

ACADEMIC COUNCIL

**Minutes of Meeting  
Wednesday, May 26, 2010**

**I. Announcements**

1. Chair Powell stated that he received a letter from President Yudof committing to a timeline for release and consideration of the recommendations of the Post-Employment Benefits Task Force.
2. During the month of August, Chair Powell, Vice Chair Simmons and Vice Chair-elect Anderson will hold teleconferences with the outgoing and incoming committee and division chairs to brief them on the major issues facing the University.
3. Chair Powell reported on the Regents' meeting. He stated that diversity continues to be a major concern of the Regents. A particular concern is UC's admissions process. BOARS has completed its report on comprehensive review since 2003 and will submit it to the Regents shortly.

**II. Consent Calendar**

**ACTION: The consent calendar was unanimously approved.**

**III. Approval of the Agenda.**

**ACTION: The agenda was unanimously approved as noticed.**

**IV. Definition of "Days of Instruction"**

**ISSUE:** In response to a request by Provost Pitts, Chair Powell asked UCEP to consider if it is advisable to develop a more precise definition of "days of instruction." UCEP opined that it is preferable to leave the term open to interpretation by the appropriate Senate and administrative bodies should an occasion arise requiring more explicit definition.

**DISCUSSION:** UCEP's chair stated that his committee believes that a single definition or policy could not anticipate the many different circumstances which could require a definition. He cited Berkeley's decision to designate the last days of the semester reading days as an exemplar of a good process for addressing a particular circumstance. He noted that SR 760 defines the number of hours of work in a week required for a unit of credit. In the case of an extended closure of a campus due to natural disaster, each faculty member would have to decide if he or she accomplished the goals of the course. UCEP chose not to discuss the number of days of instruction. A Council member asked whether declining to define the term could cede too much authority to the administration. There was a brief discussion of the pros and cons of creating specificity, and then allowing exceptions.

**ACTION: Council unanimously endorsed UCEP's letter declining to define the term "days of instruction."**

**V. Proposed Changes to the Electronic Communications Policy**

**ISSUE:** IR&C drafted proposed technical changes to the University's Electronic Communications Policy (ECP).

**DISCUSSION:** Senate Director Winnacker provided an overview of the proposals and stated that in her view, they are technical clarifications that will not affect the substance of the policy. The ECP intentionally makes it difficult for the University to access the record of employees' use of electronic communications without their consent. By law, restricted information such as patient or student records must be kept confidential in secure databases. Only authorized personnel can access them, and logs are created tracking who accessed them and when they did so. The proposed revisions to the ECP explicitly state that such logs are not covered by the ECP's restrictions on nonconsensual access to records of employees' electronic communications. IR&C also proposes to add two definitions of restricted information to the ECP that already are in the University's Information Security Policy. A member objected to the breadth of wording in the proposed policy allowing the University to monitor access to records that are collected "for business purposes only." He stated that the phrase should be modified to specifically reference the restricted databases. It was suggested that inserting the phrase "patient and student information" in the second sentence of the proposed language would dispel this concern.

**ACTION:** Council endorsed (with one abstention) the proposed revisions to the ECP, with the amendment suggested above.

## **VI. UCFW Letter on Compliance Requirements**

**ISSUE:** UCFW submitted a letter recommending that a systemwide task force and campus task forces be established to review and seek efficiencies in compliance requirements.

**DISCUSSION:** Chair Powell noted that the Senate has been approached by UCOP Risk Management to collaborate on this issue. Hopefully, it will lead to a more collegial culture surrounding compliance. UCFW's chair noted that faculty spend approximately 2.5 weeks over the course of a year engaging in compliance and training modules. On a personal note, he stated that he and UCFW's vice chair must complete 30 compliance exercises between them and neither of them do risky research. Compliance requirements are imposed by many different entities and are not coordinated, nor is there any feedback mechanism. For instance, he must take two CPR classes mandated by two different entities and he reports to four different administrators on laboratory safety. Beyond anecdotes, such duplicative efforts waste time and resources. UCFW estimates that a required 30-minute training course for faculty costs a half of a million dollars in salary, alone. UCFW recommends the establishment of both systemwide and campus-based task forces to review mandating authority, cost, design, and implementation of compliance efforts. A Council member advocated a permanent body or framework to continue to evaluate proposed new compliance measures; perhaps it could be made part of UCFW's charge. A member stated that compliance and risk management are significant cost drivers in the growth of administration. Another member stated that the task force should examine whether UC's low tolerance for risk is justified and/or valuable from a cost/benefit approach (e.g., how much money has been paid in liability lawsuits compared to the cost of compliance). A member suggested that campuses follow a single model for compliance efforts or have all campus compliance officers report to the Chief Compliance and Audit Officer.

**ACTION:** Council unanimously endorsed UCFW's letter on compliance requirements.

## **VII. UCFW/UCAAD Joint Letter on Child Care Facilities**

**ISSUE:** UCFW and UCAAD submitted a joint letter stating that the availability of child care facilities is an important recruitment and retention tool, and advocating that family-friendly policies should be a priority.

**DISCUSSION:** A member objected to referencing Council's 2006 letter on the subject, as it recommends adding resources to support child care, and the University is cash-strapped. Several members responded that the letter's aim is to make a statement of principle that child care should be among the highest priorities. Access to child care affects faculty diversity and campus climate and also impacts graduate students and post-doctoral fellows. A member recommended that a broader analysis be conducted evaluating how UC rates on this issue against comparator institutions. UCM's chair noted quality childcare is not available in the community, so this becomes a recruitment issue. A member suggested substituting the reference to Council's 2006 letter with a phrase urging the University to prioritize affordable on- or near-campus child care.

**ACTION:** Council unanimously endorsed the joint letter with the amendment noted above.

## **VIII. BOARS' Report on Comprehensive Review**

**ISSUE:** As required by the Regents, BOARS has completed a report on comprehensive review.

**DISCUSSION:** BOARS' Chair explained that comprehensive review entails the use of multiple criteria for evaluating achievement and excellence, individualized student review, and understanding achievement in the context of opportunity. The report provides the evidence basis and guidance for UC's admissions process. She noted that it is irrefutable that academic indicators and retention are improving; campuses are becoming more selective and some, such as UCD and UCSB, are becoming more selective while increasing diversity. However, campuses use different methods for admissions. The report recommends that as campuses become more selective, they should extend the number of applications given a "human read," the costs of which should be covered by application fees at their current level. The report identifies as a problem varying levels of faculty involvement in and oversight of the process. Recommendation 12 addresses the fact that at a number of campuses, and across the system, there has been a drop in the number of African Americans admitted. The report should be useful in identifying ways to ameliorate this issue.

**ACTION:** Council unanimously endorsed BOARS' report on comprehensive review.

## **IX. Consultation with Office of the President Senior Managers**

EVP Brostrom. EVP Brostrom briefed Council on a plan being developed to restructure the way UCOP and the campuses are funded. The first phase, to be implemented in 2010-11, will change how UCOP and systemwide priorities are funded. The second phase, which will be implemented in 2011-12 after a year-long study, will establish a principled way in which appropriated funds are distributed to campuses with different configurations and profiles. Currently, UCOP and systemwide priorities are funded via 17 different funding streams, all taxed at different rates. In the new system, all revenues will remain on the campuses that generate them (e.g., education fees, patent income, indirect cost recovery, etc.), and state general funds will be allocated to the campuses as well. UCOP and central priorities such as ANR and MRUs, systemwide academic programs such as EAP and the California Digital Library, and systemwide priorities such as building up UC Merced, would be funded by a low, broad-based tax on all revenues, probably

around 1.6% (though he noted that this figure is not final). The proposal aims to increase transparency and not favor one funding source over others. A detailed explanation of where the money is allocated will be provided, possibly online. Some of it will be redistributive, but the redistribution will be made via expenditures, not taxes. Provost Pitts stated that in the fall he will establish a task force to determine the principles for allocations to the campuses, and will be sure to consult with the appropriate groups in the Senate.

## Q&A

**Q:** Why should the medical centers be taxed at the same rate as the campuses when they receive fewer services from OP?

**A:** Provost Pitts stated that the medical centers benefit tremendously from being part of UC, and therefore their revenues will be part of the base.

**Q:** Will some funds still be earmarked for certain purposes, such as graduate student aid?

**A:** EVP Brostrom affirmed this. The educational finance model (a common loan/work expectation and return to aid) will remain in place. For example, UCR and UCI have more under-represented minorities and therefore will receive a greater amount of return-to-aid funding. UCOP will direct that X amount of money should be set aside for graduate student support, and will continue to monitor and audit to ensure that campuses comply with central directives for specific funding purposes.

