculty Code of Conduct. A grievance action is initiated by a faculty member who believes that he or she has suffered injury as the result of a violation of the faculty member's rights or privileges. A grievance action specifically requests the administration to take appropriate action to eliminate or mitigate the faculty member's injury. A grievance alleging misconduct by another member of the Academic Senate may result in disciplinary proceedings commenced against that faculty member. ~~are to take under consideration complaints against or by members of the Academic Senate and in certain cases other members of the faculty. The committees hold hearings and advise the administration.~~

The Faculty Code of Conduct applies to all faculty members, Senate and non-Senate. For members of the Academic Senate, the procedures for disciplinary actions are governed by Senate Bylaws and Divisional rules. For all academic appointees who are not members of the Academic Senate (and this group includes certain categories of faculty members) there is an avenue for hearings and appeals ~~are procedures for disciplinary actions~~ separate from that of the Senate's committees. This avenue is provided in Section 140 ~~Those procedures are found in APM - 150 of the Academic Personnel Manual and relevant collective bargaining agreements or Memoranda of Understanding. and concomitant procedures established on each campus. Beyond these existing provisions for hearings and appeals, it is desirable to establish clearly the procedures to be followed in initiating and carrying through the various types of disciplinary action. It is not essential that the procedures be identical on every campus—for example, it is left to campus option whether a prior hearing shall be required before the imposition of a milder form of discipline such as written censure. It is important, however, that the same basic principles and standards prevail throughout the University.~~

The Faculty Code of Conduct also applies to faculty members holding administrative appointments. Faculty members serving as administrators may be subjected to disciplinary action under this Code for professional misconduct in their

administrative role that violates the ethical principles and falls within the types of unacceptable conduct set forth in this Code. A disciplinary action against a faculty member holding an administrative title may proceed in two parts. One part involves the removal of an administrative title or other administrative action under procedures established by The Regents and the administration. Such action need not adhere to the disciplinary procedures set forth in this policy. The other part involves the proposed imposition of any type of disciplinary sanction set forth in this policy, which must proceed in accordance with the procedures for discipline outlined in the Faculty Code of Conduct and the applicable Senate Bylaws and Divisional rules. The removal of the administrative title or other administrative action does not preclude or require the imposition of a disciplinary sanction under this policy. Administrative incompetence does not in itself constitute a violation of the Faculty Code of Conduct.

It is the responsibility of each Chancellor to establish procedures for the administration of discipline on the campus, in consultation with the campus Division of the Academic Senate and such other advisory groups as are appropriate. No disciplinary sanction for professional misconduct shall be imposed except in accordance with specified procedures. It is not essential that the procedures be identical on every campus. It is important, however, that the same basic principles and standards prevail throughout the University. Requirements and recommendations for developing campus disciplinary procedures pursuant to this policy are set forth in the Faculty Code of Conduct and the Senate Bylaws. Chancellors are to keep the President informed about campus procedures and to report any significant changes made in such procedures. The President will consult periodically with the Chancellors and the Academic Senate about procedures that are being employed in order to assure equitable standards for discipline throughout the University.

Memorandum of Revisions to Proposed Drafts APM - 015 and 016

The following lists represent changes made to proposed revised APM-015 and proposed APM-016, dated April 3, 2001, that were circulated for formal review by a letter from Provost and Senior Vice President King, dated April 11, 2001. The new drafts of proposed APM-015 and 016, dated August 9, 2001, incorporate the changes listed below.

A. Changes made pursuant to formal review that were approved by the Academic Council along with the April 3, 2001, drafts of proposed revised APM - 015 and proposed APM - 016.

- APM-015, Preamble, paragraph numbered 2: Change end of the first sentence back to the original text so the sentence reads, "Derived from the Ethical Principles, these statements specify examples of types of unacceptable faculty behavior which are subject to University discipline because, as stated in the introductory section to Part II, they are 'not justified by the Ethical Principles' and they 'significantly impair the University's central functions as set forth in the Preamble.'"
- APM - 015, Part II, second paragraph, first sentence: Change the first sentence back to the original text, consistent with the above change to the Preamble, to read, "University discipline under this Code may be imposed on a faculty member only for conduct which is not justified by the ethical principles and which significantly impairs the University's central functions as set forth in the Preamble."
- APM - 015, Part II, second paragraph, second sentence: Change this sentence, consistent with the above change to the Preamble, to read: "To the extent that violations of University policies mentioned in the examples below

are not also inconsistent with the ethical principles, these policy violations may not be independent grounds for imposing discipline as defined herein.”

- APM - 015, Part II, second paragraph, fourth sentence: Change “conduct” to “serious misconduct,” so that the sentence reads: “Other types of serious misconduct, not specifically enumerated herein, may nonetheless be the basis for disciplinary action if they also meet the preceding standards.”
- APM - 015, Part II, C. 4: Delete the word “intimidation” from this sentence, so that it reads: “Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities.”
- APM - 015, Part II, C. 7: Add the word “serious” to the beginning of this sentence regarding violations of University policies.
- APM - 015, Part III, B.7: Change 45 days to 90 days in the third sentence as follows: “Ideally, a hearing should commence within 90 days of the date on which the accused faculty member has been notified of the intention to initiate a disciplinary hearing.”
- APM - 016, Section II, paragraph numbered 4. Delete the last phrase “but not a form of discipline” from the last sentence. This change is not intended to change the meaning of the sentence, but to eliminate confusion generated by the last phrase regarding the meaning of the word “discipline” in this context.

B. Changes made at the suggestion of UCP&T in response to the request by the Academic Council to have UCP&T discuss concerns raised about the proposals by UC Santa Barbara Charges Committee Officer J. William Forgie.

- APM - 016, Section I, ninth paragraph, last sentence: Change the phrase “In cases where a Chancellor’s tentative decision to impose discipline on a faculty member disagrees with the recommendation of the Divisional Privilege and Tenure Committee,” to “In cases where a Chancellor’s tentative decision regarding the imposition of discipline on a faculty member

disagrees with the recommendation of the Divisional Privilege and Tenure Committee,”

- APM - 016, Section II, first paragraph: Delete fourth sentence because it is repeated in first paragraph following paragraph numbered 6.
- APM - 016, Section II, second paragraph following paragraph numbered 6: In the last sentence, change the phrase “commitment not to repeat the misconduct” to “compliance with a commitment not to repeat the misconduct.”

C. Changes made at the suggestion of campus administrators to clarify the meaning of the text. These changes are technical only and do not change the meaning of the document.

- APM - 015, Part II, C. 5 and Part II, C.6: Change the word “staff” to “employees” to ensure that non-senate academic appointees are included in the prohibition against harassment and discrimination.
- APM - 015, Part III, A.5: Change the second to last sentence to read, “The Divisional Committee on Privilege and Tenure shall not recommend the imposition of a sanction more severe than that in the notice of proposed disciplinary action.” The original sentence read, “The Divisional Committee on Privilege and Tenure shall not have the power to recommend the imposition of a sanction more severe than that proposed in the notice of disciplinary action.”
- APM - 016, first sentence: Delete unnecessary phrase “on the following pages.”

- I. APM - 016, Section I, fifth paragraph: Change the phrase “with the recognition that Part III of the Faculty Code of Conduct consists solely of guidelines and recommendations. . . .” to “with the recognition that Part III of the Faculty Code of Conduct consists of mandatory principles and recommendations. . . .” to match proposed revisions to APM - 015, Part III that were set forth in the April 3, 2001, draft.

VIII. Petitions of Students (none)

IX. Unfinished Business (none)

**X. University and Faculty Welfare Report
Renee Binder, Chair
University Committee on Faculty Welfare**

XI. New Business

Next meeting of the Assembly: December 5, 2001, Clark Kerr Campus, UCB