

ACADEMIC COUNCIL

**Minutes of Meeting
Wednesday, April 23, 2008****I. Announcements**

- **Michael T. Brown, Academic Council Chair**
- **Mary Croughan, Academic Council Vice Chair**
- **María Bertero-Barceló, Academic Senate Executive Director and Chief of Staff**
 - Chair Brown noted that President-elect Mark Yudof will be invited to attend the Council and Assembly meetings beginning in June.
 - Chair Brown reported on the Council-Chancellors joint meeting; he suggested instituting an annual joint Council/ Chancellors Meeting.
 - Vice-Chair Croughan will serve on a UCOP Committee on the Status of Women.
 - Executive Director Bertero-Barceló noted that the Divisional Directors will address revisions to the Compendium at a special meeting in August.

II. Consent Calendar

1. **Approval of the March 5 and 26, 2008 Minutes**
2. **Cancellation of the May 7, 2008, Assembly of the Academic Senate Regular Meeting**
3. **June 11, 2008 Assembly Agenda and Format**
4. **Amendment to Senate Bylaws 125.A.4**
5. **Amendment to UC Merced Regulation 75-Honors**

ACTION: Members unanimously approved the consent calendar with the exception of #4, 'Amendment to Senate Bylaws 125.A.4,' which was moved to 'New business.'

III. Approval of the Agenda

ACTION: Agenda approved. Items XII and XIII were reversed.

IV. Consultation with Wyatt R. Hume, Provost and Executive Vice President, Academic and Health Affairs

REPORT: Provost Hume reported that the University is engaged a joint advocacy strategy with CSU and the Community Colleges. UC is not advocating increasing taxes or revenue enhancements at this time however. The Regents will make a decision regarding increasing student fees at their May meeting. The Students' Association is supporting a 10% increase to the Registration Fee and is asking for no more than a 7% increase to the Education Fee; the Chancellors are in favor of a 10% increase to the Education Fee. There is \$24 million net cost between 7% or 10% Education Fee increase after financial aid. Vice President Steven Beckwith is looking at re-purposing some research funds towards higher priority items where appropriate. Regarding restructuring, although the Monitor contract just ended, it has been extended for one month free of charge to enable Monitor to finish out their work. The Vice Chancellors for Administration are working to streamline their campuses administratively, as well as working collaboratively to capture long-term savings. UCOP thinks that it can capture about \$28 million; it is believed that the campuses can capture \$48 million through greater collaboration. Leveraging

investments (e.g., the STIP pool) is also being investigated. President-elect Yudof will take office on June 15, 2008.

Q&A

Q: Do you have any comments about the significant amount of state money assumed by the UCR Medical School Proposal? Is the School's approval contingent on this funding?

A: There is demonstrated need for additional public medical/health sciences training in California. Pending Senate approval, The Regents are likely to approve it contingent on State funding.

Q: Council asked for an update on faculty compliance and reporting obligations under the terms of the 'Truth in Government and Legislative Transparency and Accountability Acts.'

A: The Senior VP for Compliance, Sheryl Vaca, is working out the details, including a clarification of the terms and its impact on faculty. It is clear that faculty communications with grant program officers clearly falls below the threshold of these reporting requirements.

Q: Will the Senate be consulted before any final decisions are made regarding recombining UCOP analysts into a proposed 'Institutional Research Office'?

A: Yes, the Senate will be consulted. Some analysts will stay with their units though; a common data repository is another goal. Provost Hume's envisions that the 'new' UCOP will be in place by March 2009.

Q: BOARS is hearing widely divergent things from administrators about how imperative or optional campus participation in the shared review of freshman applications is. What is the source of these divergent points of view? What would consequences be if a campus decided to opt out?

A: Shared review remains a goal, as the present process is extremely duplicative. Provost Hume will discuss this issue with Yudof and then work out a common strategy.

Q: What are the prospects of obtaining statements or analyses from UCOP on the 'financial viability' of new school proposals in the future?

A: Provost Hume related that ultimately, The Regents are responsible for the approval of new Schools; they can make this approval contingent on new resources becoming available. Provost Hume reiterated that he is not responsible for making final decisions on Schools, but he is prepared to share his views on these School proposals with the Senate.

DISCUSSION: There was some debate whether the building of new infrastructure makes more economic sense than expanding capacity at the five existing UC medical schools. It was reported that Merced faculty recently voted to continue planning for the new medical school, but this does not necessarily translate into wide-spread support of a medical school. Vice Chair Croughan reported on a UCOP study on health care research needs that determined it was most important to expand existing medical schools (e.g., increasing class sizes); then building larger class rooms, and finally creating new medical schools. One member opined that financial analyses of these proposals would help the Compendium committees do their work. Another member was bothered by Provost Hume's comments about the actions that The Regents might take over the final disposition of the UCR Medical School; the Compendium states that the President makes the final recommendation, but this does not seem to be what Provost Hume said.

ACTION: Chair Brown will re-circulate the 2005 Health Sciences Committee [Drake] Report.

V. The Role of Graduate Students in University Instruction, CCGA/UCEP Report and Proposal

ISSUE: At the March 5th meeting, it was clarified that campuses are free to adopt stronger restrictions regarding Senate approval of graduate student instructors (GSIs) teaching undergraduate courses; the current language in Senate Regulation 750 is maintained to preserve the differentiation between upper- and lower-division courses for the purposes of Senate approval.

DISCUSSION: Chair Schumm made two additional corrections in the section ‘*Teaching Positions of Greater Responsibility*’: 1) In the last sentence of the second paragraph in this section, ‘recommend’ should be replaced with ‘propose’; and 2) in the third paragraph, fourth sentence, second clause, ‘will’ should be added so it reads: “...and will be available to discuss their application should the student instructor request consultation...”

ACTION: Members unanimously approved both the report and draft letter.

VI. Proposed Staff and Academic Reduction in Time (START) Program

ISSUE: UCFW supports the proposed START program; its only concern is the restart of UCRP contributions in which employee contributions would ultimately be 5% and UC contributions would be 11%. If an employee is working at 50% time, UCFW wants UC to pick up the difference between the amount of the 5% contributions at 100% time and the 5% contributions at 50% time. UC would recapture 95% of \$42 million (the estimated savings from the program) in this scenario.

DISCUSSION: It was asked whether the University should subsidize its faculty and staff, as it would come out of academic programs, salaries, etc. UCFW Chair Chalfant responded that the University would save salary costs through START; it seems reasonable that UC should pay part of the benefits. He added that the only way to attract faculty and staff to this program is to provide full benefits; UCRP members should not pick up this cost. Council opined that the value of this program is in its retention of talent, while accruing savings by reducing the workforce temporarily.

ACTION: Members unanimously approved UCFW’s endorsement of the START program.

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

- **Robert C. Dynes, President:**
- **Katherine N. Lapp, Executive Vice President, Business Operations**

President Dynes

- UC admitted a record number of students (a little over 60,000), a near 5% increase over last year. The admissions rate declined slightly from 77% to 75%. Student diversity also increased with the percentage of Chicano/Latino students rising to 16%; African Americans are up to 10%; 37% of students are also low income. The University will not increase admissions next year unless it is funded for enrollment growth (for both this year and next year).
- The proposal to establish the California Institute for Climate Solutions was unanimously approved by the Public Utilities Commission (PUC) on April 10th. The Institute will be funded by rate payers at \$60 million annually over ten years. President Dynes hopes that a UC campus will be able to host the Institute.

- The recent UC Day in Sacramento clearly demonstrated UC's impact on our environmental and energy issues. UC is working with CSUs and the CCCs on joint advocacy efforts.
- President Dynes recognized UC faculty who recently received three Pulitzer Prizes and 18 Guggenheim Fellowships.
- EVP Lapp reported that eight of eleven comparison institutions do have staff/faculty tuition fee waiver programs

EVP Lapp

- In May, The Regents will consider a Proposal for Staff and Academic Reduction in Time (START) Program; START is similar to the program that ran from June 2003 to July 2006.
- EVP Lapp will be presenting the impact of 7%, as opposed to a 10%, student fee increase on the funding of UC's priorities at the May Regents meeting; the 'May Revise' is due May 15th.
- The Assembly Judiciary Committee unanimously passed the Animal Enterprise Protection Act; it provides stiffer penalties on attacks on faculty by animal activist attacks.
- Federal Governmental Relations Director Scott Sudduth will be stepping down; a search for his replacement is underway.

Questions/Answers and Comments

Q: It seems that more than half of the budget reductions will result from transferring programs to campuses. Which ones will be transferred? How much are the actual savings?

A: EVP Lapp responded that UCOP recently identified \$56 million in reductions; \$30.2 million were actual savings. The other reductions are the transfer of FTEs to campuses (e.g., the Continuing of the Education of the Bar).

Q: What are the barriers to using tax-exempt bonds to finance construction on the campuses?

A: EVP Lapp noted that UC does have authority to issue its own debt, or bonds, which are tax-exempt; UC's bond rating is actually higher than the state. UCOP is looking into whether donor money can be used for debt service and to pay for the maintenance of the buildings.

Comment: Vice Chair Croughan clarified that student fee waivers for faculty and staff have been approved by The Regents in the past; however, due to a lack of money in the UC budget, they have never been instituted. Regarding comments made at the last Council meeting, she was referring to using pre-tax dollars to pay for tuition for staff and faculty, as well as their dependents.

Q: Senate Compendium committees currently do not receive a UCOP analysis of new School proposals, especially a financial analysis. This could be helpful.

A: President Dynes responded that these Schools will not move forward in the absence of state funding. Campuses are required to engage in a budgeting exercise, which creates discipline.

Q: Substantial costs may need to be incurred to protect faculty from attacks by animal activists. Is there any possibility of UCOP funding for such measures?

A: EVP Lapp responded that UCOP currently does not have any money to fund these measures. UCOP's risk services are also identifying areas where insurance programs can assist campuses.

Q: It was observed that some programs seem to be launched and then starved for lack of funding. What are the financial implications for these new Schools (if established)?

A: President Dynes responded that these schools always cost more than originally planned for. He remarked that collective academic planning for the entire system is integral to ensure that campuses know what the other campuses are planning.

Q: Council asked for comments on the endowment cost recovery and the endowment payout.

A: EVP Lapp noted that the University of Texas has just upped its payout rate to 5%. The Chancellors would also like to raise it to 5%.

VIII. General Discussion

DISCUSSION: Moving analysts into a proposed ‘Institutional Research Office’ may affect all Senate committees; it may actually mean less accessibility for committees. This type of restructuring is not associated with cost savings; it should be seen as improvements to the infrastructure. However, one member thought that the rationale that collecting analysts together will lead to synergies is rather flimsy. Another member added that this reorganization seems to be happening sooner than later; the concern was expressed that these decisions may be made in haste (e.g., June) without proper Senate consultation. Chair Brown cautioned that these proposed new jobs have not yet been defined, and the Senate will be consulted. UCOP will be holding a couple of restructuring meetings especially for the Senate. Regarding the new School proposals, UCOP is obligated to provide some kind of financial analysis or prioritization of these proposals within the context of the long-term goals of the University. One member urged the implementation of some kind of a ‘portfolio perspective’ for new programs in the context of the health of the existing programs on that campus.

ACTION: Chair Brown agreed to place campus planning for new Schools on a future agenda.

IX. Endowment Cost Recovery and Endowment Payout

Note: UCPB Chair Newfield did not attend the meeting.

REPORT/ISSUE: Chair Brown reported that UCOP would like to recommend to The Regents that the payout rate be set at 4.75%, and that the cost recovery be increased from 25 to 40 basis points; the current endowment payout rate is 4.75%. UCPB found that the proposed pay-out rate is both appropriate and well-justified. Regarding the cost recovery rate, which is the money necessary to administer the endowment, it is estimated that the actual cost to administer the endowment is 57 basis points (0.57% of the endowment's market value). The Chancellors are in favor of a recovery rate of 50 basis points. Without cost-recovery, campuses must use general funds to administer the endowment. These endowments are also not concentrated in the humanities or social sciences. While UCPB does not object to raising the cost-recovery rate to 40 basis points, it is concerned about the lack of clarity and transparency of the actual costs to administer the endowment; UCPB did not receive any data on this. Chair Brown proposed that Council endorse UCPB’s recommendations.

DISCUSSION: Members were interested in the total yield of the endowment, which is 20%. Chair Brown remarked that the Treasurer is concerned that if you draw too much then the endowment could be endangered. There is also a presumption that part of the cost-recovery goes towards generating new endowment money. Council agreed that more clarity is needed on how these funds are used. Members did not think that any assumptions could be made that the money freed up by the cost recovery would automatically be used for poorer programs however.

ACTION: Members unanimously supported UCPB’s recommendation, along with a request for more information, clarity, and greater transparency in describing the current and future allocation of endowment administration funds.

X. Proposed Revisions to APMs 710, 711, and 080

REPORT/ISSUE: Chair Brown remarked that Council did conduct an initial review, but remanded these APMs to UCFW to consult with Academic Advancement to address specific issues. UCFW Chair Chalfant reported that Academic Advancement has committed to make many of these details, which initially seemed unclear to Council, clear on websites.

DISCUSSION: It was asked if UCP&T’s request for specific changes to APM 080 (medical separation) and to APM 0803 were made. UCFW Chair Chalfant responded that the new wording sufficiently and appropriately involves both the dean and the chair. The previous concern was over rogue chairs; the new language stipulates that neither one can overrule the other. Another issue was the timing of a hearing. UCFW Chair Chalfant clarified that all one must do is to request a hearing within 30 days. It is not specified how quickly the hearing needs to be held.

ACTION: Members unanimously endorsed UCFW’s recommendations on APMs 710, 711, and 080.

XI. Broad Agency Announcement

REPORT/ISSUE: Council’s initial concern involved the requirement of a security clearance to participate in this program. In most cases, U.S. citizenship is needed to obtain a security clearance (but this is not an absolute requirement). As a matter of policy, UC tries to avoid such requirements. However, exceptions are allowed for graduate students and workforce development for faculty. UCORP Chair Jose Wudka reported that UCORP recently met with the Vice President for Research and Graduate Studies Steve Beckwith. UCORP was concerned that the agreement reached with the Department of Defense (DoD) over this program would be binding indefinitely. VP Beckwith assured UCORP that UC would re-examine and possibly change its position whenever the contract is revised; he added that UC can be divorce itself from this program in the future. There are also not any ‘strings’ attached to the research either. The Senate may want to ask the Office of Research to review this program in the context of current and future UC policy.

DISCUSSION: Members briefly discussed the workforce argument that is being used to make an exception to policy for this program. This exception seems to be an ad-hoc decision; it is not codified. The workforce exception should be explained to make clear if it does extend to faculty. One member opined that the workforce rationale is rather weak, as it is not clear why the development of workforce for the DoD depends upon PIs who can receive classified information. That said, an analogy was raised between this program and certain grants/programs, such as NIH programs, that require their applicants to have certain characteristics and/or skills. However, others made a distinction between ‘skills’ or ‘abilities’ and ‘characteristics,’ such as gender, ethnicity, and citizenship, which are clear in hiring policies and practices for instance.

ACTION: UCORP Chair Wudka and UCSD Division Chair Jim Posakony will draft a statement requesting from UCOP a codification on the exception to workforce policy.

XII. Regents' Task Force on Diversity Reports

REPORT/ISSUE: Chair Brown summarized the revised draft letter, which now includes comments from UCAAD and UCSD. He added that a staff diversity report, independently commissioned by President Dynes, will be released soon.

DISCUSSION: Members noted that here are contradictory statements in the sentence that begins with “Using diversity as a simple metric for allocating resources...” (p. 2). It would be better to use the first or the second half of that sentence, but not both. UCAAD’s concern is that metrics do not produce consequences; they are only reported. The following was suggested instead: “There should be differential consequences related to differential success.” Other divisional concerns (in that sentence) are 1) the lack of clarity regarding the metrics; and 2) the resources available for the enforcement of consequences. UCAP would also like a statement that indicates that local CAPs need more support and resources to assist them in achieving the stated goals of diversity.

ACTION: Chair Brown will finalize the letter over email.

XIII. Task Force on Non-Senate Faculty Representation

REPORT/ISSUE: Executive Director Bertero-Barceló related that there was a failed Senate Memorial in 1996-97 or 1997-98 to add clinical faculty to Senate membership. In 2004-05, then Chair Blumenthal assembled a task force that gathered information that was passed onto Chair Brunk. This task force was proposed again at the beginning of this academic year, but in accordance with Council’s 2003-04 position, it could not begin its work before the DANR review was initiated, as leverage for the start of the DANR review. This task force would look at the historical principles; recommend the appropriate job series; define appropriate job descriptions; evaluate the pros and cons of alternate methods; survey and assess various campus policies already in use; and present its recommendations to Council. UCSF Divisional Chair David Gardner noted that UCSF feels strongly that many UCSF faculty are disenfranchised from the Senate. His division is advocating for the inclusion of faculty who play a significant role in the education of professional students in the health sciences. The proposal to create a task force was moved and was seconded.

DISCUSSION: One member observed that clinical faculty are often selected to join the faculty in a different way that ladder-ranked faculty traditionally are; this is a non-trivial distinction as it has a bearing on loyalty (e.g., to department chairs). However, other members responded that there are no any differences in the rigor used to hire and promote clinical faculty and ladder-ranked faculty; at UCSF, they are also all reviewed by CAP. At UCSF, there are over 450 faculty who rely on external funding; none seem to be under the thumb of their departmental chairs. It was also noted that increasing Senate diversity by simply increasing membership is problematic because there would still be differing categories of Senate membership; this task force should not be asked to solve internal problems of diversity that already exist within the health sciences. It was requested that some philosophical principles be added to the task force’s charge. Council also argued for a broader charge, an open approach should be taken in looking at these different classes of faculty. Vice Chair Croughan clarified that the purpose of this task force is to thoughtfully exam the different classes of faculty who have not received Senate membership. Members also opined that the charge should not presuppose an extension of membership. Council cautioned that the task

force should not be dominated by health sciences faculty. In the end, Council did not find the current background and charge acceptable; members agreed to form a subcommittee to rewrite the background and charge for the task force.

ACTION: Vice Chair Mary Croughan, UCAAD Chair Pauline Yahr, UCSC Divisional Chair Quentin Williams, and UCFW Chair Jim Chalfant will work on a charge/background document for the task force.

XIV. Interim Report on Professional Doctorates

REPORT/ISSUE: This report concerns UC's role as the sole grantor of doctorates in California, per the Master Plan, which was somewhat undermined by the concession of the Ed.D. to the CSU. Also, a number of professional associations are now requiring doctorates for entry into their respective fields (e.g., physical therapy). This report concerns itself with principles or criteria that UC should use in making decisions regarding which professional doctorates that it offers. CCGA has taken the position that UC should not yield doctorates; however, CCGA members were evenly divided as to whether a sole exception should be made if a clear state need can be demonstrated for a doctorate that UC is unable or unwilling to meet.

DISCUSSION: One member cautioned that UC should be careful in its zeal to retain degree granting authority that it does not hang onto a particular degree, and allow UC's participation trickle away. Council also stressed the importance of the Master Plan; it is worth thinking twice before altering it. Another issue concerns resources—while it is hard to imagine a situation in which UC would not want to offer a certain doctorate, but finding resources to offer a UC-quality doctorate may be a problem. Chair Brown remarked that he is uncomfortable with giving away its doctorate-granting authority. It also puts UC in a difficult spot if others can make the case that UC lacks the will and the capacity to offer certain doctorates; it would also be very dangerous for the University to state that it is unwilling to offer certain degrees irregardless of resources. He suggested that it puts the University in a stronger position to indicate the conditions under which it would/could mount a degree program and let the state determine whether it could meet and sustain those conditions.

ACTION: CCGA Chair Schumm and UCSC Division Chair Williams will take Council's comments back to the PDPE.

XV. The Intersegmental Committee on Academic Senates (ICAS) Legislative Day

ACTION: This discussion item was postponed to a future meeting.

XVI. Executive Session

Minutes were not taken for this discussion item.

XVII. Executive Session

Minutes were not taken for this discussion item.

XVIII. Executive Session

Minutes were not taken for this discussion item.

XIX. May 27th and 28th Academic Council Meeting

This issue was finalized over email.

XX. Ongoing Agenda Item: “Senate Issues/Topics of Concern”

There were not any topics of special concern.

XXI. New Business

Council did not have time to address ‘Amendment to Senate Bylaws 125.A.4.’

Meeting adjourned at 4:30 p.m.

Attest: Michael T. Brown, Academic Council Chair

Minutes prepared by Todd Giedt, Policy Analyst