**Comment:** We have to take a systemwide perspective and not only advocate for our own campus interests

**Comment:** The plan does not provide a ceiling on UCOP revenues.

**A:** EVP Brostrom noted that UCOP has been shrinking, and the plan will provide far greater transparency and opportunity for scrutiny than in the past. He also noted that OP also intends to set up a process, perhaps every three years, to review the growth of OP vis-à-vis the campuses. President Yudof added that he wants to review the long-term expenditure commitments that the University has made over the years. While he has honored his predecessors' priorities thus far, there has been a process of accretion so that UCOP now hosts a "museum of priorities." He noted that with greater transparency, we can have a debate about our priorities. He stated that his priority is ensuring adequate funding for UC Merced.

**Q:** What do you think of Speaker Perez' proposal for funding higher education?

**A:** President Yudof stated that while he greatly appreciates the Speaker's support for higher education, the budget proposal is not a long-term solution. It securitizes the lottery and spends almost all of the money in one year. Perez also proposed a buy-out of the funds raised through UC's fee increase, which is not good for the University.

**Comment:** You said that it would be disappointing if the University shrank significantly in size. But our EVC said that in 2010-11 faculty FTE will shrink from 837 to 662, and then to 552 over the next five years in order to make ends meet.

**A:** President Yudof stated that it's lamentable and asked how the University can ensure quality. He noted that with every 10% reduction in faculty FTE, there is a corresponding loss of \$200 million in research funds, and less support for graduate students.

**Comment:** The fundamental problem facing the University is that its revenue stream does not support its operations. The faculty would rather choose to be smaller, rather than to be lower quality.

**A:** President Yudof noted that faculty workload is an issue that largely has been avoided in the recommendations of the Commission on the Future Working Groups. He stated that in his opinion, only the faculty can address it. How can we protect quality? Should we reward teachers differently? Provost Pitts added that this is an issue that UCAP should address. He noted that some universities have research faculty and teaching faculty, who are rewarded differently.

**Comment:** A member opined that the University should employ more Lecturers with Security of Employment (LSOEs), ladder rank faculty that focus on teaching. It could provide stability and quality, as well as faculty who are committed to the University over the long term. President Yudof responded that if the Senate agreed that the University should have a conscious policy to increase LSOEs, that should be presented to the Commission. A Council member commented that there has been a *de facto* policy of increasing lecturers for the past ten years. Another Council member stated that the use of course releases partly drives the use of lecturers, and that there are alternate ways to reward faculty that do not reduce teaching time. A Council member countered that course releases allow time for research, and UC is a research university. One of its strengths is that research faculty teach in undergraduate classrooms.

**Q:** Why do the EVCs favor switching to semesters?

**A:** Provost Pitts answered that there are many good reasons to do it, but there is also an upfront cost.

**Q:** What is the timeline going forward for the Commission on the Future?

**A:** President Yudof stated that at the Regents' meeting in July only proposals that will save money will be discussed. He stated that he hopes the Commission can conclude in the fall. Any proposals will take time to achieve agreement over an implementation plan; some are in the domain of the faculty, some in the domain of the Regents, and some will become presidential policy.

**Comment:** It is important for the morale of the workforce to raise salaries for non-represented employees, including faculty.

## **X. CCGA/UCPB Recommendations on Fees for Professional Schools**

**ISSUE:** Provost Pitts requested input from appropriate Senate committees on the fees that specific professional schools wish to charge in 2011-12 and beyond. This is a new step in consultation with the Senate about professional school fees. Responses were received from CCGA, UCPB, and UCSD.

**ACTION:** Council unanimously endorsed the respondents' recommendations on fees for professional schools without discussion.

## **XI. Executive Session**

*Minutes were not taken for this portion of the meeting.*

**ACTION: Council:** a) voted on individual recommendations from the Commission on the Future Working Groups, and b) Approved (8 in favor, 7 opposed, 2 abstentions) the Academic Council Recommendation to the Commission on the Future.

## **XII. New Business**

*Council did not take up any new business.*

Meeting adjourned at 4:35 p.m.

Attest: Henry Powell, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst