

**Approved Minutes of Meeting****Wednesday, June 22, 2005****I. Chair's Announcements**

Chair Blumenthal welcomed Council alternates Maggi Haberland (LA); Deborah Greenspan (SF); Emory Elliot (R); Denise Segura (UCEP); and Duncan Lindsay (CCGA). He also welcomed UCAAD Chair Ross Frank, who was joining Council for the three UCAAD-related items on the agenda, and he moved the discussion of item XX (on graduate tuition) to come before item XVII. The following updates were then offered.

*Legislative issues.* AB992 was defeated and a revised version is being considered that limits activities to sexual assault cases but does not include accountability measures.

The Scott Bill, which would allow CSU to grant independent doctorates, passed through the Senate. UC has been working on reaching a compromise that would be much less broad than the original measure.

*May Regents meeting issues.* The Regents gave approval for submitting a bid for the LANL contract. The proposed professional school fee increases passed in the Finance Committee but were not considered at the full Board meeting; this issue may be on the July Regents' agenda. The issue has been framed as one of maintaining quality in UC's professional schools, but the concern is that there is no clear vision of what it means for a public research university to charge fees that are as high as those of private schools. A new Regent, Eddie Island, was recently appointed to the board; there are now two remaining vacancies on the board.

*Patent reform.* Federal legislation is now being considered to change how patents are awarded. In the U.S., patents go to the first inventor, but the legislation would award the patent to the first filer for a patent (as is the case in most European countries). This legislation would have significant implications for UC.

*ICAS.* The joint committee issued a ["Transfer Discussion Document"](#) in May, (cited in the June Senate Source). As an annual statement on transfer issues from an intersegmental faculty perspective, it represents an important accomplishment and can have an impact on policy.

*Nominations.* Names of faculty members and/or volunteers are sought to serve on an advisory group, which will include representatives from the Council of EVCs, to advise the University on the future status of lecturers.

**Action:** Chair Blumenthal called for nominations of faculty members or Council member volunteers to sit on an advisory group on Unit 18 Lectures. The group will meet over the next few months in preparation for upcoming negotiations. Davis Division Chair Simmons volunteered to serve on the group.

**II. Consent Calendar**

**Action:** Item XVI, UCAP's Proposed Modifications to APM 220-18, was added to the consent calendar.

**Action:** The consent calendar, which included the items listed below, was approved. Draft letters on items 3, 4 and 5 will be re-circulated to Council for final approval.

1. **Approval of the May Minutes**
2. **Approval of UCM CAP Chair**
3. **Endorsement of draft letter on APM 190**
4. **Endorsement of draft letter on Health/Safety/Environment Policy**

5. **Endorsement of draft letter to UCAP re: Proposed Modifications to APM 220-18**
6. **Approval of the appointment of John Oakley as 2005-06 ACSCONL chair**

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

**Issue:** After consideration and approval last year of the Task Force Report, the Council asked UCAAD to develop an addendum to the report that would directly address diversity issues in graduate and professional school admissions practices at UC. UCAAD's draft report was sent out for general review and responses have been received from committees and divisions.

*UCAAD Chair Frank* – This has been a year-long project and one that, it is hoped, will provide a path forward. UCAAD is gratified to receive comments on the draft report and welcomes questions regarding any substantive conclusions. The committee requests that Council endorse the report's guiding principles and help to bring them to the campuses.

**Discussion:** Members discussed the implications at the departmental level of some of the report's recommendations and how the report can be effective. The following specific recommendations were made for a revised version:

- Acronyms should be spelled out, especially the one indicating historically under-represented minorities.
- The report should frame its principles in such a way that departmental autonomy is not questioned.
- There should not be an assumption that diversity goals and actual research involving explicit diversity issues are the same.
- A more holistic approach to achieving diversity should be articulated. This would include fuller incorporation of diversity goals at the undergraduate level, e.g. in research mentorship.
- A feedback mechanism needs to be built in to these efforts, so that the Senate can more easily and as a matter of course assess results after a few years.
- It is worth mentioning how important and effective it is to bring resources to bear in a competitive recruiting environment.

**Action:** Comments from today's discussion will be added to the draft summary of the Senate's review of the Addendum, and will be forwarded to UCAAD. A revised Addendum will be submitted to Council for discussion and final action at its July 27 meeting.

### **IV. UCAAD**

#### **1. Recommendations for a Strong Divisional Diversity Committee**

**Issue:** UCAAD has requested that the Academic Council endorse a set of recommendations to empower local diversity committees. This is a preliminary discussion; divisional responses will be considered in July.

**Discussion:** The Berkeley Division Chair noted that since campus committees will not be meeting over the summer, an outline of practices will be sent in rather than a Senate position. He also noted the importance of having strong effective leadership in all Senate committees. Another member felt that diversity committees should not become "watchdogs" or be seen as such, but instead promote an integrated culture of diversity on the campus.

**Action:** Council will continue its discussion of the UCAAD recommendations at the July 27 Council meeting and determine how to proceed on this issue.

#### **2. UCAAD's Role on System-wide Committees**

*Chair Blumenthal:* Two years ago, the Council formalized a closer working relationship between UCAP and UCAAD. The results of that interaction have been positive, as has UCAAD's work with CCGA this year on the Addendum. UCAAD's charge cuts across the work of many committees, and in order to continue and to broaden productive interaction of this kind, other committees are encouraged to invite the UCAAD chair to meetings for a two-way exchange on issues.

**Discussion:** One member saw a contradiction in saying that diversity issues are fundamentally important, and yet not having the diversity committee on the Council. There was a general interest in knowing what the underlying principles are for choosing which bodies are represented on Council.

**Action:** The issue of UCAAD's role on systemwide committees will be placed on a future Academic Council agenda.

**Action:** It was the sense of the Council that there is a need to clarify the principles that guide decisions regarding which constituent Senate groups are represented on the Academic Council. The Senate office will prepare an overview of how Academic Council membership is constituted and the rationale for changes of /additions to membership.

[In actual order of the meeting, items V, VI and VII were considered after consultation with Senior Management.]

#### **V. UCAAD Proposal for a System-wide Statement on Diversity**

**Issue:** UCAAD has drafted a Statement on Diversity, asking that it be considered and adopted by the Academic Council. Chair Blumenthal asked Council to agree to send it out for general review.

**Discussion:** A minor correction to the text was made, and a clarification sought of the term 'geographical context.' It was suggested that the rhetoric of the statement be modified to emphasize accomplishments in the area of diversity, rather than what is lacking.

**Action:** Pending modifications based on today's discussion, the proposed statement will be sent out for general Senate review.

#### **VI. Academic Council Task Force to Review Academic Senate Regulations**

**Issue:** Several years ago, the Academic Council resolved to review the Senate Bylaws and Regulations. A task force completed work last year on updating the bylaws, and now a similar group needs to be convened for review of the regulations, an effort that will take place over the course of next year. The task will begin by consulting first with those systemwide committees whose purview is largely determined by Senate regulations. UCEP Chair Kiskis will be the group's chair, and Council Chair Blumenthal will participate as a member. Proposed changes to the Senate Regulations will be brought to Council next year, and then, once endorsed by Council, go to the Assembly for adoption.

**Action:** Establishment of the task force was approved. Chair Blumenthal and UCEP Chair Kiskis will participate on the committee, though its full membership and formal charge is yet to be determined.

#### **VII. UCFW Update - Briefing on 2006 Request for Renewals and Proposed Premiums from UC Health Care Plans**

**Action:** This item was deferred to the July 27 agenda.

#### **VIII. Consultation with UCOP Senior Management**

- **Robert C. Dynes, President**
- **M.R.C. Greenwood, Provost & SVP-Academic Affairs**

- **Joseph Mullinix, SVP-Business and Finance**
- **Bruce Darling, SVP-University Affairs**
- **Lawrence C. Hershman, Vice President-Budget**

### President Dynes

#### *Regents Issues*

- UC has the Regents' approval to launch a proposal for management of LANL. LLNL Director Michael Anastasio will lead the proposal team and, if UC wins the bid, will be the LANL Director. There is a July 19 deadline for proposals to be submitted.
- The Regents approved Michael Drake (currently UCOP's Vice President of Health Affairs) as the UC Irvine Chancellor.
- Eddie Island was recently appointed Regent.
- Another tour will be made this summer, the purpose of which is to meet with each Regent on his/her own home ground.

*Math/Science Initiative.* The Governor, along with the President of UC and the Chancellor of the CSU system, officially unveiled the program recently on the Irvine campus. Most of the program's conceptual basis came from the faculty, and it has received significant notice and support, both state- and nation-wide.

*State budget.* The compact with the Governor and the base budget remain intact. Funding for academic preparation is in question, and efforts are being made to have it be seen as integral to the work of the university.

*Enron settlements.* Settlements have been reached with Citigroup and Morgan Chase, which are two out of several suits in which UC is the lead plaintiff. UC has assumed this role as a service, and will, along with the other plaintiffs, recover a portion of the money that was lost.

### Provost Greenwood

*SB 724.* A compromise agreement is still being sought. The bill is coming up for another hearing in July.

*Other:* The Graduate Education Task Force will have its first meeting soon. Recruitment is underway for an Executive Vice Provost/ Senior Vice President in Academic Affairs. A presentation will be made at the July Regents on diversity, admissions policy, and disparate impact. OP is looking forward to having a robust discussion with the Senate on the issue of the AP/honors grade bump.

### SVP Darling

*Research Funding.* The bill on new stem cell lines was passed in the House by a wide margin, and UC played a major role in the outcome. NSF funds will be below their 2004 level; the NIH is getting only a .5% increase; DOD funding is flat with support for basic research declining and targeted research up; and the DOE is getting a 2.8% increase.

*Endowment.* Previously, a percentage of the endowment payout was used for management. The real costs of endowment administration are being looked at. A higher cap on the basis points applied to administration has had a positive effect on fund-raising, and further investment may yield a similar return. On update with real data from the study will be reported when available.

### SVP Mullinix

*Labor negotiations.* Progress is being made with the Unit 18 Lecturers and some with UPTE.

*Tax deferred programs.* The move to new Fidelity management is going smoothly so far, with the official transition scheduled for July.

*Health insurance costs.* Discussions with vendors have begun. There will be an increase in premiums for next year, which UC will negotiate down as far as possible.

*Initiatives and cost savings.* A report will be available soon from the construction costs advisory committee, which, it is expected, will include recommendations to move projects faster. This will be reviewed with the campuses. Savings have been realized on mortgage programs and as a result of the strategic sourcing initiative.

#### VP Hershman

*State budget process.* The negative poll results for both the Governor and the Legislature may spur the process, but there is about a \$3B gap between the Governor's and the Democrats' budgets. UC hopes to get funding returned for academic preparation money, which the Democrats are linking to the Math and Science Initiative to get leverage. There is language in the 06-07 budget allowing for discussion on a revised marginal cost formula.

*Graduate Support.* VP Hershman will continue discussions with UCPB on graduate student support and will propose a detailed plan for discussion in the fall.

#### **Discussion**

The LANL contract was discussed at some length. The UCPB Chair presented areas of concern raised by that committee about the bid for LANL, including the nature of the partnership, UC's influence, the use of the management fee, and how intellectual property and conflict of interest matters were to be handled. President Dynes noted in response that:

- the partnership with Bechtel is a limited liability company (not corporation), which was a condition of the RFP, but that UC will in no way be, as a result, a commercial venture; UC would have the lead role in this partnership.
- UC's portion of the management fee will cover costs and also fund social-economic initiatives in New Mexico;
- the management structure will include a board of directors and an executive committee with a balance of members, including outside members, and that UC will be in charge of the mission and the science and technology work.

Members mentioned other factors involved in the decision to bid on the contract, such as the continuing service role UC can play and the sense of obligation felt towards lab employees. Related to AB 724, it was noted with concern that the proposed legislation will alter the Master Plan. Senior management clarified that a change particular to education doctorates would constitute an exception to the Master Plan, and that UC will need to determine the best course of action with regard to applied doctorates such as the Audiology Degree.

#### **IX. UC Merced Divisional Status**

**Issue:** In May the Assembly approved the establishment of the UC Merced Division, pending the Academic Council's certification of a satisfactory funding plan for the UCM Senate. UCM Proto-divisional Chair Kantor has submitted a letter from UCM EVC Ashley outlining a resource plan for the next five years, along with a letter in support of the plan from UCM Chancellor Tomlinson-Keasey. The Merced Proto-divisional Council voted to accept the plan and is now petitioning the Council to approve it.

- *Chair Blumenthal.* The plan's first year start-up resources come close in spirit to the Council's terms, as expressed in Blumenthal's letter to Chancellor Tomlinson-Keasey. The longer term provisions are clearly less than we had hoped for. At this point, getting a commitment for additional long-term resources seems unlikely. The choice for Council is either to approve this

plan (and by extension UCM's divisional status) or defer approval until a commitment for more long-term resources can be achieved. If the Council votes approval, divisional status for Merced will be effective immediately.

- *UCM Proto –division Chair Kantor*: Negotiations on resources with the administration improved markedly over time, especially after the Council spelled out its requirements to the chancellor, although the 5 year provisions are not at the desired level. However, in light of the severe budget constraints in all areas at UCM, and the fact that the faculty strongly wish to take on divisional status at this time, the UCM proto-divisional Council approved this offer and now asks that the Academic Council approve it as well. The faculty feel ready to be independent, and having to wait to become a division will have a negative impact on faculty morale. Even though the offer of support is not, on paper, proportional with projections of faculty growth, it seems clear that the administration recognizes how important research support is to maintaining quality faculty. Also, it is likely that the additional support will ramp up continuously rather than coming only after 5 years.

**Discussion:** It was clarified that the principles outlined in EVC Ashley's plan were a result of a dialogue with faculty. Council members saw in them a useful tool for future negotiations that could be used along with the Academic Senate Guidelines for establishing a new division. On the other hand, serious concerns were raised about the proposed level of staffing for the Senate office. A Senate director with only a half-time AA II was seen as an inadequate level of support that could set the new division up for failure. It was also noted that having strong staff support is necessary if a Senate office is going to try to work in parallel with the administration. In response to these concerns, it was maintained that the UCM faculty have so far had little staff support, that they will not be operating a full complement of committees at first, and that there is reason to hope that resources for staffing will become available as part of yearly negotiations. Other members noted that at least the plan's first-year provisions represented a good offer, and emphasized that future negotiations should carry on in the same spirit and according to the principles appended to the resource plan. In the same vein, it was recommended that the Senate's original expectations should not be abandoned and should be reiterated in Council's letter. One member saw item #5 under "resources in year 5" as highly inadequate, and suggested that it be noted as such in Council's letter.

**Action:** The Academic Council unanimously approved the proposed resource plan for supporting operations of the UCM Senate office, which was submitted by UCM Executive Vice Chancellor Ashley and approved by UCM Chancellor Tomlinson-Keasey. By this action, the Academic Council removes its condition for the establishment of the UC Merced Division. Chair Blumenthal welcomed Professor Kantor as a full voting member of the Academic Council.

## **X. BOARS**

### **1. Resolution on the NMSP**

**Issue:** At the May Council meeting, BOARS Chair Brown was asked to draft a resolution delineating why UC should discontinue its participation in the NMSP.

**Discussion:** There was general agreement with BOARS' determination that the NMSP does not meet UC's definition of merit and that the evidence is "insufficient" to support its use in making admissions or merit-based scholarship decisions. It was clarified that none of UC's comparison institutions participate. Most of the discussion addressed the title of the resolution, with suggestions being made that would avoid using the word "failure," but it was agreed to retain the original wording.

**Motion:** A motion was made and seconded to replace the word "failure" in the resolution's title with the word "inability." The motion was withdrawn.

**Action:** A motion was made and seconded to change the resolution's title to "Resolution on Why the National Merit Scholarship Program Does Not Meet the Requirements of UC's Definition of Merit." The motion was defeated.

**Action:** The Academic Council unanimously approved the resolution with the insertion of the word "academic" in the title. The title will now read: "Resolution on the Failure of the National Merit Scholarship Program to Meet the Requirements of UC's Definition of Academic Merit."

**Action:** A fact sheet on the resolution will be forwarded to Council members.

## **2. Update on Eligibility Requirements**

**Action:** Due to lack of time, this issue was deferred.

## **XI. Report of the Academic Council Task Force on the Honors/AP/IB/CC "Grade Bump"**

**Issue:** A task force was formed in 2002-03 to study the AP/honors/IB/CC "grade bump" used in admissions, and to consider its appropriateness for calculation of freshman applicants' GPA for admission and placement purposes.

**Action:** The Task Force report will be sent to BOARS to be incorporated into their consideration of this issue.

## **XII. Draft Policy on Human Subject Injury**

**Issue:** The draft policy and guidelines would provide that each campus develop a mechanism for covering injury costs for which there is no designated fund source. Both committees and divisions have commented on the draft policy, recommending a number of changes.

**Action:** The draft Council response was approved and will be sent to Provost Greenwood.

## **XIII. Informal Review of Proposed Revisions to APMs 710, 080, and 700 Related to Absences/Sick Leave, Medical Separation and Leaves of Absence/General**

**Issue:** The proposed changes were sent out for review, and responses from both committees and divisions have been received.

**Discussion:** Chair Blumenthal noted that in addition to the key issues that have arisen in the review, there is a proposed change in APM 700-16 that suggests that the Chancellor may make a final decision on constructive resignation. This is troubling because it contradicts the Standing Orders of the Regents and the Senate Bylaws, which require that no faculty member be separated from the university without prior hearing before the committee on Privilege and Tenure. UCFW Chair Oakley reported that a subgroup was working on these draft APM revisions, whose comments will be ready for next month's Council meeting.

**Action:** The Council will await UCFW's comments, which will be presented at the July 27 meeting, to finalize its response.

## **XIV. Continuation of ACSCONL, Clifford Brunk, Academic Council Vice Chair and Chair of ASCONOL**

Council Vice Chair Brunk went over the history and context of the recent decision to bid for management of LANL, including the Senate's advisory role, the various possible management teams that have been in the running, the RFP, and the structure of the current partnership with Bechtel. It was clarified that the Senate poll of faculty on UC's relationship with the labs showed a lack of support for a partnership with industry, but that the conditions for bidding have changed substantially since the time of the poll. Vice Chair Brunk also reported on LBNL Director Steven Chu's visit to an ACSCONL meeting at which he shared his vision for LBNL.

**Action:** The Academic Council agreed that ACSCONL should be maintained as a special committee of the Council until the end of the bidding process.

**Action:** LBNL Director Chu will be invited to a 05-06 Council meeting.

#### **XV. IGCC Funding**

**Issue:** Funds for IGCC, which come out of the UC lab management fees, were cut by 45% in December as per a decision made by the Lab Management Office (LMO). That action raised concerns about IGCC's continued operation and jurisdictional questions about the authority of the LMO to cut funds for UC research units and to what extent the LMO should be involved in IGCC program direction. The Council asked UCORP, UCPB and CCGA – as the Compendium committees – to submit formal comments on the situation. The three committees all recommend that funding be restored, and urge that established procedures of shared governance be followed in decisions affecting UC research units associated with the labs.

**Action:** The draft response letter will be updated to reflect the fact that the President has already restored the funding that was cut from the IGCC budget. The letter will still reflect the Senate's concerns regarding established oversight of MRUs and Senate consultation.

#### **XVI. UCAP's Proposed Modifications to APM 220-18 [Item moved to Consent Calendar]**

#### **XVII. Definition of Senate Membership**

**Issue:** This matter has come up in recent years and will likely be revisited in the future as new proposed modifications of the Senate membership in the Regental Standing Orders come to Council. In addition, the Senate has received some queries from Regents regarding the basis for Senate membership. It is proposed that a task force be formed to look at existing titles – since there are a number that have been created after the Regents issued their definition of the Senate - and to enunciate a set of principles for senate membership that can be used in future evaluations.

**Action:** The Academic Council approved the establishment of a task force to review the rationale for who is and is not deemed a Senate member. Chair Blumenthal and Davis Chair Simmons will serve on the group.

#### **XVII. AC Subcommittee on Faculty and Senior Management Salary - Update**

**Action:** This item was deferred to the July 27 agenda.

#### **XIX. Campus Mental Health Services**

**Action:** This item was deferred to the July 27 agenda.

#### **XX. Graduate Education Tuition**

**Action:** This item was deferred and will be one of the first orders of business on the July 27 agenda.

#### **XXI. Senate Issues – Topics of Concern**

None

Meeting adjourned, 4:40 p.m.

Attest: George Blumenthal, Chair  
Academic Council

Minutes prepared by  
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