

ACADEMIC COUNCIL

Minutes of Meeting
Wednesday, March 21, 2012

I. Senate Officers' Announcements**▪ Robert Anderson, Academic Council Chair**

- 1. Rebenching Task Force Update.** Chair Anderson reported that the task force has come to agreement on main points, but is still drafting its report. He noted that the task force will recommend that the plan be phased in over six years, which is too long in his view, but shorter than the eight year period previously discussed.
- 2. Provost, UCB and UCSD Chancellor search committees.** The UCSD search committee has completed its review of all prospects and has interviewed the finalists. The president will gather more information on promising candidates and will begin negotiations. It is probable that a candidate will be presented for approval at the May Regents meeting. Interviewees in the provost search have been selected and will be interviewed in April. At UCB, a five-member search committee for the Chancellor is just being formed. Vice Chair Powell will be a member. We have asked the Committee on Committees to identify a slate from which the President will select a non-Berkeley faculty member, and have asked the Berkeley Division to present a slate of UCB faculty from which the President will select three members. He noted that the timing is difficult because classes end at the end of April and the committee members need to solicit input from various campus constituencies.
- 3. Update on Reynoso Report and Confidence Votes at UC Davis.** Chair Anderson reported that the University expects to release the report on the Davis pepper spray incident on April 3. However, it is unclear whether the Kroll report, which names the officers involved, will be released at the same time.
- 4. May Regents' meeting.** Chair Anderson reported that while the Regents will meet in May in Sacramento, they are no longer planning to hold a public rally. Instead, individual Regents, students and faculty will lobby members of the legislature. UC students will participate in an intersegmental rally on May 1.

II. Approval of the Agenda

ACTION: The agenda was unanimously approved.

III. Consent Calendar

- 1. Approve draft February Council minutes.**
- 2. Approve amendment to the Chancellor Review policy to clarify the intent and replace ambiguous language.**
- 3. Approve convening the April Assembly as a teleconference to elect the 2012-13 Vice Chair and ratify selection of Oliver Johnson awardee.**

ACTION: The consent calendar was unanimously approved with minor edits to the minutes and to the Chancellor review policy.

IV. Review of UC Observatories

ISSUE: At its January meeting, Council discussed UCPB's and UCORP's response to the external review of the UC Observatories (UCO) overseen by ORGS. Council requested comment from the divisions, particularly the astronomy faculty, on the review and on priorities for the future of UCO. Council also requested that UCSC Chancellor Blumenthal be invited to provide a perspective from the host campus.

DISCUSSION: UCORP Chair John Crawford noted that we received many comments from the astronomy faculty critical of UCORP's letter. UCORP stands by its comments and its mandate, which is to raise concerns of systemwide import regarding research policy. He stated that Senate involvement in the planning process for the Thirty Meter Telescope (TMT) is critical. The deficiencies in management found by the UCO review could harm UC's ability to successfully complete the TMT project. Relevant Senate committees, including but not limited to UCPB and UCORP, should be consulted on these issues.

Chair Anderson welcomed EVP Brostrom and UCSC Chancellor Blumenthal, whose campus houses UCO and who is a theoretical astrophysicist and serves as chair of the board overseeing fiduciary and policy matters for the Keck Observatory (a separate steering committee sets scientific priorities). He noted that Keck has no staff of its own; it relies on UCO faculty. The two Keck telescopes are the most productive telescopes in the world by far, on multiple measures. He stated that UCO is an exemplar of "the power of 10," in its ability to achieve collectively what UC campuses could not achieve individually. Systemwide, UC has added 22 astronomy/astrophysics positions in the past 10 years. He noted that although review was too prolonged, every input highlighted the outstanding research quality and productivity. The 2011 Nobel Prize in physics was split between a researcher at LBNL and another team that performed its experiments at Keck.

A member said that UCORP questioned whether it is appropriate for UCOP to centrally fund 14 faculty appointments that are 80% research and 20% teaching. What is the justification for significant resources to be concentrated in one discipline? Chancellor Blumenthal responded that these faculty devote their time to instrumentation, which benefits the entire research community and provides infrastructure for the telescopes. Nearly all of the major instruments developed for Keck, and two of the first-light instruments for the TMT have been or are being developed by UCO faculty. Developing an instrument takes several years, so faculty need to know they will get credit for putting their own research on hold. The faculty also maintain existing instruments, ensuring the operability of the telescopes. One UCO initiative has been to provide remote observing capability on all eight campuses to enable faculty to do research without having to travel to Hawaii. UCO faculty also engage in strategic planning for the telescopes. That said, the appropriate number of FTE is a legitimate question and he welcomes Senate input.

A member asked whether the astronomy community is in agreement regarding priorities. Chancellor Blumenthal replied that the Astronomy Task Force report clearly delineated priorities for UCO. The report provides the basis for a strategic plan. In addition, many of the recommendations of the external report are already being addressed. Chancellor Blumenthal added that he, EVP Brostrom and Provost Pitts are meeting to address the administrative issues identified in the external review and the Senate response.

A member commented that the University is about to embark on a \$1B telescope without a commitment from the federal government. How will we manage that? Chancellor Blumenthal said that most of the effort to launch the TMT is being performed not by UCOP, but by a board that includes three UC representatives (Chancellor Yang, EVP Brostrom, and Director Bolte) and 3 CalTech representatives. He said he felt optimistic that the TMT will win the competition for National Science Foundation funding, which will make it easier to deal with foreign governments. There will be a specific contract between all of the partners in the TMT. A member commented that a public statement endorsing the TMT project from the president would be helpful. Chancellor Blumenthal agreed, and noted the president strongly supports the project.

A member commented that an academic review does not enable the reviewers to evaluate trade-offs for systemwide funding. Similar issues have arisen in other reviews of centrally funded programs, such as ANR. There should be one set of principles for evaluating all centrally funded programs and oversight to ensure that specific funding line items can not be redirected. Is there a process to assess the allocation of central funds? If so, the Senate should be at the table.

A member asked how the relationship between UCO and UCOP will change with the advent of funding streams and rebenching. There must be accountability to the community as a whole. EVP Brostrom replied that there will be greater scrutiny of expenses and greater transparency. Previously, the reporting lines for UCO's leadership were not clear. He stated that an executive group on policy and fiscal issues that reports either to the chancellor or the provost should be established in addition to a scientific advisory group that reports to the director of UCO. Chancellor Blumenthal and EVP Brostrom departed, and Council continued to discuss their response to the review. Members discussed the following themes:

Realigning the UCO management structure. Members agreed that reporting lines and oversight of UCO should be clarified. Currently, an advisory committee reports to the UCO director, and the UCO director does not have a clear reporting relationship either to the Santa Cruz chancellor or to the vice president of ORGS. This advisory committee should be reconstituted into two groups. A scientific steering committee should advise the UCO director and help set scientific priorities, and an administrative and fiscal oversight body should report either to the chancellor, provost or vice president of ORGS. The Senate should be given an opportunity to provide input on administrative deliberations. Accountability on the part of systemwide leadership for the use of systemwide resources is critical to gain support for such projects.

Improving transparency and communication. Council members felt that the review process was lengthy and problematic. UCOP must address the structural issues that impede communication between UCO and ORGS. It should institute procedures to facilitate more effective communication and planning involving the systemwide administration, scientific leadership and UCO faculty and staff. This process must protect the interests of astronomy and astrophysics faculty on campuses other than Santa Cruz, and ensure that the faculty and administration on these campuses have an appropriate level of involvement in planning and decision-making.

Evaluating the costs and benefits of centrally funded research projects in relation to each other. Several Council members emphasized that while outstanding research is performed under the auspices of UCO, UCOP must articulate principles that will enable it to evaluate centrally funded

projects in terms of trade-offs and opportunity costs. There is value in central planning. Most research performed at UC is characterized by excellence. But given strained resources and shrinking budgets, program reviews can not solely be academic and considered in isolation. Reviews should show how funds are allocated among programs, as well as how they are used within a single program.

Addressing the needs of graduate students. A member stated his astonishment that the review did not articulate the value for graduate students of access to the observatories and to resources that support research in astronomy. This oversight should be highlighted in Council's response to the administration. The production of the next generation of scholars is a cornerstone of UC's status as the top research enterprise in this field.

ACTION: Chair Anderson will draft a response to the systemwide review for Council's consideration in April.

V. Consultation with Office of the President Senior Managers

President Yudof provided an update on the status of budget negotiations with the state, including the possibility of a tuition buyout in which the state would provide additional funding for the base budget in lieu of tuition increases. He noted that the student protests had a positive effect. He reported that during the Regents' meeting in May, UC Regents, students, and faculty will visit individual legislators. UC representatives will also participate in the May 1 intersegmental advocacy day. He noted that the governor is considering support for legislation that would limit how much UC pays its employees. This would interfere with our ability to recruit and retain the best faculty and staff. President Yudof stated that he will ask the Regents to endorse the governor's new ballot measure at a future meeting and he will thank the students for their role in advocacy. However, if the tax increase is not approved, the University will be in fiscal trouble, and it will likely result in a large tuition increase.

Q: Is there a risk that if the Perez bill is passed, the legislature will think it has provided sufficient funding for the university?

A: Yes, that it is a risk, as the bill does not include a maintenance of effort provision. Another risk is that a proportion of the funds could be subject to Proposition 98 guarantees, and thus would be earmarked for the K-12 system

Q: When will the rebenching report be submitted for systemwide review? Is it related to public advocacy?

A: President Yudof responded that he did not know when the report will be completed. However, he commented that he didn't think it would have an impact politically, although it may impact operations.

VI. Proposed Changes to Senate Regulations

ISSUE: At the request of the administration, BOARS is considering, and UCEP has drafted, amendments to the Senate Regulations that would facilitate offering online courses to non-matriculated students through UCOE. UCEP requested Council's informal feedback on the draft

regulations. If approved, the proposed amendments would be adopted for a finite period, requiring review prior to a sunset date.

