

ACADEMIC COUNCIL

Minutes of Meeting
Monday, November 23, 2009**I. Announcements**

- **Upcoming Council agenda items.** Chair Powell noted that in the spring, Council will have a joint meeting with the Chancellors, a meeting in February with Regent Gould, the Chair of the Board of Regents and of the UC Commission on the Future, will elect the Vice Chair for 2010-11, and will select the Oliver Johnson awardee. Each of these special matters will occupy significant Council time and all need to be accommodated in Council agendas.
- **November Regents' meeting.** The Regents adopted a fee increase of 32%, as well as increases for certain professional schools. The meeting was tumultuous, with myriad protest activities.
- **Academic Planning Council update.** The Academic Planning Council had a teleconference, the main topic of which was a proposal for an online learning pilot program.
- **LBNL update.** Acting Director Paul Alivisatos was named Director.
- **Eligibility projections.** In response to a request from the Asian-Pacific Islander caucus, Student Affairs produced a simulation of how the new eligibility policy would have affected admissions if the policy was in place in 2007. BOARS has reviewed the analysis and cautions that it includes many assumptions predicting student behavior. It is based on CPEC data, which does not include all of the criteria used on campuses in admissions decisions. The results predict improvements in quality, as expected when there is a larger pool, and they project a decline in black students.
- **Advocacy efforts.** Faculty members have called for more effective advocacy efforts. UC's office of State Governmental Relations has asked us to request that division chairs distribute a letter to faculty. The letter asks faculty members to identify legislators and other policy makers with whom they have good personal relationships and to indicate if they would be willing to contact the legislators to advocate on issues of concern to the University. UC is trying to lay the foundation for a greater degree of engagement with the legislature.
- **ICAS.** The December meeting of the Intersegmental Committee of the Academic Senates will include an in-person discussion with Assembly Member Ira Ruskin, the chair of the Joint Committee on the Master Plan.
- **Open enrollment consent form.** TFIR noticed a button on the Open Enrollment website that gave the impression that submitting changes might waive some rights to UC pensions. Chair Powell met with HR VP Dwaine Duckett, who assured us that there was no such intent and removed the button to avoid misunderstandings.
- **ACSCOLI update.** The first meeting of ACSCOLI is in December. Vice Chair Simmons is representing the Senate on the Mission Committee, as well as the Science and Technology committee.
- **Google Book Search settlement.** A proposed new settlement was filed with the court in mid-November. Chair Powell has asked UCOLASC to monitor it and alert Council if there is a further need for the Senate to take a position.

II. Consent Calendar

1. Approve the October 21, 2009 Council minutes.
2. Approve ICAS math competency standards.

ACTION: The consent calendar was unanimously approved.

III. Approval of the Agenda.

ACTION: The agenda was approved with the following modifications. Items to be discussed as New Business included: 1) Reports from divisional chairs on campus protests of fee increases and draft letter on the protests; 2) Resolution on the form of honorary degrees; 3) Letter on position posting for the director of UC EAP; 4) Vote on having the January Assembly meeting, if held, as a teleconference.

IV. Reports from Divisions on Campus Protests

Divisional chairs reported a range of protest activities and responses from campus administrations. As reported in the press, there was serious conflict between protesters and police, including external police, at Berkeley. There will be an investigation; there must be accountability on the part of the administration for any violence or mishandling. At Santa Cruz, the conflicts were not as serious as reported by the media. A lengthy town hall with the Chancellor and the efforts of the student leadership seemed to diffuse the situation. Similarly, at Riverside, the Chancellor invited student leaders to his office for a discussion. Some divisions, such as Davis and Santa Barbara, have scheduled Town Hall meetings, but they will not be held until after the Thanksgiving holiday. Finally, many divisions reported that the message of the protests was diffused because many groups with their own messages, including unions, participated.

A divisional chair introduced a draft letter addressing the protests, asserting that they should be non-violent, but stating the limits of protest (the educational mission should not be disrupted through the occupation of buildings). In addition, it called for the use of force to be investigated. The main idea is to urge moderation in protest and hold campuses accountable for their responses to them. In addition, it should explain the need for the fee increases and the consequences for the quality of education without the increases.

ACTION: Council members suggested revisions, which will be incorporated into the letter and re-circulated for approval.

V. Senate Interface with Working Groups of UC Commission on the Future

ISSUE: How should the Working Groups of the UC Commission on the Future interface with Senate standing committees? What forms of interaction with standing committees will best lead to robust consultation? How can the Senate maintain its independence while engaging with the Commission's work?

DISCUSSION: Chair Powell noted that the Commission impinges on several areas within Senate purview. Therefore, it is vital that the Senate encourage standing committees and chairs of divisions to interact with the Working Groups. He will invite the Working Group Co-chairs to participate in the December Council meeting. Members of Council who serve on the Working

Groups are: Education and Curriculum, Judy Stepan-Norris, Joel Michaelsen and Keith Williams (co-chair); Affordability and Access, Sylvia Hurtado. Finance. Peter Krapp. In addition, former Council Chair Mary Croughan is co-chair of the Research Strategies working group.

At the last Commission meeting several co-chairs appealed for more time to do their work, but Regent Gould publicly rejected this. He feels that the Commission must produce recommendations in time for next year's budget cycle. However, it was suggested that the Commission could identify two or three main ideas by March and the Working Groups could continue to develop additional recommendations. There is a clash between the academic and political calendars that presents a danger to Senate participation.

Members expressed concern with the disorganization of the listening tours and the general lack of transparency of the Working Groups to date. A member of a Working Group expressed concern that issues are rushed at the meetings, and emphasized the need for a strong Senate voice. Council members also stated that the Commission's listening tours have not provided a forum for real exchange. Instead, the Senate must create links between its existing committees and structures and the Commission. Senate committees can work directly with the Working Groups. A member suggested that divisional chairs should invite those from their campuses who are serving on Working Groups to meet with their divisional councils. At some campuses, faculty had productive meetings with the Education and Curriculum and Research Strategies co-chairs during the Commission's listening tour visits. Also, standing committees should invite Working Group chairs to their meetings. Council discussed assigning one standing committee chair to be the principal liaison to each Working Group and to report to Council

VI. Consultation with the Office of the President – Senior Managers

- **Larry Pitts, Interim Provost**
- **Nathan Brostrom, Interim Executive Vice President, Business Operations**

Interim Provost Pitts. Interim Provost Pitts stated that President Yudof is traveling and can not attend today's meeting. He reported that the Regents: 1) Passed the fee increases; 2) Approved UC's partnership with UCLA to reopen MLK Hospital. The University has no financial responsibility for the hospital; the county has obtained a \$100 million letter of credit as a guarantee and while the University has representatives on its governing board, the board is legally separate. This has created tremendous good will in LA County, as it addresses a real need.

Interim EVP Brostrom. The Blue and Gold program has been extended to cover all fees of families eligible for financial aid whose income is up to \$70,000. They actually will be paying less in fees than they did in 2008-09. Students whose family's income is up to \$180K will receive some assistance with fees next year. Much of this is due to Obama tax credit and expansion of Pell grants. Next year fees for these families will go up incrementally. Information on the Blue and Gold program is on the front page of the UCOP website.

Q&A

Q: The Regents passed a 2% fee increase for graduate students this spring. On September 1, graduate fees will increase by 15%. Yet the documentation in the Regents' item explains why it is counterproductive to increase graduate student fees. So why did the University do this?

A: Interim Provost Pitts stated that it is not appropriate for graduate student fees to be lower than undergraduate fees, since graduate students are more expensive to educate. He has asked Patrick Lenz, Vice President for Budget, to investigate whether the new fee increment minus return to aid can be allocated to each graduate student's department. The administration should initiate a discussion about how the funds are distributed. He also noted that CCGA wrote a letter on this subject, which was endorsed by Council. However, the EVCs will not favor this policy because it removes funds they can use for general purposes.

Discussion: CCGA's chair stated that their letter suggested increasing block grant allocation and increased return to aid (at 60% rather than 50%), and suggested that medical centers could contribute to a central fund to provide program support instead of just to its own campus, so all campuses can benefit. He noted that a graduate student now costs as much as to hire as a postdoctoral fellow, but post-docs are more productive. Members discussed the fact that funding sources provide grants differently; some set aside funds for tuition and fees, while others provide a lump sum. This creates different incentives and choices for PIs in determining how to allocate their grants. In addition, the fee increase may have a dire effect on departments where graduate students are not supported by outside agencies. Several campuses are planning to reduce the block grant allocation, which is the only source for many social science and humanities graduate students. Finally, members noted the pressure on graduate student support that is due to the use of grants to supplement income by faculty taking advantage of the furlough exchange program.

Q: Could you comment on Project You Can?

A: Interim EVP Brostrom stated that it is a one billion dollar campaign over four years across all campuses. It raises the visibility of fundraising for UC by creating a single website through which donors can connect to campus fundraising campaigns. It aims to raise double the amount that UC received in student support over the past four years. It is geared mostly toward current use funds, rather than endowments, which will help students immediately. However, he noted the need to build endowment to shield the University from the volatility of state funding. Interim Provost Pitts added that the program is an effort to communicate the need to the public and create a new cohort of donors. Council members requested that UCOP and the more established campuses share fundraising best practices with the campuses whose development efforts are incipient.

Q: Is there a way to tap into indirect costs to support graduate students without alienating granting agencies? Could UCOP earmark a certain portion for graduate students?

A: Interim EVP Brostrom affirmed that this is possible; there are no strings on indirect costs. However, he noted that the University receives far less in indirect costs than it actually spends for buildings, utilities, maintenance, etc., and that there are many competing demands for those funds. Interim Provost Pitts added that many constituencies within the University are making the same suggestion to benefit their areas. He noted that the National Association of Land Grant Colleges is studying why federal agencies provide private universities greater indirect cost funds. In the past, it has been stated that private universities must build their own buildings, while states provide funds to build at public institutions. However, this no longer reflects reality.

Q: Why, during this time of budget crisis, did the Regents approve spending \$600 million for 35 new buildings? The debt service and maintenance of these buildings will be costly.

A: Interim EVP Brostrom stated that the Regents are concerned about the capital projects delivery model. The University needs to build in to the original building estimates lifecycle costs for upkeep and maintenance. This averages a 15 to 20% premium. He noted that general funds will not be used for many of these approved projects. For example, the housing project at Berkeley will be paid completely by housing fees. Housing is in shortage, and it is an excellent time to build in terms of interest rates for borrowing and low construction costs. Berkeley recently bought three existing buildings because it is cheaper than renting over the long term. There are legitimate debates about whether the University can better use facilities for education. Interim Provost Pitts added that funds for capital projects can not necessarily be used for the operating budget. He noted that there has been no state funding for capital projects since 2006.

Comment. Many faculty are frustrated with the lack of transparency of the Commission on the Future. UCR faculty feel that their campus is not appropriately represented; it has only three faculty members on the Working Groups. The appointment process has been opaque. The list of Working Group members still has not been made public, even though all of the Working Groups have met. Senate leadership can not answer faculty inquiries because it does not have information.

A: Interim Provost Pitts stated that an attempt was made to balance geography and discipline. Working Group chairs chose faculty from lists submitted by the Senate and the administration. Also, some faculty declined the invitation to participate.

VII. General Discussion

Members continued discussion of several issues raised in the morning.

VIII. University's Patent Policy

ISSUE: A recent lawsuit against Stanford University, *Stanford v. Roche*, highlighted inadequacies in the language of UC's current patent acknowledgment form. UCOP drafted changes and asked UCORP to respond to the proposed changes. The key question is whether all faculty should be obligated or required to sign a new one.

DISCUSSION: A member stated that the University most probably could not impose a new requirement, but it could make it a condition of applying for grant money or contracting with an external company. A member reiterated UCORP's suggestion that any request to sign a new acknowledgement would be more effective if it was issued locally, by a dean or department chair, rather than from a chancellor or the president.

ACTION: Council unanimously endorsed UCORP's letter.

IX. Furlough Amelioration

ISSUE: A) Furlough Exception-Reduced Pay Sabbaticals. UCFW has submitted a letter that points to an inequity between the application of the furlough policy to faculty who had previously arranged to take sabbatical at a reduced rate of compensation and staff who have voluntarily reduced their time through START. The committee asks that faculty on sabbaticals at partial pay be exempt from the furloughs if their voluntary salary reduction exceeds that calculated due to the furlough program

DISCUSSION: A divisional chair stated that his campus Senate advised making no exceptions to the furlough program. Some members warned against the proliferation of exceptions, while others recognized that exceptions already exist. The key issue is that staff who have voluntarily reduced their time are exempt from the furlough, and this also should apply to faculty.

ACTION: Council endorsed the letter requesting an exception to the furlough program for faculty who previously elected to take a reduced pay sabbatical (13 in favor, 2 opposed, 2 abstentions).

ISSUE: B) Furlough amelioration—Use of Divisional COR Grants. Some Vice Chancellors for Research had proposed that COR travel grants be repurposed as summer research grants, peer-reviewed and awarded competitively to faculty who earn below a certain threshold (\$75-85K) and who have less than \$25K in external grants. This was proposed after many COR budgets had been cut as part of general campus reductions. UCORP requests 1) the restoration of COR funds that had been cut, and 2) that Chancellors offer additional or matching funds for special research grant programs to be allocated competitively by the CORs.

DISCUSSION: Chairs of divisions that have implemented such a program described their experiences. They noted that it is difficult to implement. For example, there may not be enough funding to meet the demand. A member stated that since the funds are distributed by very small subcommittees, it is difficult to imagine a true competitive process. Another member stated that it has been a long-standing practice not to supply faculty salary in research grants. Members debated the appropriate salary level cut-off for eligibility. A member stated the aim of the program is not to completely replace the amount of salary lost via the furlough program, but to use the only fund that the Senate controls in order to boost morale and support faculty research. Members also debated whether matching funds should be provided by the chancellors or by the president, and noted that asking for additional funds causes this issue to become entangled with a broader discussion of budget priorities. UCORP's chair withdrew the motion.

X. Senate Priorities for 2009-10

ISSUE: At the Senate retreats in September, attendees were asked to list priorities for the Senate in the coming year. Improving consultation was a common theme. A letter defining proper consultation has been drafted for possible dissemination.

DISCUSSION: Council members supported the draft and suggested that it be distributed widely to UCOP and campus administrators, be published in the *Senate Source*, and be used in the future as a reference on consultation.

ACTION: Council unanimously endorsed the draft letter subject to minor modifications.

XI. Post-doctoral Fellows Negotiation Update

ISSUE: Dwaine Duckett, Vice President of Human Resources, and Gayle Saxton, chief negotiator, gave an update on the progress of negotiations with the UAW, which represents post-doctoral fellows.

DISCUSSION: Gayle Saxton stated that UC and UAW have come to agreement on several issues, including classification of post-docs as exempt employees, which clarifies vacation and sick leave policy, and scheduling of performance evaluations in writing once each year. Many issues remain on the table, including wages, benefits, and appointment and layoff notices. Grant funding makes it difficult to grant across-the-board increases, but the University is investigating this possibility.

XII. Executive Session

XIII. Executive Session

XIV. New Business

A. Honorary Degrees

ISSUE: Last year, Council and Assembly approved the creation of a special “University of California” honorary degree to be awarded to students whose educations were disrupted by Executive Order 9066 during WWII. The Regents suspended their moratorium on honorary degrees and altered their bylaws to allow the University to grant a degree specific to this population. The item approved by the Regents included the format, language and signatories to the degree. The degrees do not specify the campus or type of degree. Campuses are preparing to award them in early December and UCOP has coordinated their printing. Chancellor Birgeneau, in contravention to the approved Regents’ item, wants the degrees to be awarded from Berkeley and to be signed by the Chancellor. A resolution has been drafted asking President Yudof to: 1) direct Chancellor Birgeneau to refrain from issuing a degree that deviates from the form approved; 2) advise all of the Chancellors that no diploma be issued that does not comply in all specifics with the form of diplomas authorized by the Academic Senate and the Standing Orders of the Board of Regents; and 3) communicate this resolution to the chair of the Board of Regents.

DISCUSSION: Vice Chair Simmons stated that the Senate can not tolerate a chancellor or any other administrator disregarding Senate regulations and/or policies of the Board of Regents. This principle is important with respect to larger matters. A member spoke against approving the resolution. He noted that the students’ relationship with the University was with the particular campuses. Other members stated that allowing the honorary degree to be altered could undermine the authority of the Senate and its procedures. A member expressed concern that the controversy not reflect on the symbolic importance of the honorary degree. It also raises issues about the validity of the degree.

ACTION: Council endorsed the resolution (17 in favor, 1 opposed).

B. UOEAP Executive Director Position.

ISSUE: UCIE submitted a letter stating the proposed job description for the Executive Director of UOEAP does not require a Ph.D. UCIE maintains that EAP is an academic program and should be led by someone who could quality as a tenured professor.

ACTION: Council unanimously endorsed UCIE’s letter.

C. January 2010 Assembly Meeting.

ISSUE: Council must decide whether to hold the January 2010 Assembly meeting. While there is a lack of official business, there are many important issues to discuss.

ACTION: Council decided not to have an in-person meeting in January, but to hold open the possibility of having a teleconference. It will decide whether to do so at its December meeting (16 in favor, 1 abstention).

Meeting adjourned at 4:30 p.m.

Attest: Henry Powell, Academic Council Chair
Minutes prepared by Clare Sheridan, Senior Policy Analyst