

**ACADEMIC COUNCIL
Minutes of Meeting
Wednesday, July 29, 2009**

I. Announcements

▪ **Mary Croughan, Academic Council Chair**

1. Annual Report: Academic Senate staff are finishing the Council 2009-10 annual report; it will be sent out sometime in August.
2. President Yudof's Responses to Council Letters: President Yudof has indicated additional support for open-access and increased planning efforts for UC.

▪ **Harry Powell, Academic Council Vice Chair**

1. California Education Round Table Intersegmental Coordinating Committee (ICC): Vice Chair Powell briefed members on the last meeting of this group. He noted that the Parsky Commission is looking at new sources of revenue for the State. One of these sources could be a value-added tax (VAT), which is thought as being more sustainable. The VAT is different from a sales tax in that a good, or even a service, is taxed along the various stages of production. While still thought of as a consumer-based tax, it can amount to 20% or more of the original product. The impact of the budget cuts on the community colleges was also discussed with the possibility of potential violence being mentioned (perhaps arising from the scarcity produced by these cuts). Finally, he noted that when the Cal Grants were put on the chopping block, a coalition of students (over 20,000) generated significant support for saving them.
2. LBNL Director Search Committee: The search committee is beginning to meet.

II. Approval of the Agenda

ACTION: Members approved the agenda.

III. Composition of the UC Commission on the Future and Composition of the Work Groups

ISSUE: A two-page draft document was distributed, as well as letters from Irvine and CCGA. The UCOC standard process will still take place; Chair Croughan is waiting upon the formal charge and a timeline. Upwards of 60 names will eventually be needed for the workgroups. The first meeting of the Commission will be sometime in August.

DISCUSSION: A number of members expressed the concern that there are not any faculty on this Commission who have served as instructors/faculty in undergraduate education. Although a number of the nominated faculty come from the University's professional schools, the fact is that the professional schools are a minority within the UC system. While the working groups will include a number of faculty, Commission members making the final recommendations will not be faculty with much experience in teaching large numbers of undergraduate students. Another concern is that this Commission may operate over a period of years; it is important that the sitting Chair and

Vice Chair of the Senate serve as ex-officio members. A motion was made to request Regent Gould to add three faculty members from the general campuses, which was seconded; it was mentioned that these names should come from the Council to UCOC to deliberate on. However, some members felt uncomfortable about suggesting names. One member made the suggestion to increase the number of new faculty requested on the Commission from three to five or even six additional names. However, this suggestion was not accepted as a friendly amendment.

Regarding the working groups, one member remarked that he is troubled by the fact that the Senate is “consultative” on everything, which is ignored by the document. Subsequently, he asked where the document came from. Chair Croughan responded that Marsha Kelman, Associate Vice President for Policy and Analysis, is the point person at UCOP. Another member stated that it is imperative that these working groups, which seem to be offered in part so that the faculty will have input, have strong faculty representation. One member commented on the relatively few number of students—there are only two. A suggestion was made that the Senate devise some kind of formal communication protocol/procedure for faculty members who are serving on the working groups—perhaps even organizing a face-to-face meeting. Another issue is the “quality” of a UC education, which, on the one hand, may seem to be embedded into all of these working groups (e.g., alternative delivery models/alternative education), but it is not totally incorporated either. It needs to be made explicit, or perhaps it should stand alone as a separate issue area. Other members agreed on this point, but advised against simply editing every working group description. Instead, a set of “principles” regarding ‘quality’ could be added. Also, the word ‘alternative’ (in “alternative delivery”) should be deleted, or at least modified in some way. Specifically, it needs to be broadened; on-line education is only a small part of this. “Alternative” delivery models means rethinking degree programs. Other suggestions included the role(s) that the University has played in the development of the State, as well as the role that it will play in the State’s future. Finally, members placed value on prioritizing of the working groups.

ACTION: Members approved the motion to add three additional faculty names that are strongly representative of undergraduate teaching at the University; they also approved the motion to add the incoming vice chair as an ex-officio member of the Commission.

IV. Furloughs and Instructional Days

ISSUE: Chair Croughan referenced the letters from the Santa Cruz Division and the Santa Cruz Chancellor. She added that the Executive Vice Chancellors (EVCs) are specifically asking for input on this. At the moment, there seems to be two schools of thought: 1) a systemwide statement/policy; or 2) a policy with a significant amount of campus flexibility. One complication is the fact that every campus seems to have defined “instructional days” differently (e.g., reading days, etc.). She added that taken as a whole, UC has more instructional days than other universities. The desired outcome of this discussion is a clear statement that would be sent to Interim Provost Pitts.

DISCUSSION: One member remarked that as the furloughs are intended to be short-term, instructional days should not be altered. It was noted that traditionally, and given the delegation of matters of the curriculum from The Regents to the faculty, determining the definition and nature of instructional days have been left to the faculty. If furlough days were used for instructional days, some kind of reading day could be used that did not specifically require a faculty member's presence. However, faculty need options—one such option would be for a campus to cancel classes for the last two days of the quarter for example; this would require approval by the President. It may also be useful for the President to consider reductions in the number of instructional days on a year-by-year basis. One member noted the inherent contradictions in a number of comments from administrators against the use of furloughs on instructional in order to “protect the students,” all-the-while there have been massive cuts in teaching assistants, classes, etc. He added that if the University does indeed take all of its furlough days on non-instructional days, then this will impact research and service. A number of members did indeed favor furloughs on instructional days, which would highlight the following points: 1) the temporariness of the furloughs will be emphasized; 2) the constituency includes the Legislature, parents, students, *and faculty*—the University is having a crisis in faculty morale—it could even be a symbolic closing. The danger of “wildcat” actions was also articulated—scenarios in which some faculty would just refuse to teach for a couple of weeks.

For the most part, there was Divisional support for the Santa Cruz Division's proposal or something similar to it. The Davis, Irvine, Merced, Santa Barbara, and Santa Cruz Divisions are in favor using at least some furlough days on instructional days; thus far, the San Diego Division remains opposed. UCPB has not met to discuss this issue, but UCAAD feels that instructional days should be impacted. The attributes of the Santa Cruz proposal are that it combines making this impact of the furloughs visible to the public, but at the same time, it limits the negative impact on instruction by clustering these days at the beginning and the end of the term. The San Diego Division would like to call for a one-year maximum on the furloughs; if furloughs are indeed for only one year, then instructional days should not be used as furlough days. At UCR, the Chancellor has said that the University should not punitively punish students and he does not think that there should be any shortening of instructional days. There are two key issues in determining a policy: 1) There needs to be some impact on instruction; 2) each campus will have a different proposal and most will propose between six and nine instructional days. Members also added that faculty are judged on both teaching and research; it does not make sense to take the entire furlough out of one segment. Another concern about nesting these furlough days around holidays is that it makes it easier to hang onto furloughs for an extended amount of time, which would induce a massive exodus of faculty.

The following motions were made and seconded:

FIRST MOTION: “...(1) that the Executive Vice President for Academic Affairs institute a systemwide standard of six furlough days assigned to days of instruction over the nine month academic calendar; and (2) that he approve campus requests for changes to their

academic calendars that place furloughs on specified instructional days for up to ten days pursuant to his authority under delegation of authority 0556 and SOR 100.4(h).”

SECOND MOTION: “...that the Senate, in tandem with the administration, commit to reexamining the definition, character, and number of days of instruction.”

ACTION: Members unanimously approved both motions.

V. Consultation with the Senior Management Group

President Yudof

UCOP is currently considering the number and magnitude of student fee increases in the upcoming academic year—a substantial increase will be recommended in January 2010 and probably again in September 2010. President Yudof also noted that the campuses have until October 15th to notify UCOP about their budget allocations. Although he did not have a report on the union negotiations over the furloughs, he said that UCOP is turning attention to this important matter. He added that additional cuts will be made at UCOP—EAP, Digital Library, etc. Regarding the UC Commission on the Future, the current draft states that there would be one working group on the size and shape of UC; alternative models of delivery; access and affordability; funding sources; and research strategies. His view is that these issues should be addressed *en seria*. For example, what is the appropriate mix? He asked for faculty input on this, emphasizing that all of the University’s needs to be looked at more holistically. He also said that adding a few additional faculty members to the membership of the Regental Commission is appropriate. Finally, he noted that the final recommendations would be subject to a full Senate review.

Questions & Answers

Q: One member remarked that the current membership of the Commission did not go over well in some circles. Specifically, in the draft document the final penultimate sentence is problematic and is a limiting statement. The Senate is a medium; it is critical that the faculty feels enfranchised. He recommended being “fully consulted” as a replacement, noting that the Senate is consultative in many areas; it has authority in certain areas.

A: President Yudof explained that what he was trying to say with the use of the word ‘traditional’ was the “full extent of the Senate’s authority.” President Yudof agreed to fix this clause with something similar to the following, “...but in all other areas there will be full consultation.”

Q: One member asked about partial implementation of the furloughs and their differentiation by campus—the University is composed of ten different campuses with ten different payroll systems. If one were to hold fast to a partial implementation—if a faculty member is 95% extramurally funded and 5% state-funded, then he or she is still furloughed.

A: President Yudof said that UCOP is addressing the payroll issues. He is also concerned about union members with regard to the furlough plan. EVP Lapp added that a workgroup has been put together to address the payroll issue.

Q: Council asked if there are any surprises in the signed budget, and whether President Yudof continues to oppose a second year of furloughs. UCPB is recommending that UCOP issue a report in six months on the impact of furloughs. The implementation of other “options” must happen within the next 4-6 months if the University is to avoid another year of furloughs.

A: EVP Lapp responded that there are not any new cuts in the signed budget; only the timing of payments to the University may be changed. President Yudof said that he is opposed to making decisions *en seria*. While he is opposed to a second year of furloughs, he also must balance the budget. He is asking his staff for a plan that would not include furloughs over the next eight or nine months. He also asked for formal recommendations from Council and UCPB on this issue.

Q: Another member noted that the duration of the furloughs is critical. If there is an indication that it will go beyond one year, it will be devastating on faculty retention. If we have to replace faculty wholesale, the impact on the budget will be immense.

A: President Yudof said it is his strong inclination to not extend the furloughs beyond one year. He reminded Council that at the last Regents’ meeting, he said that while the “crisis” will go on for more than one year, the furloughs will not.

Statement: One member suggested sending out a statement to the campuses requesting plans for cuts to go into effect in July 2010 to cover the current furloughs. Regarding the working groups, he said that “alternative delivery models” is a poor choice of words; he suggested “curriculum and education”.

A: President Yudof remarked that there are two issues that would impact such plans for additional cuts—student fee increases and enrollment targets. He added that he has already given the Chancellors their targets and met with them.

Q: One member suggested that the University could have an exception to the “146 days of instruction” rule, at least temporarily. She remarked that several campuses feel that if instructional days are to be impacted, then it must be campus-wide. There is also a danger of individual “wildcat” actions, whereby some faculty may refuse to fulfill their instructional duties out of protest. In other words, some degrees of freedom are necessary.

A: Provost Pitts responded that UCOP is currently engaged in the question of implementing the furlough days, and specifically whether they should fall on days of instruction. Simply suspending the “146 days” could be problematic, as the University would need to know the practical effects of this. President Yudof remarked that he would look at any recommendation from the Council seriously. If these are adjustments, that might be appropriate.

Q: Council inquired as to how the revenue from the student fee increases would be used?

A: President Yudof said that he has not made any final decisions on the uses for this revenue yet. One possibility is to “bank” this money for the 2010-11 year. EVP Lapp added that the University will also have to address the restart of UCRP contributions.

Q: One member asked if there will be a formal statement from UCOP on the implementation of the furloughs.

A: Yudof said that the University will indeed have a systemwide policy, which must be promulgated from UCOP. He is waiting to hear the Senate's recommendation before issuing such promulgation.

Q: One member addressed the 'research' working group on the UC Commission for the Future, noting that its description/charge is not well-developed. Towards that end, she asked if research parks been useful models? What about hybrid models that are businesses, but also generate research (e.g., survey research)? Finally, what is the role of certain non-profit foundations (e.g., Gates Foundation)?

A: President Yudof agreed that these suggestions were great ideas to add to this working group's charge.

VI. Consent Calendar

- 1. Approve the June 24 and July 8, 2009 Minutes.**
- 2. Endorse UCOLASC's letter requesting that UC supports the Federal Research Public Access Act (S.1373).**
- 3. Endorse addition of Appendix to APM 010, addressing principles for student freedom of scholarly inquiry.**
- 4. Forward Senate comments on the proposed changes to APM 240 to Interim Provost Pitts.**
- 5. Approve distribution for systemwide review of the reports of: 1) the Educational Effectiveness Task Force; and (2) the Joint Senate-Administrative Task Force on EAP.**
- 6. Approve the extension of the Compendium Task Force.**

ACTION: Members approved the consent calendar.

VII. Council Statement Opposing Stratification

ISSUE: Recently, a group of department chairs at UCSD, without the endorsement of the campus' Academic Senate, released a letter on the budget crisis that included the suggestions that certain campuses could be designated as primarily teaching institutions, and that one or more campuses could even be closed in order to reallocate funds to other campuses. Chair Croughan asked members to consider re-affirming the Senate's traditional position against stratification in a letter to President Yudof.

DISCUSSION: Members supported the draft with the following specific amendments: 1) the continued use of "San Diego department chairs" is too repetitive; 2) (in the first paragraph) change "single system" to "single university"; and 3) remove references to "power of ten" and replace with "one university". Members also felt that some mention of long-range planning should be inserted into the letter. Towards that end, one member suggested adding the following statement to the penultimate paragraph: "We believe that the concept of one University is the fundamental principle on which all long-range planning should be based."

ACTION: Council approved the changes to the letter.

VIII. Documentation of Senate Consultation in the Development and Opining on SOR 100.4 and the Furlough/Salary Reduction Options

ISSUE: Chair Croughan remarked that the intent behind these pieces were to provide some kind of documentation on consultation on the furlough cuts. .

DISCUSSION: Regarding the SOR 100.4 document, one member suggested using the “following comments and concerns” in the second paragraph.

IX. CSU Doctorate in Nursing Practice

ISSUE: Chair Croughan noted that legislation (AB 867) in the State Legislature would authorize the CSU to award a Doctor of Nursing Practice (DNP) that would be distinct from the Ph.D. in Nursing that is currently offered by UC; the University is not taking a position on this bill. Among the concerns with this bill is that it would not prepare future faculty to teach students to become RNs or BSNs at programs and schools of nursing; and there is a lack of consensus and ongoing debate within the Nursing profession about the relative role and added value of the DNP degree to that of the Ph.D. in Nursing.

DISCUSSION: Members agreed on the intent of the proposed letter, but suggested eliminating the fifth bullet (pursuing a joint-doctorate) from the CCGA letter because it seems that the University does not wishes to pursue this degree. One member remarked that this degree does not make any real structural changes to nurse practitioner positions. This sort of degree would be best offered in the context of a medical or nursing school; CSU may not have the infrastructure to generate this degree. Council agreed that it would write a separate letter and not forward the CCGA letter to avoid confusion over the fifth bullet point in that letter.

ACTION: Council approved the letter with the stated amendments.

X. Policy on the Selection and Appointment of the Provost

ISSUE: Chair Croughan noted that the University does not have a written policy governing the selection and appointment of a Provost and Executive Vice President. The draft document outlines such procedures, which are similar to those used for selecting a Chancellor.

DISCUSSION: Members suggested the following in to Section 2: 1) Add that the committee will be appointed by the President; and 2), add “or equivalent” after “one campus Vice Provost for Academic Affairs”.

ACTION: Council unanimously endorsed the draft policy and requests that the President recommend its adoption by the Regents.

XI. ACSCOLI At-Large Members

This discussion was held in executive session.

ACTION: Council unanimously selected Bob Powell (UCD), Michael Todd (UCSD) and Harry Tom (UCR) to serve on ACSCOLI.

XII. Statements on the Google Settlement

ISSUE: At the May Academic Council meeting, Council endorsed forwarding comments on the Google book search settlement to President Yudof with the request that he direct University Counsel to communicate these concerns to the court. Upon consultation with the Office of General Counsel (OGC), it was determined that Council members can submit comments directly to the court as a group of individual faculty members, while not speaking on behalf of the Academic Senate. The letter has been revised accordingly.

DISCUSSION: Senate Executive Director Winnacker explained that a Standing Order of the Regents grants OGC sole rights to represent the University in legal cases. OGC has opined that because the Senate is part of the University governance structure, it would be speaking on behalf of the corporation, not on behalf of the faculty. Council members asked if their affiliations as chairs of Divisions or systemwide committees could be included in their titles for identification purposes. Executive Director Winnacker stated that she would consult with OGC on this issue.

ACTION: Council unanimously approved sending the letter regarding the Google book search settlement to the court.

XIII. Division of Agriculture and Natural Resources (DANR) Review

ISSUE: Senate divisions and systemwide committees were asked to comment on the review of the Division of Agriculture and Natural Resources (DANR).

DISCUSSION: For more than ten years the Senate has asked for a review of DANR. Council members expressed concern that the review lacked a budget assessment and asked whether requiring such an assessment could be made part of all Compendium reviews. Members also opined that in general, five-year reviews are conducted by advocates and those with interest and expertise in the subject. They do not tend to address objectively whether the funds received are being put to their best use. They stressed the importance of conducting objective, critical reviews in the future, particularly in constrained budget environments. One member argued for recommending that another review be scheduled within two to three years, and requested a budget assessment immediately. Another member countered that a budget assessment must be done in relation to planning, goals, benchmarks, etc. It was also noted that this review was completed concurrently with a strategic restructuring initiative, and argued that next review should be conducted in five years in order to analyze the outcome of the newly defined direction. A motion was made to charge UCPB and UCORP to construct a series of queries to DANR to augment the review, particularly regarding budgetary assessments. In addition, Chair Croughan will send a letter to Provost Pitts requesting that DANR respond to the concerns expressed in the Senate comments.

ACTION: Council asked UCPB and UCORP to construct a series of queries to DANR to augment the review, particularly regarding budgetary assessments (unanimous approval with two abstentions).

XIV. Principles for Non-Resident Undergraduate Enrollment

ISSUE: BOARS has revised its proposed Principles for Non-Resident Undergraduate Enrollment based on Senate feedback received at the June Academic Council meeting.

DISCUSSION: The BOARS' chair stated that the committee tried to address the concerns enumerated in the prior systemwide review, but BOARS believes that the first six principles are critical. However, the committee is open to deferring the last two principles. On this point, one member spoke in support of the first six principles, but noted that the last two could not be implemented easily. Council members recommended replacing two statements in order to clarify its meaning and adding a statement that underfunding directly threatens the University's ability to provide high quality education to the citizens of California. One member spoke in favor of accepting more non-residents as a way to support educational services for residents, and objected to setting the threshold higher for non-residents because many campuses would not be able to attract them. Chair Croughan clarified that the Master Plan states that non-residents must be in the top half of the eligibility pool, but noted that this is a large number of applicants; it is non campus-specific. Subsequently, a member made a motion to approve the principles, with the revised wording and the exception of number seven.

ACTION: Council unanimously endorsed forwarding the Principles, as revised in Council's discussion, to Provost Pitts with a request that he disseminate them to campus Admissions offices, the EVCs, and to the Enrollment Management Council.

XIV. UCEP White Paper on Impacted Majors

ISSUE: UCEP has completed a white paper on impacted majors at UC with the intent that the Provost distribute it to deans, deans of undergraduate education, CEPs, UG Councils and directors of student affairs.

ACTION: Council unanimously endorsed UCEP's request that the Provost distribute its white paper on Impacted Majors to the groups noted above.

XV. UCORP's Revised UC Seminar Network Concept Paper

Council did not have time to discuss this issue.

XVI. New Business

Council did not have time to discuss any new business.

Meeting adjourned at 4:30 p.m.

Attest: Mary S. Croughan, Academic Council Chair

Minutes prepared by Todd Giedt, Senate Associate Director