Senate’s Assembly Elects Vice-Chair, Approves Legislation

Meeting in Berkeley on May 13, the Academic Senate’s Universitywide Assembly elected UCLA’s Aimée Dorr as its next vice-chair and approved all the legislation presented to it. The Assembly also heard reports from President Richard Atkinson and Assembly Chair Duncan Mellichamp and it received the names of 1997-98 statewide Senate committee chairs and vice-chairs from the University Committee on Committees.

Dorr, the nominee of the Academic Council for the vice-chair position, was unanimously elected to the post by the Assembly. She will serve next year with incoming Assembly and Council Chair Sandra Weiss, who announced at the meeting that she intends to call the Assembly together next year for its full complement of three meetings. Aiden Mosshammer of UC San Diego will serve as secretary/parliamentarian of the Assembly for the next two years.

The legislative changes approved by the Assembly included:

• Amendments to Senate Bylaws (SBLs) 20 and 330. The amendment to SBL 20 makes explicit that any Senate committee may redelegate authority, but only as authorized by the legislation that established the committee. Questions had arisen on several campuses as to whether Senate committees could redelegate authority to Senate subcommittees or administrative panels or officers. The May legislation settles this issue, but may have broader effects in addition to that it makes “challengeable” any existing delegations of authority not explicitly authorized in statewide or divisional bylaws. The change to SBL 330 is a companion-piece of legislation that states that divisional Graduate Councils may redelegate authority only as provided in divisional bylaws.
• Amendments to Senate Bylaw (SBL) 90, which governs the process by which sense-of-the-Senate “memorials” are constructed. Henceforth, there will be both “memorials to the regents” and “memorials to the president,” with the former going to the Regents via the president while the latter would stop with the

Domestic Partner Benefits, Long Sought by Faculty, Will Be Considered by the Regents

The issue of domestic partner benefits for University of California employees, which has been of concern to UC faculty for years, apparently will get a hearing before the UC Regents at their July meeting. The issue has been simmering beneath the surface at UC through the current academic year, but was brought to the fore at the May Regents meeting by Duncan Mellichamp, chair of the Senate’s Academic Council, who made a plea with the board to discuss the domestic partner issue before his term expires in August.

Mellichamp’s request, which took most Regents and UC administrators by surprise, was immediately supported by Regent Ward Connerly, who said the board had “ducked” the issue for too long. President Atkinson agreed at the meeting to provide the Regents with information on domestic partners prior to the board’s discussion of it.

Benefits for domestic partners stands to be another volatile issue for UC, since both supporters and opponents of the idea see it not only in economic, but in ethical terms. Regent Connerly has publicly stated his support for domestic partner benefits, but a number of Regents are believed to oppose them on grounds that they undermine the institution of marriage.

Beyond this, though the University is legally free to provide domestic-partner benefits, it is answerable to state legislators, many of whom are fiercely opposed to state funding for such benefits. Against this, a San Francisco city ordinance that goes into effect next month requires employers who do business with the city (as UC does) to provide benefits to domestic partners.

It is thus far unclear how the board will choose to frame the question of domestic partner benefits, since both “benefits” and “domestic partners” can have a number of definitions. UC’s Academic Senate supports the extension of benefits to both same-sex and opposite-sex couples, however, in its proposal to the board.

Task Force, Working Group Propose Major Changes in Faculty Discipline Procedures

Major changes may be in the works for the University of California’s faculty disciplinary system, which has been criticized for being inflexible, slow, and unresponsive to persons who file charges with it.

In April, the Office of the President circulated to both the Academic Senate and academic vice chancellors the final report of a Disciplinary Procedures Task Force, convened back in 1994 to study the faculty discipline issue. UCOP has also drafted a set of proposed changes to UC’s Faculty Code of Conduct that follow from the report’s conclusions and circulated them along with the report itself. Should the task force recommendations be accepted, it’s expected that Senate Bylaws dealing with disciplinary

Inside Notice:
UCSF Merger Troubles; Tenure Clock-Stopping

(Please See: Assembly, Page 3)

(Please See: Domestic, Page 4)

(Please See: Faculty, Page 4)
NEWS IN BRIEF

‘Tenure Clock’ Policy Change

This month, President Atkinson is expected to issue a modification to UC’s Academic Personnel Manual (APM) that will provide untenured faculty who are new parents with the possibility of more time off the “tenure clock.” Under APM 133.17.h, any faculty member with primary responsibility for the care of an infant or newly adopted child under age five may be granted “time out” from the eight years assistant professors are allowed at UC to either achieve tenure or leave. Under current regulations, the “tenure clock” may be stopped one time for a period of up to one year for childbearing responsibilities. Under the new regulations, expected to become effective July 1, faculty will be able to stop the clock for up to one year for each birth or adoption, for a combined total of two years. In addition, faculty will need only have “substantial responsibility” for the care of an infant to qualify for the clock-stopping, rather than the “primary responsibility” now specified in the APM.

Salary Increase Distribution

All indications are that UC’s request for faculty salary increases averaging 5 percent for 1997-98 will be granted by California’s governor and legislature. The dollars that come with this increase could be distributed in a number of different ways across faculty ranks, however. In May, UC administrators, aided by advice from the Senate, were busy trying to decide what that distribution would be.

One approach would be to apportion a flat 5 percent across all ranks, from assistant to full professors, but this idea has been criticized on grounds that the greatest “lag to market” in UC faculty salaries occurs at the full professor level. UC’s assistant professors are paid 2.4 percent less than their counterparts at UC’s “comparison-eight” institutions, while the lag for associate professors is 7.2 percent, and the disparity for full professors is 8.9 percent.

Given this, UCOP Academic Advancement administrators in May presented several alternative salary distribution scenarios to the Senate’s University Committee on Academic Personnel, one of which was for a slight weighting of the salary increases toward full professors: 4.3-4.5 percent increases for assistant professors, 4.3-4.7 percent increases for associate professors and 4.5-5.4 percent for full professors.

The recommendation of UCAP was that the weighted scenario was preferable to a flat distribution but that it did not go far enough; the committee encouraged UCOP to see whether further weighting was possible. Myron Okada, UC’s director of academic personnel relations, said late in the month that a scenario with additional weighting would likely be among those presented to UC’s academic vice chancellors at their next meeting. A strict limitation on such weighting, however, is the number of full professors UC has; the full professor rank comprises about 58 percent of all UC’s ladder-rank faculty (with associate and assistant professors comprising 22 and 20 percent, respectively).

(Please See: News, Page 6)

Letters to Notice: Affirmative Action And Faculty Hiring

To the Editor:

The University Committee on Affirmative Action and Diversity (UCAAD) wishes to remind all UC faculty that California’s Proposition 209, upheld by the U.S. 9th Circuit Court of Appeals in April, does not affect the University’s faculty hiring practices. Federal guidelines are still in effect concerning the setting of affirmative action goals, the following of search procedures designed to secure broad pools of applicants, and the selection of programs designed to remedy problems in recruitment and retention of groups underrepresented in UC’s academic units.

UCAAD encourages faculty to ask their department chairs, school deans, and academic administrators for current information about affirmative action goals and achievements with respect to faculty hiring. Furthermore, the committee urges faculty to help spread the word that commitment to the affirmative action goals and procedures developed over the past decades is still very much in order.

—Karen Leonard, Chair
University Committee on Affirmative Action and Diversity

Faculty Seek Facts, Legislators Open Records In UCSF-Stanford Merger

The proposed merger of the UC San Francisco and Stanford medical centers has come under fire on two fronts in recent months: from a group of UCSF faculty who want more information on the merger; and from state legislators, who have now steered bills through both legislative houses that would require greater public accountability for the corporation the merger would bring about.

Meeting on May 5, some 350 members of UCSF’s 900-member Senate division listened to speakers and a panel presentation before voting to continue with a series of informational meetings on the merger. UCSF Senate Chair William Wara said he hopes to have two such meetings in upcoming weeks, one addressing the financial aspects of the merger, the other addressing the academic issues related to it.

The complaints of some UCSF faculty regarding the merger are that the need for it has not been demonstrated and that, in carrying out the plan, UCSF may be putting business considerations ahead of its teaching and research missions. A number of faculty also feel that faculty have not been kept informed about either the plans for the merger or about its effects. (On May 15, UCSF Medical School Dean Haile Debas sent out a five-page letter which sought to answer a number of questions raised at the meeting. It is available on the Internet at: http://www.som.ucsf.edu/dean/ FACULTYLYHTM).

Meanwhile, both the California Senate and Assembly have passed bills that would make the corporation formed from the merger subject to the California Public Records Act and state open meetings requirements. The resistance to such public scrutiny is coming from Stanford, which has insisted all along that the newly formed corporation, UCSF Stanford Health Care, function as a private entity. Of four bills introduced, no single bill has yet to gain the approval of both houses; even if this occurs, it is uncertain whether Gov. Wilson would sign such legislation. Nevertheless, the threat is sufficiently great that Stanford and UC officials have been meeting to determine whether Stanford would be willing to accept a greater level of public disclosure.

Notice
With Color-Blind Process in Place, Minority Law Admissions Fall

The University of California’s three law schools released figures in May on the first cohort of UC law school applicants admitted in the absence of racial or ethnic considerations, and the outcome was pretty much what the schools had predicted: a sizable drop in admissions for black and Latino students and a concomitant increase in white admissions.

For the fall 1997 class, UC’s law schools offered admission to 55 black applicants, as opposed to 206 last year (when racial preferences were still in place). Black students thus dropped from 7.8 percent to 2.1 percent of all UC law school admissions. For Latino students, the figures were 162 admissions offers in 1997, vs. 255 offers in 1996, meaning a drop from 9.7 to 6.2 percent of all law school admissions. Meanwhile, white applicants comprised 58.8 percent of the admissions pool for 1996, but 65.8 of the admissions pool this year. The proportion of Asians in the admissions pool rose at both Berkeley and Los Angeles, but fell at Davis, so that the proportion of Asian admissions across the system held steady at 17.5 percent.

Both Herma Hill Kay, dean of UCB’s Boalt Hall, and Michael Rappaport, dean of admissions at the UCLA Law School, believe their schools may see a steeper drop in black and Latino enrollment than the admissions numbers might indicate; black and Latino students who were admitted to UC law schools for 1997 presumably have, on average, higher grade and standardized test scores than their counterparts of a year ago and thus are a more select group with more law school offers. “I’d say we’ll get 3-5 black students; maybe 7 if we’re lucky,” says UCLA’s Rappaport.

Assembly: Changes in Senate Bylaws

(Continued from Page 1)

president. Most of the bylaw change is aimed at streamlining the process by which memorials to the Regents are constructed and voted upon. The changes also make explicit that, once a memorial to the Regents is passed by a single Senate division, every other division must vote upon it, but may vote neither to support nor oppose it, but rather to “decline to act” on it.

• Amendments to Senate Bylaws 110 and 120. The amendment to 120 makes clear that any member of the Assembly may introduce an item of new business for Assembly discussion. Under the amendment to SBL 110, any 15 members of the Senate or four members of the Assembly will henceforth be able to put an item on the agenda of any Assembly meeting. The Academic Council had recommended making the numbers 25 Senate members or seven Assembly members, but, on an amendment from the floor, the Assembly voted for the lower threshold.

• Recision of Senate Regulation (SR) 544. This regulation set limits on simultaneous student registration in two university colleges or in a college and a school. The University Committee on Educational Policy said that the regulation served no purpose other than to impede intercampus cooperation.

• An amendment to SR 630, which sets forth a requirement that bachelor’s degree candidates have residency in the college or school in which the degree is taken. An exception that allows engineering students at Berkeley, Davis, or Los Angeles to complete senior-year courses on another campus already was part of this legislation. The amendment approved by the Assembly last month further liberalizes the regulation to allow students enrolled in multi-campus programs to complete “the requisite number of units in courses offered at any or all of the participating campuses.”

• A revision to Bylaw 140 that will change the name of the Senate’s University Committee on Affirmative Action to the University Committee on Affirmative Action and Diversity. The new name is intended to be more reflective of the duties the committee undertakes under Regents’ policy.

In other business, the Assembly agreed to refer it to its budget and educational policy committees an issue brought to it by Assembly Representative Quirino Paris of Davis concerning student enrollment counts.

Current UC policy is to count students on the 15th day of instruction of each academic term, but Paris maintains that a more accurate count could be obtained at the end of each academic term. Under the present system, he alleges, UC has an unused teaching capacity of about 15 percent. The Assembly decided that the issue is complex enough that it wanted its committees to study it and report back.

Last year his school enrolled 19.

UCB’s experience with this year’s admissions also supports an assertion that admissions officers across UC have been making: that there is no proxy for race in admissions — no set of admissions considerations other than outright racial and ethnic preferences that stand to appreciably increase the number of underrepresented minorities. This year, UCLA asked its applicants questions about their family assets, income, parental levels of education, the zip codes of their residence and their high schools and then assigned admissions points for “socioeconomic deprivation” based on these factors.

Instead of preserving minority admissions, Rappaport says, what this may have done is put an unusually high number of recent immigrants into the admissions pool (though this has yet to be confirmed through systematic analysis). “We’re clearly not going back to being a white, elitist, male institution,” he says. “In one sense, the class is as diverse as ever; but there are two groups who are left out.”

Looking to the future, UCB law students have suggested that a “character index” be used in connection with Boalt’s admission process as a means of boosting minority enrollments and Dean Kay says she intends to refer a student report on the subject to the school’s admissions committee. She points out that even if the school could agree on changes that would stand to boost minority admissions, the first class that could be affected would be the one entering in 1999.

### UC Law School Admissions By Race and Ethnicity

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Domestic Partners: Regents Will Discuss

(Continued from Page 1)

sex couples; though its first priority is an extension of health insurance benefits, the Senate has called for an end to any benefits disparities that exist between married couples on the one hand and domestic partners on the other. Most universities that have offered domestic partner benefits have done so for same-sex couples only, while most private-sector employers offering such benefits have done so for both same- and opposite-sex couples.

The Academic Senate’s history with the domestic partner issue stretches back to 1991, when the Senate’s Affirmative Action Committee held that disparities in UC’s benefits amounted to discrimination based on sexual orientation. A special subcommittee of the Senate’s University Committee on Faculty Welfare (UCFW) subsequently took up the issue and in 1993 issued a report that called for extension of a full range of benefits to both same- and opposite-sex partners, with such partnerships requiring a contract making both parties financially responsible for one another in the same way that married couples are.

The Academic Council endorsed the UCFW proposal in 1994; since that time, both the Council and UCFW have reaffirmed their earlier positions and urged the administration to move forward on the issue. The closest UC ever got to a public discussion of the question, however, was a report issued by former President Peltason that merely compiled information about the issue.

Last fall, Atkinson told Senate leaders he wanted to act on the domestic partners question this academic year, possibly by scheduling a Regents item on it. As the year wore on, however, and opinion was sampled both on the board and in Sacramento, the administration shelved its plans and a formal Regents consideration of the issue seemed unlikely — until last month when Mellichamp made his remarks. Writing to the President in late May about his request, Mellichamp said that “it has become clearer to me each month that there never will be an ideal time [to take up the question]. Thus I wanted to indicate the faculty’s continuing resolve to initiate an open discussion of the issue.

“I also want to be able to have at least the opening elements of such a discussion before I leave the Board,” he said. “My relations with individual members of the Board have been excel-
fairly shut out complainants, the task force agreed that the status and outcome of a proceeding ought to be communicated to such persons, but it was concerned that such disclosure is prohibited under California law. As such, it recommended that UC explore the enactment of an exemption for just such disclosure. Assuming state law obstacles can be overcome, the panel recommended that complainants be brought into the disciplinary process through such means as being allowed to attend at least portions of the P&T hearings, and being apprised of case outcomes after signing confidentiality agreements.

The task force found that the four sanctions now allowed for faculty misconduct — written censure, suspension, demotion, or dismissal — are too limited and inflexible. It recommended keeping them, while adding “public censure,” “withdrawal of faculty privileges,” “suspension,” and “conditional suspension, demotion, or dismissal.” Public censure would include a description of the conduct that brought about the discipline. Withdrawal of faculty privileges might be effective in connection with emeriti faculty, the panel felt, since many other sanctions stand to have little effect on them. The “conditional” sanctions could be suspended depending on “the performance of some positive act” by a disciplined faculty member toward a wronged party, such as monetary restitution.

The group that is following up on the work of the disciplinary task force used the latter group’s report as a point of departure for further recommendations — broadening, agreeing with, or disagreeing with the earlier panel’s proposals.

One of the new ideas the working group has endorsed, suggested by General Counsel Holst, is to have General Counsel’s Office have on its staff an attorney whose sole responsibility in disciplinary cases is to counsel Senate P&T Committees. As it is, UC attorneys serve as “prosecution” attorneys for the administration, leaving the Senate with no neutral, expert advice. The notion is that a “firewall” would be established in the General Counsel’s office between the “P&T attorney” and any other attorneys connected to disciplinary cases. The working group thought it would be better to have P&T attorneys be from outside the General Counsel’s office, but it agreed that both the General Counsel

(Continued from previous page)

Notes from the Chair: Final Thoughts

The Academic Council’s year ends in August, but the Notice year ends in June, which makes this my “Notes from the Chair” valedictory. I want to set forth here several personal observations concerning the Senate’s effectiveness in representing faculty interests.

First, the Senate’s loose committee organization is both a strength and weakness — a strength because it inevitably brings representation from each campus, thus ensuring a diversity of viewpoints; a weakness because committee capabilities are strictly limited to the time commitments that members are willing to provide (particularly the chair). Then there is the annual turnover of membership on most committees. Leadership of this sort can be strong; but, viewed across all committees, it is uneven.

Second, the Academic Council’s authority historically has derived from that of the Assembly. But over the last 10-15 years we have allowed the Assembly to atrophy, partly from budgetary reasons and partly from a misunderstanding of the need for a representative body to anchor the entire enterprise. Present Senate leaders have committed their efforts to reverse this process, or to find a better modern-day alternative.

Third, the Senate’s ongoing responsibilities under the Regents Standing Orders — for the quality of academic programs and for advising in many key areas — have been coupled to substantial growth in size and complexity of the University in just a few short decades; this combination brings with it the need for growth in budgets and staff. But while administrative staff has grown enormously in the past 20 years, particularly on campuses, Senate office staffs have changed little, neither in numbers nor in scope of responsibilities. We are caught in a resource time-warp, expected to keep up with the massive amount of paper and information currently circulating, but with staffing levels suitable for an earlier era. The administration’s often expressed criticism, that the Senate is an impediment to getting things accomplished, is thoroughly unwarranted to the extent that inadequate funding from the administration, rather than weaknesses in our own internal structure, is the source of such inertia.

Fourth and finally, the manner in which our parallel Senate and administration structures traditionally have interacted is now hopelessly anachronistic. There just isn’t time for the long development and writing of a formal report by one group, then a long period of consultation, then a period of redrafting (or circulation of a counterproposal), etc. In the past several years, the Senate has taken the lead in assembling a series of “working groups,” meaning collections of knowledgeable and interested representatives of key committees plus their administrative counterparts, to deal briefly but intensively with a single issue. Such groups then report back to their respective parent organizations with the outline of a developed solution that brings together the common interests of all parties. We have to utilize more such mechanisms, without necessarily having to give up any traditional authority or privilege.

How should we deal with these issues? The statewide Senate currently is undertaking its most thorough self-examination in more than 30 years. Out of it presumably will come ideas for dealing with the issues I’ve noted above and many others. Let’s hope that the administration lends an ear to notions of how we can reform our longstanding partnership. A successful Academic Senate is as important to them as it is to faculty.

—Duncan Mellichamp
Chair, Academic Council

(Please See: Faculty, Page 6)
Faculty Discipline

(Continued from Page 5)

and “outside” attorney options should be experimented with beginning this fall. Another Holst idea endorsed by the group was to give P&T committees the option of hiring “experienced factfinders,” such as professionals from the American Arbitration Association, to run P&T disciplinary hearings, after which the committee would pass judgment in the usual way. Such a change would require extensive Senate review.

The working group also called for separate “hearing” and “sanction” phases of disciplinary proceedings. This change would mean that chancellors would no longer have to state in advance the maximum penalty being requested, a factor that “seems to impair” the ability of P&Ts to determine guilt, the group said. In addition, such a change would allow confidentiality to be protected during the hearing phase, when charged faculty members may be innocent, while opening up the sanction phase to public scrutiny—a change that would allow complainants to be provided with full information about the outcome of a hearing.

NEWS IN BRIEF

(Continued from Page 2)

such, any slight weighting of salary increases toward full professors has large effects on salary increases for associate and assistant professors.

RESEARCH ENVIRONMENT REPORT

A year ago, the Senate’s University Committee on Research Policy (UCORP) completed the first phase of a study on the “research environment” at UC, based on the responses of some 2,400 UC faculty to a UCORP questionnaire. To the researchers’ surprise, 1,000 of the survey’s respondents took the time to provide not only fill-in-the-blanks survey answers, but narrative comments as well. Those comments have now been analyzed and the results made available in the second part of the UCORP report, The Deteriorating Environment for Conducting Research at the University of California: A Qualitative Analysis of Frustrations and Rewards.

Prepared by Linda Mitteness of UC San Francisco and Henry Becker of UC Irvine, the report is available on the world wide web at the address: http://www.ucop.edu/senate in the “Documents of Interest” section.

EAP DIRECTORSHIP POSITIONS

UC faculty are invited to apply for directorship positions in the University’s Education Abroad Program for the academic years July 1998 through June 2000. Two-year appointments are planned for France (Lyon/Grenoble), Germany, Israel, Italy, Japan (Tokyo), Mexico, Spain (Madrid), and for the Directorship in UK/Ireland (London).

Appointments for one or two years with residency of shorter duration will be offered in Hungary (Budapest, fall semester), Russia (Moscow, fall semester), and Japan (Meiji Gakuin, in a special spring semester program on global security and development). Applications for all these positions are due Friday, October 17, 1997. Candidates must be tenured members of the Academic Senate (including emeriti) or lecturers with security of employment.

Further information may be obtained by calling campus EAP offices or by contacting Kathleen Ranney, Universitywide Office, Education Abroad Program, at (805) 893-3677 or at kranney@uoeap.ucsb.edu.

Voluntary Contribution Plan Update

UC Voluntary Contribution Fund Performance
As of April 30, 1997

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Notice

is published eight times during the academic year for the University of California faculty by the Academic Senate’s Academic Council.

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