

**ACADEMIC COUNCIL**  
**May 18, 2005**  
**Approved Minutes of the Meeting**

**I. Chair's Announcements**

**General Announcements.** Chair Blumenthal introduced the following alternate representatives: Harry Green representing the UCR Division, Jean Olson representing the UCFW Division, and Chris Newfield representing UCPB. The UCSD Senate Director, Diane Hamann, attended as a guest. Chair Blumenthal announced that Senior Vice President Bruce Darling, Vice President Hershman, and Provost Greenwood would not attend the meeting due to other commitments.

**Intersegmental Council of Academic Senates (ICAS).** This year, ICAS undertook an evaluation and assessment of the intersegmental transfer programs, from the faculty perspective, and wrote a report on its findings. ICAS has committed to assessing and reporting annually on intersegmental transfer programs.

**Eligibility Study Group.** The Eligibility Study Group held its final meeting last week. The Study group was formed last year to evaluate UC's admissions policies to ensure that they were in compliance with California law. The group released its report in the spring of last year, but decided to hold two additional meetings this year to further examine some of the report's recommendations.

**UC Press.** The Editorial Board of the UC Press, a Senate committee, has recommended that the Press publish a book called "Beyond Chutzpah," on the misuse of anti-Semitism and the abuse of history. The book contains material that may engender considerable controversy when released.

**Earmarking.** SVP Darling has formed a group charged with developing a strategy for how UC should deal with earmarked research funds. He has requested Senate input on this question.

**Action:** Chair Blumenthal asked UCORP to take the lead in examining the question of earmarked research funds and develop some draft recommendations for Council's consideration.

**IGCC Funding.** The Institute for Global Conflict and Cooperation (IGCC) is an MRU that receives a significant portion of its funding from lab management fees. Without Senate consultation, the lab management decided to cut by half its contribution to the IGCC budget because of recent stresses on its own budget. The IGCC has appealed to the President and Chair of the Academic Senate for funding support. Chair Blumenthal reported that while he has asked the Compendium Committees to look into this issue, any solution would ultimately have to come from the Office of the President.

**May Regents' Meeting Items.** A proposal to increase professional school fees will be considered by the regents in their upcoming meeting. The regents will also consider the ethical principles document, which was recently vetted by the Academic Council. The Regents' Committee on Investment met last week and reported that the UC-sponsored bill on disclosure of private equity investments was passed out of committee and is slated for a third reading in the Senate next week. This bill may be given an urgent designation, which would make it immediately effective if passed by a two-thirds vote and signed by the governor. It is desirable for UC to have/retain access to private venture capital funds because of their high rates of return.

**Mandatory Sexual Harassment Training.** At last month's meeting, the Academic Council raised concerns about the recent notification from administration that in accordance with AB 1825 all faculty serving in supervisory roles would be required to undergo sexual harassment prevention training every two years. Specifically, Council was concerned that the planned online training program would not be appropriate for faculty. In follow up to that discussion, Chair Blumenthal notified the administration that the faculty wanted direct participation in the design

and implementation of any sexual harassment training programs intended for faculty. The administration has responded that it would welcome faculty input.

**Action:** Chair Blumenthal called for volunteers who would be interested in participating in the development of a sexual harassment training module for faculty. Council members Oakley and Galloway volunteered. Chair Blumenthal asked the other members of Council to send him names of faculty colleagues whom they thought might be interested in working on this project.

## **II. Consent Calendar**

### **Actions:**

- 1) The April 27, 2005 meeting minutes were approved.
- 2) The MFE Degree Title for the UCLA Division was approved.

## **III. 15-Year Review of two MRUs – The Institute of Geophysics and Planetary Physics (IGPP) and the Institute of Transportation Studies (ITS) Compendium Committee Chairs (CCGA, UCORP, UCPB)**

**Issue:** The Academic Council was asked to approve the Compendium Committees' recommendation on the 15-year review of these two MRUs.

**Action:** A motion was made and seconded to approve the draft letters reflecting the Compendium Committee's recommendations. The draft letters were approved with the following amendments:

- 1) a strong statement will be included in both letters recommending that the administration re-examine the mission of UC's MRU program and its policy on recycling MRU funds;
- 2) omit the word "review" from the last sentence under the paragraph headed "IGPP's relationship with the labs."

**Action:** Chair Blumenthal charged UCPB and UCORP with drafting a policy statement on the recycling of MRU funds. UCPB will take the lead on this charge. The committees will bring their proposal back to Council for further action.

## **IV. The Senate-wide Review Process**

### **George Blumenthal, Academic Council Chair**

**Issue:** Council members were asked to agree on a process and time-line for Senate-wide reviews of policy documents.

**Overview:** Chair Blumenthal summarized the current Senate review process. The practice has been for the Senate to review draft policy documents over a two-month period where the Academic Council considers comments from committees in the first month and divisional comments in the following month, when Council finalizes its position. This process allows the divisions to be informed by the systemwide committees' responses.

**Action:** Chair Blumenthal called for any suggested changes in the current review process. There being none, the Senate-wide review process will remain as currently implemented.

## **V. Assembly Bill 992**

### **George Blumenthal, Academic Council Chair**

### **Joe Kiskis, UCEP Chair**

**Issue:** The Academic Council was asked to approve a draft letter, which will be sent to the administration stating Council's position on Assembly Bill 992 that would permit electronic surveillance by campus police during the course of felony investigations. This letter was circulated to Council members via e-mail for review and comment prior to the meeting.

**Action:** The draft letter was approved as written, by majority vote. The Council Chair will proceed with submitting the letter to administration.

**VI. Formal Review of Systemwide Academic Personnel Policies Related to Work and Family-APMs 760, 133-17, 210-1 and 220**  
**George Blumenthal, Academic Council Chair**

**Issue:** The Academic Council was asked to finalize its recommendations on the Work/Family APMs, and approve a draft letter for administration that states Council's position on these proposals.

**Overview.** Chair Blumenthal noted that there was broad support expressed by senate reviewers for these APM changes. Many of the reviewers noted the inequity between the total leave benefits provided to faculty at campuses on the semester system versus faculty at campuses on the quarter system. During the preliminary review period, the inequity issue was raised with administration but it was not addressed in this revision. Chair Blumenthal recommended that if the administration does not plan to include this change in the final version of the APM, the Academic Council should request a written justification explaining why it makes sense to have a policy with inconsistent implications for the campuses. Another issue raised by several reviewers was the lack of affordable quality childcare on many of the campuses and that UC's family-friendly policies should also address this problem.

**Discussion:** The UCB Division Chair reported that his division questioned how departments would pay for the replacement FTE when a departmental faculty member goes on active service modified duties status. This could be a serious problem, especially for small departments.

**Action:** The Academic Council approved the draft letter, as amended, to reflect Council's recommendation that there be a campus-wide administrative mechanism to ensure that departments and their faculty are not adversely affected when a departmental colleague takes advantage of the active service modified leave provision. The letter will also specifically ask for a written explanation from administration if the inequity among campuses in length of leaves is not addressed in the final APM policy. The revised letter will be circulated to Council for review and comment before it is submitted.

**VII. Consultation with the Office of the President-Senior Managers**

- **Robert C. Dynes, President**
- **Joseph Mullinix, SVP-Business and Finance**

**President Dynes**

**May Revision.** The revised spending plan sustains support for the "compact" with UC. The budget preserves proposals from January for a modest increase in state funding for UC to fund student enrollment growth, faculty and staff salary increases and the opening of UC Merced. The revision proposes an increase of \$18.9 million for lease-revenue bond payments for UC facilities, \$750,000 to support the Science and Math Initiative.

**California Science and Mathematics Initiative.** This initiative has received enthusiastic support from several dozen California corporations who have committed substantial funding to the program. The governor also supports this initiative and has provided some seed money from this year's State budget. The goal is to produce 1,000 science and math teachers per year by the year 2010.

**Legislative Budget.** The legislature has offered its version of the budget. It restores \$3.8 million funding for labor research that was eliminated in the Governor's proposal, and also restores the \$17.3 million in unallocated cuts, which the Governor's budget proposed UC could achieve either by reducing academic preparation programs or enrollment growth.

**National Labs.** On April 19, the Department of Energy notified UC that it had been awarded the management and operations contract for LBNL for the term June 1, 1005 to May 31, 2010. Congress has authorized an extension of up to two years, if needed, to extend the LLNL contract,

which expires on September 30, 2005. UC has announced its intention to partner with Bechtel for the LANL contract, if the regents decide to submit a bid. Bechtel will be responsible for administration, security and lab operations and UC will be responsible for the science, technology and national security. Mike Anastasio, current Director of LLNL, has agreed to serve as the team leader for the competition. [The RFP for LANL was released the day following this meeting – May 19, 2005.]

**President Dynes Testified with UC Nobel Prize Laureates.** The President and five UC Nobel Prize laureates testified before the Senate Education Subcommittee on Higher Education on the effect that reductions in state support for UC would have on California's future. Key themes included: preservation of quality, access and affordability; the need to expand graduate programs and graduate student support; international connectedness; diversity and inclusiveness for students, faculty and staff; and faculty compensation. The President's prepared testimony is available at: <http://www.universityofcalifornia.edu/president/speeches/051105speier.pdf>

**May Regents' Agenda.** The May agenda will include the national laboratories, a final report from the Eligibility and Admission Study Group and professional school fee increases.

**Long Range Guidance Team.** This group will meet at the conclusion of the regents' meeting. It is composed of people representing a broad array of constituencies. The President has asked the group to think about what the University should look like in the year 2025, how do we get there, and how will this effort be funded?

**Faculty Awards.** Twelve of the seventy-two faculty who were elected to the National Academy of Sciences this year are UC faculty. Forty-four UC scholars were elected to the National Academy of Arts and Sciences. Among those was Provost M.R.C. Greenwood.

### **SVP Mullinix**

**Update on Union Negotiations.** The University has been negotiating for full contracts with four staff units: Clerical and Allied Professionals represented by CUE; Service employees represented by AFSCME; Research Support Professionals and Technical employees represented by UPTE; and Registered Nurses represented by CNA. UC has reached agreement with the AFSCME Service unit for a three-year contract. UPTE has filed a strike notice with UC, but it is not clear when that might occur. The CNA nurses contract expired on April 30 and UC has begun negotiations for a successor agreement. Negotiations have also begun with the AFT lectures.

**UC Retirement Savings Program.** In July, account and recordkeeping services for the DC Plan and the 403(b) Plan will be transitioned to Fidelity Investments Tax-Exempt Service Company (FITSCO). FITSCO already provides recordkeeping services for UC's 457(b) Plan, which was implemented last September. Together, the three plans will be known as the University of California Retirement Savings Program. Among other things, the new service will provide a toll-free customer service call center; single-account access; same day transfer between investment options; and a consolidated quarterly statement.

**President's Leadership Institute.** 350 managers from across the UC system attended the first UC Leadership Institute held in San Diego in mid-May.

**Space RFP.** OP recently issued an RFP for office space in Oakland to enable UCOP to consolidate its units when current leases expire. OP intends to remain in Oakland near a BART station.

**Legislative Items.** UC has sponsored a bill (SB667) that would allow the university to select a bidder for a project on the basis of best value. UC is closely monitoring a bill (AB1690) that would require each UC campus to enter into an enforceable agreement with its host city or county upon the inception of or updating of a Long Range Development Plan for the campus.

Following the briefing by senior management, there was a Q/A session. The session included questions on the Master Plan, faculty housing and salaries, increasing faculty diversity, fee

waivers for faculty, privacy and security issues related to the new account and recordkeeping services for UC's retirement savings programs, and the Math and Science Initiative.

**VIII. Policy on University Management of Health, Safety, and the Environment, and draft Building Principles to Implement the University of California Policy on Health, Safety and Environment**

**George Blumenthal, Academic Council Chair**

**Issue:** Council was asked to finalize its position on this draft policy.

**Action:** UCFW requested an extension of the review period. Chair Blumenthal will ask for an extension, and, if granted, this issue will be on Council's June agenda. [In response to the Council Chair's request, the administration extended the review period until the end of June.]

**IX. Informal Review of Proposed Revisions to Systemwide Academic Personnel Policies Related to Absences/Sick Leave, Medical Separation and Leaves of Absence/General—APMs 710, 080, and 700**

**George Blumenthal, Academic Council Chair**

**John Oakley, UCFW Chair**

**Issue:** A UCFW subcommittee is working with Academic Advancement staff to modify the initial iteration of the new and proposed changes to the APMs governing sick leave and medical separation to make them more equitable to faculty. Since a Senate review of the initial proposals is already way, Council was asked if it wished to continue with the review and/or re-start the review process based on UCFW's suggested modifications, which will be available in June or July. AVP Switkes has suggested to the Council Chair that she would be prepared to consider sending the newly revised policies out for another informal review next fall.

**Action:** Council decided to continue with the review process that was currently underway and consider the divisional responses at the June meeting, as scheduled.

**Action:** The UCFW Chair will provide an update on UCFW's progress at the June meeting, with the aim of having UCFW's final recommendations available for Council's consideration in July.

**X. BOARS Report**

**Michael Brown, BOARS' Chair**

**Issue:** BOARS' Chair Brown briefed Council on his committee's assessment of the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) and asked the Academic Council to consider taking a position on this issue.

**Overview:** BOARS' Chair Brown explained that BOARS has called into question the appropriateness of UC's continued participation in the National Merit Scholarship program, on the following grounds: 1) there is no apparent evidence that these tests have been validated for use to select "meritorious" students in the manner employed by the NMSP; 2) the NMSP uses selection procedures that violate fundamental principles governing responsible use of standardized tests; and 3) the criteria and selection procedures employed by the NMSP appear to have an educationally unwarranted negative impact on disadvantaged students. BOARS raised these concerns in a letter to campus admissions committee chairs and recommended that UC campuses reassess their support of the NMSP. All campuses that were using National Merit Scholarship status in their admissions considerations have discontinued that practice, except Irvine where the issue is still under review. At the request of BOARS, the Chair of the Academic Senate sent a similar letter to the Provost and she responded by asking the Educational Finance Model Committee, which deals with student aid issues, and the Vice Chancellors for Student Affairs to consider BOARS' analysis of the NMSP and its recommendation that UC discontinue its participation in the program. BOARS' Chair Brown reported that although the

Educational Finance Model Committee did not take a position on the participation question, the committee does intend to recommend that to the extent that need-based dollars can be identified, those should not be used to fund the NMSP. The Vice Chancellors were split on the question of participation. BOARS' Chair Brown asked the Academic Council if it would consider taking a position on UC's participation in the NMSP on academic/educational equity grounds.

**Discussion:** While Council members were in general support of BOARS' position, they did raise a number of concerns. They cautioned that the NMSP is a time-honored tradition in American education and that BOARS should proceed slowly to ensure that local campuses fully understand this issue. How merit is defined is the basic question. UC has only begun systematically using the comprehensive review methodology and it has not yet been fully tested; the question is whether UC is on firm ground by claiming that comprehensive review is a better predictor of success than national merit standing? One member pointed out that faculty regularly use single test scores in their evaluation of student performance and perhaps the single test score argument is not the best approach, but rather that UC prefers to evaluate merit on holistic grounds. Following the discussion, Council Chair Blumenthal noted Council's support for taking a proactive position on the NMSP question, but suggested that BOARS draft a statement or resolution that could be included in the next Council agenda, which would give members time to give it careful consideration before being asked to take an action. Council members agreed with this suggestion and further recommended that, in any such resolution, quality should stand out as UC's number one concern.

**Action:** At the request of the Academic Council, the BOARS' Chair agreed to draft a simply stated resolution on why UC should discontinue its participation in the NMSP that will also emphasize that quality is UC's primary concern. The resolution will be brought before Council in June.

## **XI. University Committee on Academic Freedom (UCAF) Request for Systemwide Standards for Institutional Review Boards (IRB)**

**George Blumenthal, Council Chair**

**Issue:** The Academic Council was asked to consider a request from UCAF that Council ask the Office of Research to initiate and undertake a full review of Institutional Review Boards (IRBs) and Human Subjects Committees' policies and procedures.

**Overview:** Council Chair Blumenthal reported that UCAF had a concern about the growing number of reports of interference by IRBs in faculty research. UCAF has called on the Academic Council to take a systemwide look at the way IRBs are functioning and determine whether it would be advisable to have a systemwide policy on IRBs. Chair Blumenthal noted that last year there was some discussion about whether IRBs should be systemwide IRBs and it was agreed that this would not be a good idea because of the wide variation in campus cultures and practices.

**Discussion.** Council members agreed that the IRBs were, in many cases, a hindrance in faculty research activities and a significant barrier to multi-campus research. They noted that some of the problem resides in the fact that federal guidelines are often left to the interpretation of IRB support staff.

**Action:** Council decided that UCORP would be asked to take the lead on exploring the possibility of formulating some systemwide guidance for IRBs, and to coordinate that effort with UCAF and CCGA. Specific questions to be addressed are: 1) what are the IRB policies; 2) what assurances are there that these policies are being consistently implemented across the campuses; and 3) what assurances are that that these policies are limited to issues of safety. While the bulk of this effort will fall to the 2005-06 committees, UCORP will be asked to report back to Council at the July meeting. Council will vet the charge to UCORP before it is sent forward.

**Action:** Council Chair Blumenthal will notify the Vice Provost for Research of Council's action on the IRB issue and ask him to coordinate with UCORP any studies that the Office of Research may also wish to undertake.

## **XII. UCAAD Addendum to the Report of the Task Force on Graduate & Professional School Admissions**

**George Blumenthal, Academic Council Chair**

**Issue:** The Council was asked to have a preliminary discussion of UCAAD's report. The final discussion will take place at the June meeting.

**Overview:** Chair Blumenthal explained that there was a request from the Legislature several years ago that UC examine its graduate and professional schools admissions policies. The Academic Council formed a task force to examine this issue and its report, which was submitted in December 2003, established that UC's graduate and professional schools used comprehensive review in its student admissions. An important issue not addressed by the task force was that of student diversity, and Council felt that this omission should be rectified. UCADD was asked to examine the question of student diversity in the graduate and professional school student populations and prepare an addendum to the report. UCAAD's completed report is now undergoing Senate review. Chair Blumenthal asked Council if it would be advisable for the UCAAD Chair to attend the June meeting to participate in Council's discussion of the committee's report.

**Action:** The Academic Council decided that it would be helpful to have the UCAAD Chair present at the June meeting. Chair Blumenthal will write a letter of invitation to the UCAAD Chair.

## **XIII. Graduate Education Tuition**

**Quentin Williams, CCGA Chair**

**Walter Yuen, UCSB Divisional Chair**

**Issue:** The Council was asked to consider a proposal from CCGA and a proposal from the UCSB Division Chair on the funding of graduate student tuition.

**Overview:** The CCGA proposal is for UC to institute a policy whereby UC would not charge out-of-state tuition to foreign student TAs after their first year and before they have been advanced to candidacy. The students would not be relieved from paying nonresident tuition during their first year. The goal is to make it easier for UC to attract and enroll international graduate students. The UCSB proposal suggests that since tuition and fees from non-resident graduate students are revenues generated largely by the faculty who attract the students to come to UC, the difference between the resident and non-resident tuition should be returned to the campus at which the students are enrolled to cover the additional "cost" associated with out-of-state students. Neither of these proposals generates new monies to support graduate students, but rather reallocates existing monies from within the university.

**Action:** The CCGA and UCSB proposals will be submitted to UCPB for a cost analysis and feasibility review. The UCSB Divisional Chair will email the formula that he used to generate the cost analysis in his proposal to the other Divisional Chairs who were asked to generate similar analyses for their campuses.

**Action:** These proposals will be considered again in June, when UCPB reports back on its findings.

## **XIV. UCAAD Recommendation for a Strong Divisional Diversity Committee**

**George Blumenthal, Academic Council Chair**

**Action:** UCAAD's recommendation for a strong divisional diversity committee will be distributed to the divisions for review. Chair Blumenthal will ask the divisional chairs to send him their comments on UCAAD's proposal and to also provide information on the composition

of their Executive Boards. A preliminary discussion of this issue is scheduled for the June meeting of Council.

#### **XV. Academic Council's Special Committee on the National Labs**

**Cliff Brunk, ACSCONL Chair**

Council Vice-Chair Brunk reported that ACSCONL had met the day prior to Council's meeting and President Dynes had joined the committee in executive session. One of his concerns was whether faculty have been appropriately included in discussions on labs issues. ACSCONL gave him its assurances that it had been kept apprised of events related to the labs. The LANL bid has been the major focus of ACSCONL. Two ACSCONL representatives have met with the administrative staff charged with writing the bid, if the regents decide to go forward. Since the RFP is usually quite specific, it is not clear how much influence faculty can have in UC's response. In addition to the LANL bid, ACSCONL is looking at the question of how lab management fees are distributed to research units, particularly with respect to the IGPP MRU, which receives a large subsidy from lab management fees, and IGCC whose subsidy was dramatically reduced this year. The committee intends to discuss this issue with lab management with the aim of reaching some agreement on having Senate input in the allocation process.

#### **XVI. Senate Membership – What is the rationale for who is and who is not a Senate Member?**

**Action:** Discussion of this item was deferred to the June meeting. In preparation for that discussion, Council Chair Blumenthal asked members to begin thinking about the underlying current rationale for Senate membership. There is also the perennial question of whether we should consider changes, for example, including part-time SOE lecturers, Specialists in the Cooperative Extension, or adjunct professors.

#### **XVII. Military Recruiters (ROTC) on Campuses**

**George Blumenthal, Academic Council Chair**

**Walter Yuen, UCSB Divisional Chair**

**Issue:** On May 13, the UCSB Legislative Assembly was scheduled to vote on a resolution to ban military recruiters from the campus. Are similar activities taking place at other UC campuses?

**Overview:** UCSB Division Chair reported that the UCSB action was cancelled due to a lack of quorum.

**Action:** The issues raised at the UCSB campus and related activities of the other campuses will be discussed at the June meeting of Council.

#### **XVIII. Academic Council Subgroup on Faculty-Senior Management Salary**

**John Oakley, UCFW Chair**

UCFW Chair Oakley reported that he met with SVP Mullinix earlier in the month and received helpful suggestions on the kinds of documents that might be useful for the subgroup to pursue. Oakley has a second meeting scheduled with Mullinix at the beginning of June. The subgroup, which met just prior to this meeting, anticipates that it will have something substantive to report at the June Council meeting and that the group will want direction from Council at the July meeting on next steps. All of the subgroup members are available to continue on next academic year with the exception of Allison Galloway, who will be on sabbatical leave.

**Action:** The Chair of the Subgroup on Faculty-Senior Management Compensation will report again at the June meeting.



**XIX. UC Intrinsic Mission Vis-à-vis the Mission Creep**

**Action:** This item was deferred to the June meeting.

**XX. Proactive Issues for Academic Council**

**Issue:** During the year, members have expressed an ongoing concern that the Academic Council is far more reactive than proactive. Given the number of issues on each agenda, little time is available for members to be pro-active. Council will identify strategies for providing time to deal with proactive issues.

**Action:** This issue was deferred to the June meeting of Council.

**XXI. Senate Issues/Topics of Concern**

**Action:** No issues/topics were brought forward.

**XXII. New Business – Regents Items 503 and 504 on Proposed Additional Increases in Professional School Fees for 2005-06**

**George Blumenthal, Academic Council Chair**

**Issue:** Council Chair Blumenthal asked for Council’s comment on two proposals that will be considered by the regents next week to raise professional school fees at selected professional schools. Does the Academic Council support or not support these proposals?

**Overview:** Chair Blumenthal noted that Regents Item 503 proposes that professional school fees for 2005-06 be increased by amounts up to an additional 7 percent, for a maximum total increase of 10 percent in selected professional schools. Twenty-five percent of the new fee revenue would be set aside for financial aid for profession students. Regents Item 504 calls for a two-year temporary increase in fees in the amount of \$1,050 for selected professional schools beginning 2005-06. The revenue would be used to pay for an adverse court order associated with a student fee lawsuit that prevented the university from collecting professional fee increases for 2004-05 and 2005-06. At least 25 percent of the revenue would be set aside for financial aid for professional students.

**Discussion:** For the most part, Council members supported the regents’ proposal on professional school fees, but it was noted that the increasing debt load on professional school students is changing their career choice and may be a disincentive for them to choose careers in the public sector. On member suggested that the Academic Council should consider passing a resolution supporting public service as a worthy goal for professional school students, stress that the incessant fee increases are a contradiction to that goal, and recommend that professional school fee policies should be examined.

**Action:** Council Chair Blumenthal will inform the regents of Council’s recommendations on these proposals, and also report the concerns that were expressed during this discussion.

The meeting adjourned at 4:30 p.m.

Betty Marton, Policy Analyst

Attest: George Blumenthal, Academic Council Chair