

Minutes of Teleconference**May 11, 2009****I. Chair's Announcements***James Carey, UCORP Chair*

Chair Carey updated the committee on several items of interest:

- Academic Council meeting of April 29-30, 2009: The meeting was held over two days because part of the first day was a joint meeting with campus executive vice chancellors; much of that discussion focused on budget issues. The preliminary discussion on the proposed furloughs and pay cuts item (see also Items IV and VIII below) was framed as a question not of whether the president had the authority to execute emergency measures but as a question of how they should be implemented, if necessary. So far, the discussion of pay cuts has not extended to graduate student stipends or faculty merits.

The task force on creative budget strategies is developing principles to guide cost cutting and revenue raising. Among the options being explored are changes to non-resident tuition, differential fees by major, and further systemwide efficiencies. Another task force on undergraduate effectiveness is examining how learning outcomes might be incorporated into the University's accountability efforts.

The multi-campus research unit (MRU) RFP will continue as scheduled, but the Academic Council thought it was important to continue to communicate with the Office of Research and Graduate Studies (ORGS) in order to foster a better RFP for next year.

DISCUSSION: Members sought clarification as to what specific plans were in place to improve the MRU RFP process for next year. Chair Carey responded that such specifics were not enumerated, but that the Council transmittal letter should contain some indications. Members remarked that losing momentum on this issue would be unfortunate.

- Academic Council Special Committee on Lab Issues (ACSCOLI) meeting of May 4, 2009: There is a proposal to move administration of the national labs from the Department of Energy (DOE) to the Department of Defense (DOD). The discussion of the pros and cons of the potential switch focus on pure versus applied science and, internally, on the public perception of UC involvement with the DOD, as opposed to the DOE.

II. Consent Calendar

- Minutes of Teleconference of April 13, 2009
ACTION: The minutes were approved as noticed.
- Correspondence to Academic Council re Recent NAGPRA-Related Events
ACTION: The letter was approved as noticed.

III. Post-Doctorate Unionization Issues

James Carey, UCORP Chair

ISSUE: The question of post-doctorate researchers forming or joining a union was also discussed at the recent joint Academic Council-EVC meeting. That discussion was framed by three questions: How might the teacher/student or mentor/mentee relationship be changed? Could adversarial postures be assumed/avoided? What are the budgetary implications? Previous investigations by post-docs into unionizing in 2006 went unfinished, but in 2008, United Auto Workers (UAW) was named as UC's post-docs' exclusive representative. There are 5800 post-docs in the UC system, and negotiations between them and UAW continue.

DISCUSSION: Members noted that this issue could be significantly altered if Congress passes pending legislation. Members reported that some campuses actively enforce the five-year post-doc limit, while on other campuses, it is only a guideline. Nevertheless, changes in the marketplace have affected many post-docs' career trajectories as joining academe is now less certain than before. As a result, the relationship between mentor and mentee will change regardless of unionization.

Specific impetuses for unionization include pay, conditions, and the impact of the teaching assistant precedent. In terms of conditions, it was noted that not all research labs adhere to the same safety standards, and often even within departments, different faculty run their labs in individualized manners. Consequently, members wondered if better best practices might not achieve the same goals as unionization, while preserving researcher flexibility and perhaps even strengthening communications between post-docs and their PIs.

The provision of benefits is also thought to be a motivating factor in unionization. The expectation that post-docs work nights, weekends, and with certain hazardous materials is starting to chafe many. These concerns are exacerbated by a lack of child care, health benefits, and the like. The cost of providing these perks, though, is not clear, but some members posited that empowerment, not remuneration, might be more important.

Many members think that unionization is inevitable, and they argue that the Senate should work to inform the process constructively. The establishment of minimum standards for post-docs would most likely still lead to a reduction in the absolute number of post-docs due to a loss of flexibility in recruitment options, but creating them in concert with the post-docs would be an important symbolic gesture. Establishing minimum standards would also retain the nature of the post-doc position as a career stepping-stone, rather than a career goal.

Some members reported that many post-docs fear repercussions should they speak directly about lab conditions or time commitments, and thus many may feel that a union could serve as an effective ombudsperson. Others rejoined, however, that institutionalizing a buffer would have adverse impacts on the key mentoring relationship.

ACTION: UCORP will return to this topic at its next meeting.

IV. Ownership of Research Material and the Rights of Senate Researchers

Ted Groves, UCSD Representative

Tim Lane, UCLA Representative

Greg Miller, UCD Representative

ISSUE: It became clear during the committee investigation of the recent UCSD NAGPRA issue that extant UC regulations governing ownership of and access to research data needed greater explication and clarification. Current guidelines are contained only in Regents' Regulation 4, which is extremely vague. Although UC's NAGPRA implementation guidelines are being revised, it is thought that a broader policy might behoove the institution.

DISCUSSION: Members debated whether to include the call for a comprehensive policy in the current NAGPRA correspondence or to make a separate request. Members also wondered whether the definition of "research material" was too vast to allow for a single policy: museum artwork versus epidemiological databases, for example.

ACTION: The committee will include the call for a broader policy in the NAGPRA correspondence and continue to monitor this issue in the next academic year.

V. Researcher Safety

Tim Lane, UCLA Representative

ISSUE: The UCLA campus has seen an increase in violence targeting researchers whose work includes animal experimentation. Personal property, including homes and vehicles, has been targeted. Recently, a counter protest, "Pro-Test", was held to demonstrate support for these researchers. An increase in threats against researchers whose work focuses on the Middle East and other politico-religious hot spots has also occurred. The divisional COR is uncertain how to best proceed in this matter.

DISCUSSION: Santa Cruz Representative Kolaitis reported that his campus has also seen animal research related violence in the past, and that the committee on academic freedom had taken a stand. However, other members noted that many committees on academic freedom tend to focus on impositions imposed from the top-down in the institutional structure, not external issues. Many committees on research do not address this topic as the issues involved—personal privacy, police, and lawyers—seem to fall outside the scope of COR charges. Still, many individual faculty feel that their administrations are not being active enough on this front.

Members wondered if a single policy could be flexible enough to address the disparate security needs of mammalian researchers and Judeo-Christian scholars. Members agreed, though, that the Senate should take the lead in defining the problem and proposing solutions.

ACTION: Members will discuss this topic with their campus CORs and report back at the next meeting.

VI. Consultation with Academic Senate Leadership

Mary Croughan, Academic Council Chair

UPDATE: Chair Croughan made two announcements: 1) She encouraged the committee to focus on the policy and process outlined in the proposed furlough and salary cut item, not the specific language. 2) She emphasized that President Yudof is committed to restarting contributions to UCRP at the earliest possible opportunity, even if matching state funds cannot be immediately secured.

Discussion I: Members inquired whether the common feeling on the campuses that either furloughs or pay cuts was inevitable was, in fact, true. Chair Croughan indicated that the president already has the authority to implement pay cuts, but that the proposal

under review is designed to codify a previously informal process, with input from key stakeholders. She added that the proposal is designed to leave flexibility at the campus level in recognition of the different funding sources present on each campus; similarly, in recognition of these and other campus differences, the Senate is named as a consultant on each campus. In response to member concerns about the rapid time frame of the review, Chair Croughan noted that some campuses may need to implement drastic cost savings measures early in FY2009-10, making the July deadline necessary, though not ideal.

Members also inquired whether health benefits would be impacted by pay cuts or furloughs. Chair Croughan stated that unless employment falls below 50% FTE, medical benefits would not be impacted; UCRP service credit and such, however, could be affected. Other “hidden” costs associated with either pay cuts or furloughs could include development of specific implementation plans, costs of ending reductions in time or pay, loss of grant funding, and the like.

Members voiced the concern heard on campuses that the proposal seems like a presidential power grab, but Chair Croughan reiterated that such has always been within the president’s authority—this is merely an attempt to devise a more workable framework within which that power could be exercised, if needed. Admittedly, though, the policy is somewhat confusing as not all relevant policy resources are contained within extant Standing Regents’ Orders; other informative policies are contained within both the Academic Personnel Manual (APM) and the Personnel Policies for Staff Members (PPSM). Chair Croughan also noted that these are intended to be temporary emergency measures, not permanent cuts.

Additional ideas being considered include a progressive application of cuts, similar to the health care premium banding already in place. Members debated whether the One University ideal could withstand differential campus cuts, or cuts on one campus but none on another. Members also wondered whether some campuses or units might be able to off-set cuts to state-funded personnel by increasing the use of off-scale or by recharging greater portions of salaries to grants or other extramural sources. Chair Croughan noted that the draft guidelines explicitly prohibit such actions.

Finally, members observed that the symbolic value of senior managers taking large voluntary cuts could well exceed the cash value of the cuts.

DISCUSSION II: UCLA Representative Lane provided a brief summary of the preceding discussion on researcher safety and asked Chair Croughan for advice on how to proceed. Members also wondered whether recently implemented state regulations allowing for privacy-related redactions in public records requests has helped abate the incidents of attacks on researchers or if they were perceived as further obfuscation by UC. Chair Croughan indicated that the Senate has a public solidarity statement with at-risk researchers, and she encouraged UCORP to draft a statement outlining administrative roles, Senate responsibilities, etc.

VII. Synergy Project Update and Next Steps

James Carey, UCORP Chair

UPDATE: Chair Carey reported that the draft manuscript is still out for systemwide review, but UCORP should have some responses to evaluate at the June meeting. Over the summer it will be important that the committee continue to work on this initiative so

that momentum is not lost due to committee personnel changes and the summer slowdown in Senate activity.

DISCUSSION: Members reported that interest and support on most campuses and in most CORs is significant; many CORs will submit letters of support to their divisional offices. Chair Carey noted that the next version will include an expanded section on how the proposed network can be integrated with other developments and advances. Members noted that it could also be useful for candidate visits and other non-classroom activities, as well.

ACTION: UCORP will return to this topic at its next meeting.

VIII. Systemwide Review Items

- Furloughs and Salary Cuts, Proposed Standing Order of The Regents and Implementation Guidelines

ISSUE: See also Item IV above.

DISCUSSION: Members noted that in addition to classroom obligations and medical and safety personnel concerns, research obligations must be considered in discussions of furloughs or salary cuts. Members also suggested that the proposed list of campus Senate committees to be consulted during the development of campus-specific implementation guidelines should the powers be enacted needs to be expanded to include education policy, graduate councils, among others. Members noted that including both physical and fiscal emergencies in one order is not necessary as their proximate causes and the necessity for immediate action are not congruent. Finally, members suggested that a list of non-acceptable actions be included.

ACTION: Analyst Feer will draft correspondence summarizing the committee's views and circulate for electronic approval.

IX. Indirect Cost Recovery

James Carey, UCORP Chair

ISSUE: The 2007-08 annual report on indirect costs has been issued by the Office of the President. It remains unclear how the disbursement and accounting processes can be made more transparent, as previous UCORP investigations into the topic have revealed.

X. New Business and Planning

Members

- Mentoring:

ISSUE: Graduate student representative Serwer posited developing a broader network for mentoring, noting that improved virtual communications could easily facilitate such an effort.

DISCUSSION: Council Chair Croughan noted that pilot programs developed at UCSF have successfully been adapted to other universities, and she provided some suggested contacts.

- June meeting:

ISSUE: Should the June meeting be held via teleconference?

DISCUSSION: Some members have conflicts, but a final decision will not be made until it is known how full the agenda will be.

Call ended at 1 o'clock p.m.

Minutes prepared by Kenneth Feer, Senior Policy Analyst
Attest: James Carey, UCORP Chair