DISCUSSION: UCEP Chair Wudka asked for feedback on two issues. First, how should we verify the qualification of students who enroll and how can we manage this process on the scale that UCOE anticipates. Second, what percentage of non-UC students can be enrolled in a course without affecting quality. A member opined that a limit of 50% non-matriculated students is necessary in order to ensure quality and to ensure that there is no conflict of commitment in terms of faculty workload and effort. A member noted that UCOE's business plan assumes separate sections of non-matriculated students. He also noted that UC Extension offers courses that are equivalent but do not have UC students in them, and are designated with an "x." A member commented that the comparison of UCOE to summer sessions is not accurate.

BOARS Chair Jacob argued that there should be a systemwide policy on enrollment since they are systemwide courses. He noted that the issue that concerns BOARS the most is the enrollment of high school students. In particular, BOARS does not want to contribute to the trend of high school students packing their resumes. He noted that BOARS vets online providers of a-g courses and suggested that UCOE should go through the same qualifying process as other online providers. A member commented that targeting high school students seems to be a form of mission creep. The original Wave 1 request for proposals was aimed at providing lower division courses. A member asked, if whoever can pay can attend, what does this say about UC quality? He stated that a course is not UC quality if it is not delivered by UC faculty; scaling to accommodate hundreds of students taking courses taught by lecturers will not be UC quality. A member stated that UCOE seems to be rushing in order to repay the loan; we should take the stance that we are flexible on the repayment period in order to guarantee that the product is a quality product. A member stated that UCOE should be a self-supporting program, which pays faculty and staff salaries for the percentage of time that they spend on UCOE courses. A member noted that according to California Education Code 66750, if a class is state-supported, CCC and CSU students must be allowed to enroll (up to one class per term), paying their regular fees, which undermines UCOE's business model.

BOARS Chair Jacob introduced a proposal that would classify UCOE enrollments into three types: Type 1 are UCOE courses offered concurrently with, or as part of, a regular UC Campus Summer Session; Type 2 are UCOE courses offered concurrently with, or as part of, a regular UC Campus Academic Year Session, and includes matriculated UC students; and Type 3 are UCOE courses offered during the academic year in which no matriculated UC students, or very few, are enrolled. This classification would allow UCOE and the Senate to evaluate whether the courses maintain the same standards of quality with different kinds of enrollment.

VII. UCEP Proposal on Undergraduate Program Discontinuances

ISSUE: UCEP submitted a letter recommending that the language in sections II.A and IV.A of the Compendium be revised to clarify authorities and procedures for discontinuing undergraduate programs.

ACTION: Council unanimously voted to establish an *ad hoc* committee to review the language in sections II.A and IV.A of the Compendium.

VIII. Selection of Nominee for 2012 Oliver Johnson Award

Minutes were not taken for this portion of the meeting.

ACTION: Council voted to name John Oakley (UCD) and Sandra Weiss (UCSF) recipients of the 2012 Oliver Johnson Award.

IX. Nomination of the 2012-13 Vice Chair of the Academic Council

Minutes were not taken for this portion of the meeting.

ACTION: Council voted to forward the nomination of William Jacob (UCSB) to the Assembly as its nominee for the 2012-13 Academic Council Vice Chair and 2013-14 Academic Council Chair.

X. Issues of Senate Membership

Minutes were not taken for this portion of the meeting.

ACTION: Council appointed a committee to devise a charge for a task force that will work to address the concerns about Senate Membership of the San Francisco division.

XI. Executive Session

Minutes were not taken for this portion of the meeting.

XII. Proposed technical revisions to APM

ISSUE: Council discussed whether to send for systemwide review proposed technical revisions to Academic Personnel Policy Sections 035 and 190, Appendix A-1, which aim to insure consistency with existing federal and state law.

ACTION: Council unanimously decided to send the proposed changes for systemwide review.

XIII. BOARS Resolution on Maintaining the Integrity of ELC

ISSUE: BOARS passed a resolution to ensure the integrity of the Eligibility in Local Context program. As it is in its authority, BOARS transmitted this resolution to the provost, but asked for Council endorsement.

DISCUSSION: BOARS' Chair Jacob explained that every student with an admission guarantee through the ELC program receives a letter inviting them to apply. UC recently streamlined the cost of the ELC program by evaluating transcripts from only one-third of California high schools each year rather than all of them, reducing the cost from \$6M to \$1.5M. The administration now proposes to eliminate this cost by accepting the rankings that each high school generates. BOARS objects to this on a number of grounds, including that those rankings do not take into account whether students have completed the a-g courses required for UC admission. In addition, BOARS is just beginning to monitor the outcomes of the new admissions policy, including the effect of the expanded ELC guarantee and the role of ELC data in selection, and needs to ensure that their data

is reliable. BOARS wrote the enclosed resolution in response, and forwarded it to the provost. The committee asks Council to endorse the resolution.

ACTION: Council unanimously endorsed BOARS' resolution on ELC.

XIV. New Business

Council had no items of new business to discuss.

Meeting adjourned at 4:30 pm

Attest: Robert Anderson, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst