

ACADEMIC COUNCIL

**Minutes of Meeting
Wednesday, April 28, 2010**

I. Announcements

1. Constitution of the Joint Senate-Administrative Special Committee on the Budget. Chair Powell announced the names of Council members who will participate in this body: Shane White (UCFW Chair), Peter Krapp (UCPB Chair), Keith Williams (UCEP Chair), Robin Garrell (UCLA Division Chair), Joel Michaelsen (UCSB Division Chair), Bob Powell (UCD Division Chair), and Chris Kutz (UCB Division Chair).
2. Chair Powell requested that nominations for a Senate representative to serve on the UCRS Advisory Board should be submitted to Executive Director Winnacker.
3. ICAS meeting. Chair Powell reported that ICAS met with legislators at their April meeting. In addition, there was an Intersegmental Advocacy Day, bringing together faculty, administrators, students and staff from all three segments. This delivered a powerful, united message in favor of greater funding for higher education. Chair Powell stated that there is a need for a dedicated group of faculty on every campus to advocate with their local legislators and to develop and sustain relationships with them.

II. Consent Calendar

ACTION: The consent calendar was unanimously approved.

III. Approval of the Agenda.

ACTION: The agenda was unanimously approved as noticed.

IV. Executive Session

Minutes were not taken for this portion of the meeting.

V. Executive Session

Minutes were not taken for this portion of the meeting.

VI. Consultation with Office of the President Senior Managers

Provost Lawrence Pitts

Provost Pitts stated that President Yudof is out of the country and unable to attend.

Provost Pitts discussed his intentions in forming a sub-group of Senate faculty to discuss budgetary issues on a monthly basis. These discussions would be a follow-up to the Budget Retreat held in late March. The intention is that representatives would serve as links to their committees and divisions to discuss and solicit ideas for managing the budget crisis. For example, perhaps UC should delay construction of new dormitory projects. Provost Pitts noted that Governor

Schwarzenegger repeatedly has expressed his support for prioritizing funding for higher education. While his proposed budget may not pass, that support is of value in shaping the public discussion.

Provost Pitts stated that he wants to clearly define the rules regarding self-supporting programs. The Senate should address whether regularly enrolled students can take courses in self-supporting programs. Likewise, can students in self-supporting programs take a core class so that courses are not replicated?

Q&A

Comment: In the discussions about changing post-employment benefits, a trade-off is posed between salary and benefits. This is a false choice. The real trade-off is between solving the retirement program's liability problem and investing in the future.

A: Provost Pitts noted that the Post-Employment Benefits Task Force is touring the campuses to provide information about the possible scenarios under consideration. He encouraged divisions to schedule meetings with campus experts such as Faculty Welfare representatives, to educate their constituents about the magnitude of the problem and possible solutions. He stated that the recommendations of the Post-Employment Benefits Task Force will be reviewed next fall. He also noted that a Faculty Compensation Committee is currently developing recommendations on keeping total remuneration competitive.

Comment: The presentations by the Post-Employment Benefits Task Force should be distributed and posted on its website. Faculty and staff deserve to understand the personal implications of the scenarios under consideration.

Q: Will revenues from the education fee remain on the campuses in the future? How would this affect the balance of fund allocations to the campuses and how soon would it be implemented? This would disadvantage the campuses with relatively smaller enrollments. The Senate should be consulted; UCOP should not unilaterally decide on a tax rate.

A: Provost Pitts stated that UCOP is considering allowing campuses to retain all of the revenues they collect, and for OP to tax them and redistribute general funds to equalize funding among the campuses. This will allow campuses to make their own choices, without penalizing other campuses. He noted that all schemes advantage some campuses and disadvantage others. The current plan is to create "shadow books" for 2010-11 to see how it would affect different campuses, and then possibly implement it in 2011-12. He stated that the Senate will be fully consulted.

VII. General Discussion

General discussion was not held due to lack of time.

VIII. "Choices" Report

ISSUE: UCPB submitted the "Choices" Report in March. Due to time constraints, on April 7, the Academic Council voted to disseminate it widely as a draft for discussion without endorsing it.

DISCUSSION: Members praised the Choices report for raising difficult issues. Some members felt that since it has not gone out for formal systemwide review, Council can not endorse it. Several members suggested that divisions and committees be encouraged to use it as a framework

for commenting on the recommendations of the Working Groups of the Commission on the Future, but that a full review be conducted with comments due in June or July. Some members proposed alternative courses of action. After prolonged discussion, members agreed that a formal review would result in the report being read more rigorously and its analysis being applied to the Working Group recommendations on which the Senate is asked to comment.

ACTION: Council unanimously approved sending the report for systemwide review.

IX. UCORP/UCPB Report on Indirect Cost Recovery

ISSUE: UCORP and UCPB jointly submitted a report on UC's indirect cost recovery practices. It recommends negotiating higher rates with federal agencies, reexamining UC's waiver policy for other funding sources, and increasing efficiencies.

DISCUSSION: The chairs of UCPB and UCORP explained that the issue of indirect cost recovery is very complex with different ramifications in different research environments. The recommendations in the joint report focus on three main issues: 1) Negotiating higher ICR rates; 2) Reducing the number of waivers granted; and 3) Increasing transparency. The chairs emphasized that the purpose of indirect cost recovery is to recover sunk costs of facilities and grant administration. Increases in EH&S and utility costs are not covered unless rates rise. In reality, ICR represents only partial reimbursement for costs already incurred; no campus is recovering what it spends. These are rigorously audited costs—they do not represent a slush fund. They can not be used to fund graduate students, for example, and individual PIs or departments should not expect to control the full amount they generate. A member noted that some units subsidize others by teaching more and bringing in more educational fee money. Other members suggested that it would ease faculty fears that the funds are misspent if UCOP developed a website showing how much was earned and where it was spent. A member suggested a comparison with how well other public universities track these funds. A faculty member stated that not allowing waivers will present a problem for humanities research; faculty will take on small projects on their own, without university sponsorship.

ACTION: Council unanimously endorsed the UCPB-UCORP joint report on ICR.

X. UCPB White Paper on Differential Fees and Non-Resident Tuition

ISSUE: Responses to the systemwide review of UCPB's white paper on differential fees and non-resident tuition were received.

DISCUSSION: UCPB's chair stated that the three issues addressed in the paper—differential fees by campus, differential fees by major, and increasing non-resident students—are linked by the imperative to find new revenues. He clarified that the section on the use of non-resident tuition for University priorities was intended to highlight that additional revenues should be used for the good of the university as a whole; faculty salaries and UCRP are examples of two such priorities. UCPB's chair asked if members would support the paper if he removed the section on non-resident tuition. Chair Powell noted that legislators he has spoken with have been upset with the idea of increasing non-resident students; it is a sensitive issue. The general consensus among Council members was that if the University fulfills its obligation to the Master Plan and has the capacity to educate other students, then it is acceptable to increase enrollment of non-residents. Several members criticized the linkage of the three issues in the document and advocated responding to these issues through the Senate review of the recommendations of the Commission on the Future

Working Groups. A member argued that these are campus-level decisions that should not be micromanaged, and that campuses should be allowed to retain the additional revenues raised for their own purposes. BOARS' chair stated that allowing campuses to retain fees paid by non-resident students is a new policy adopted by UCOP in recent years. She said that BOARS supports increased enrollment of non-residents but it is inclined toward capping or taxing it. A motion was made to endorse the paper without the section on non-resident tuition. A member stated that UCPB's "Choices" report is a more comprehensive and developed document that addresses many of the main points in the white paper upon which there is agreement. If the "Choices" report were endorsed, it would obviate the need to vote on the white paper. The Chair of UCPB withdrew the white paper on differential fees and non-resident tuition in anticipation that the "Choices" report would be reviewed.

XI. UCR&J Rulings

ISSUE: Council is asked to review and comment on two proposed rulings by UCR&J. According to Bylaw 206.II.A, "Prior to issuance of a ruling, the position of the committee as to what such ruling should be shall be submitted to the Academic Council for consideration and comment. After considering such comment, the committee shall issue its ruling and report it to the Assembly for its information." The issues are: clarifying (1) SR 474 regarding the locus of authority for approving credits for enrolled, continuing students who take courses at other institutions, requested by UCD; and (2) the scope of APM 015 part II.C.5 regarding faculty misconduct, requested by UCR.

DISCUSSION: Senate Executive Director Martha Winnacker provided a summary of the issues involved in the two draft rulings by UCR&J. The first proposed ruling addresses SR 474, which grants to BOARS and through BOARS' delegation, to admissions officers, the authority to determine what credit students should receive when they apply to UC for admission with advanced standing (i.e., students with AP credit and transfer students), and their initial credits at matriculation are evaluated. At one campus, the admissions office claimed that SR 474 gives it authority to evaluate credits of continuing students who request credit for courses taken at a non-campus facility (including EAP, summer sessions or extension courses). UCR&J stated that once the student has matriculated, admissions officers no longer have authority to determine what courses the student receives credit for. That authority resides in the division and its delegated authorities such as registrars, deans and department chairs. Council had no comment.

The second issue concerns whether the prohibition in APM 015 against harassment or discrimination against colleagues or a member of the University community also applies to a candidate for an academic position in the course of a job interview. UCR&J rules that the candidate is considered a member of the university community during recruitment activities and is therefore protected by APM 015. A Council member stated that the ruling is troubling. He noted that the faculty code of conduct uses precise language to specify categories of individuals who are protected while the ruling allows discipline to be imposed on the basis of an interpretation of the policy. Due process requires that discipline may be imposed only when those subject to discipline have adequate notice of what conduct violates the code of conduct contained in the APM. While the University should protect applicants from discrimination, that is addressed separately in APM 035. APM 015 should probably include reference to the language of APM 035, but it should be rewritten to do so. The member recommended requesting that UCR&J draft new language for APM 015 rather than retroactively interpret the language. Other members agreed that the language should be clarified, but that the administration should be able to act on the existing language.

ACTION: Council unanimously voted to send comments to UCR&J reflecting the concerns described above.

XII. CCGA Letter on Part-time Self-supporting Programs

ISSUE: CCGA has submitted a recommendation that a Senate-Administrative Task Force be formed and charged with rewriting the 1996 policy on the establishment of self-supporting programs, taking into consideration CCGA’s suggestions in the enclosed letter.

Council did not have sufficient time to complete its discussion; the item is deferred to the June meeting.

XIII. Definition of “Days of Instruction”

Council did not have sufficient time to discuss this item; it is deferred to the May meeting.

XIV. Proposed Changes to the Electronic Communications Policy

Council did not have sufficient time to discuss this item; it is deferred to the May meeting.

XV. Fair Use Issues/Use of Streaming Video for Instruction

Council did not have sufficient time to discuss this item.

XVI. UCPB Response to LAO Reports

Council did not have sufficient time to discuss this item; it is deferred to the May meeting.

XVII. UCFW Letter on Child Care Facilities

Council did not have sufficient time to discuss this item; it is deferred to the May meeting.

XVIII. Registration Fee Policy Task Force

Council did not have sufficient time to discuss this item.

Meeting adjourned at 4:35 p.m.

Attest: Henry Powell, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst