

## UCLA's Aimée Dorr Is Nominated for Top Senate Position

The Academic Council has nominated Aimée Dorr, a professor of education at UCLA, to be its next vice-chair. As such, Dorr is almost certain to assume the vice-chair's post this fall and to succeed, in 1998, to the position of chair of the Academic Council — the most important office in the statewide Academic Senate.

The Universitywide Assembly will consider Dorr's nomination at its meeting in Berkeley on May 13. Nominations for the Council post may also come from the floor at the meeting, but in recent years the Assembly has routinely given its approval to the Council nominee.

If elected, Dorr will serve next year with incoming Academic Council chair Sandra Weiss of UC San Francisco. Their joint service will mark the first time in Council history that women have simultaneously held the chair and vice-chair positions. (Two other women have been Council Chair: Sally Sperling of UC Riverside in 1972-73 and Marjorie Caserio of UC Irvine in 1985-86.)

Dorr will come to the vice-chair's post directly from her current position as chair of the UCLA Senate. She was vice-chair of the UCLA Senate in 1995-96 and chair of its Graduate Council in 1991-92. In statewide Senate work, Dorr sat on the Academic Council this year as chair of the UCLA division and was on the Council in 1993-94 as chair of the Senate's Coordinating Committee on Graduate Affairs.

Dorr's academic research concerns the ways children and teenagers interact with, interpret, and are affected by media and technology. She is an expert in educational technology, a factor that stands to be a plus over the next two years as the University revamps its educational technology in areas ranging from the digital library to classroom instruction.

Dorr received all her degrees from Stanford: a bachelor's degree in mathematics and a master's and doctorate in psychology. From 1967-72 she was an acting assistant professor of communication, a research associate in psychia-

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## With Receipt of NSF Award, UCSD Will Remain a Center of U.S. 'Supercomputing'

There was celebrating at UC San Diego late in March, as UCSD was named one of two academic institutions that will lead the nation's "supercomputing" efforts into the next century.

A 37-institution partnership led by UCSD was named one of two awardees in the National Science Foundation's new Partnerships for Advanced Computational Infrastructure (PACI) program. The other winning proposal came from a group led by the University of Illinois, Urbana-Champaign.

The stakes of the PACI competition were high. Since 1985, NSF has funded four supercomputer centers located at UCSD, Illinois, Cornell and Carnegie-Mellon/University of Pittsburgh. Late in 1995, NSF announced that it would discontinue its supercomputer program and supplant it with the PACI program, in the process reducing the number of NSF-funded supercomputer facilities from four to no more than three. More-

over, the bidding for the new PACI partnerships was open not just to the four existing centers but to any group of university-led institutions in the country.

In the end, only six groups submitted final PACI proposals and NSF officials made site visits only to the four existing supercomputer centers. The outcome, nevertheless, was a winnowing of the existing sites; the Cornell and Pittsburgh centers will be phased out in the fiscal year that begins October 1 while the UCSD- and Illinois-led partnerships will be funded for at least the next five years. The UCSD-led group has named itself the National Partnership for Advanced Computational Infrastructure (NPACI).

The funding these groups will receive is substantial. Wayne Pfeiffer, a senior fellow at the UCSD Supercomputer Center, says he expects

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## In Disciplinary Case Involving Demotion and Sabbatical, Court Sides with UCR Professor

In a case weighted with issues about faculty conduct and discipline, a Superior Court in Riverside County has ordered a faculty member at UC Riverside reinstated to his position as a full professor, following his demotion to the rank of associate professor last fall.

The professor, Sarkis Joseph Khoury of UCR's A. Gary Anderson Graduate School of Management, was demoted after UCR Chancellor Raymond Orbach concluded that Khoury had "engaged in a pattern of deceit" about whether he had been paid a salary for teaching courses at the University of British Columbia (UBC) while on sabbatical from UCR. UC's Academic Personnel Manual specifies that UC faculty may not accept "gainful employment" during a sabbatical, a provision intended to insure that faculty use sabbaticals to deepen their knowledge or pursue research, rather than "augmenting personal income."

Khoury denies that he ever misled UCR about the nature of his work at UBC and says that the money he received from UBC while on UCR sabbatical was allowable "compensation for

expenses." He maintains that the decision by Anderson Dean Michael Granfield to bring charges against him had little to do with any perceived violation of UC regulations, but instead was motivated by a desire — on the part of chancellor Orbach — to remove him from the faculty.

Among the unusual circumstances surrounding the case are that the sabbatical in question took place in the fall of 1988, but the disciplinary charges connected to it were not filed until March 1995. Beyond this, there is the matter of demotion being utilized as the sanction in the case — a step that seems to be at least rare, if not unprecedented, in the University of California. In addition, in coming to his conclusion, Orbach overrode the decision of a Hearing panel convened to consider the case by the UCR Senate's Privilege and Tenure Committee. The panel exonerated Khoury on all charges. The case raised enough issues about procedure and appropriate sanctions that the chair of the statewide

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## Senate's Panel on Shared Governance Produces Statement

When the statewide Academic Senate decided, last fall, to undertake a thorough evaluation of its structure and functioning, it set up a Task Force on Governance that in turn was composed of three separate panels. One of those panels, charged with studying shared governance as it relates to the Senate, issued a document last month that was both a statement on shared governance and a progress report on the group's work.

With respect to its work, the group, which is led by Academic Council Chair Duncan Mellichamp, noted that it expects to produce two major documents by the end of its deliberations. The first will be "an examination of the nature of shared governance within the University of California with specific focus on the roles of the faculty, the Regents and administrators in setting policy in important areas of the University's operations." The second will "identify ways to improve the interrelationship of the Academic Senate with the Regents, administration, staff, and representatives of the University's student body."

In the statement on shared governance within the document, the panel noted that the Academic Senate has a number of authorities delegated to it by the Board of Regents, among them "authority in areas pertaining to setting the conditions of admission (which includes the policy and practices of selection), determining courses and the curricula leading to degrees, and for determining the membership of the several faculties and councils and the organization of the Academic Senate."

In a passage with relevance to the Regents' 1995 passage of two affirmative action resolutions, the panel then added that: "The Regents have delegated responsibility in precisely those areas in which the faculty have the greatest expertise, and where a change of policy is best achieved by a deliberative and highly consultative process with the faculty." The statement concluded by saying that "... the faculty must be full partners in policymaking. This will require not only an environment where Regents and the administration seek consultation, advice, and collaboration with the Academic Senate, but also a renewed effort by faculty members to become more engaged in meeting their responsibilities under the Standing Orders of the Regents."

## NEWS IN BRIEF

### PROP. 209 RULING OVERTURNED

By unanimous decision, a three-judge panel of the 9th U.S. Circuit Court of Appeals last month overturned a lower court ruling that blocked implementation of California's Proposition 209. The measure did not become effective with the Appeals Court ruling, however. That will happen should a majority of the Appeals Court vote not to rehear the case, or should the court rehear it, but affirm the original Appeals Court ruling.

The Court was expected to make a decision on granting a rehearing by the end of April. Whatever it decides to do, legal observers expect the fight over Prop. 209 to end up in the U.S. Supreme Court.

The Appeals Court ruling had a negligible short-term effect on the University of California, since it came too late to affect UC's admissions for fall 1997.

With the passage of Prop. 209 last November, it appeared that UC would be forced to abandon race and gender preferences immediately in admissions. The blockage of enforcement of Prop. 209, ordered in November by U.S. District Judge Thelton Henderson, meant, however, that UC could adhere to the timetable set by the UC Regents and President Atkinson for ending such preferences. All UC admissions decisions will be race- and gender-blind beginning with students who enter in the spring of 1998.

### REPORTS AVAILABLE ON LINE

The Academic Senate's report on the history of admissions at the University of California is now available on the Internet. Written by John Douglass, a historian and director of the Academic Senate at UC Santa Barbara, the report, titled *Setting the Conditions of Undergraduate Admissions: The Role of University of California Faculty in Policy and Process*, is available at the site: <http://www.ucop.edu/senate>. The report is being used by the Senate's Task Force on Governance as it analyzes various aspects of shared governance, including shared governance in admissions.

Available at the same site is the *Statement on Competencies in Mathematics Expected of Entering College Students*, aimed at providing information on the "skills, approaches, experiences, and subject matter that make up an appropriate mathematical background for entering college students."

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### ENROLLMENT WINDOW CLOSING

University of California employees have been granted a period of open enrollment in the long-term care insurance plan offered by the California Public Employees Retirement System (CALPERS). The open enrollment period closes on June 30. Faculty and staff interested in the CALPERS plan may call (800) 923-9119 for further information.

Long-term care insurance provides benefits for individuals who, because of incapacitation, require extended health or "personal care" in settings outside a hospital — for example, in the home, in a residential care facility or in a nursing home.

## Council Position: Dorr is Nominated

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try, and special assistant to the president for child-care policy at Stanford. From 1972-78 she was an assistant and associate professor of education at Harvard. In 1978, she came to the University of Southern California, where she served as an associate and then full professor and associate dean in USC's Annenberg School of Communication. Since 1981, she has been a professor of education at UCLA.

Dorr is a third-generation Californian who now lives in the town she grew up in, South Pasadena, just northeast of Los Angeles. It was the ties of family and friends that drew her back to Southern California from Harvard.

Dorr says she does not now have a "well developed, strongly felt agenda" that she expects to advance in her Senate post, but adds that there are certain issues that the Senate will need to deal with during her tenure.

"The system is really in flux right now in terms of issues of centralization and decentralization; of where authority rests and how to coordinate it. I think this is an area where the Senate needs to have developed opinions and to work for them," she says. She adds that the Senate should offer "articulated statements of principles" on important issues, in addition to "up-or-down" opinions on specific proposals.

# Supercomputing: UCSD Is Lead 'Partner' in Big NSF Project

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NPACI to receive about \$29 million in NSF funding in the coming fiscal year, with slightly increased funding for each of the four years thereafter. Not all of this funding will come to UCSD; some of the NPACI money will be apportioned from UCSD to 22 of the NPACI partner institutions. Regardless of institutional destination, all NPACI monies are earmarked for supercomputer "infrastructure," meaning the hardware, software, and support necessary to facilitate high-performance computing.

## More than a Service Center

The San Diego Supercomputer Center (SDSC) is not merely a service center that provides supercomputing time, however; it also brings in substantial *research* money from other sources — DARPA, NIH and NSF — and receives UC, state, and private sector money as well. In the old supercomputer program, NSF infrastructure funding accounted for only about half of SDSC's budget and the same is expected to be true under the NPACI program. The PACI funding is critical, however, because it is the core support upon which SDSC builds its research and private-sector programs.

UCSD's victory in the PACI competition was notable in that it was achieved in the face of a bitter falling out between the campus and the private-sector corporation, General Atomics (GA), that has run the San Diego Supercomputer Center since its inception in 1985. Under the old supercomputer program, GA was, in fact, the NSF contractor for the center; when NSF announced the PACI program in 1995, however, it made clear that the partnerships it was calling for should be led by academic institutions. UCSD and some GA officials saw in the announcement a mandate for a revamping of the way SDSC was structured; other GA officials disagreed, as they foresaw GA being reduced in the new arrangement to a subcontractor with fewer rights to intellectual property.

The disagreement led to a split in GA's ranks; in February and March of 1996, the three most senior GA officials managing SDSC — founding center director Sid Karin and senior officers Wayne Pfeiffer and Peter Arzberger — resigned from GA and became UCSD employees whose job it was to land the NSF PACI award for the campus. By mid-March GA Vice Chair Linden Blue was announcing that the company

would file its own PACI proposal with NSF, an idea that many gave little chance of success, given NSF's guidelines for the program. In the end, GA decided to become part of the UCSD proposal — as a subcontractor to the campus, which will receive the award from NSF. Nearly all of SDSC's 140 FTE workers will remain GA employees, but Pfeiffer, Arzberger and Karin will stay on UCSD's payroll. Karin will again be SDSC's director, as of October 1, reporting to UCSD Vice-Chancellor Richard Attiyeh.

Since its inception, part of the San Diego Supercomputer Center's charge has been straightforward: to keep the United States ahead of the rest of the world in high-performance computing by developing supercomputing infrastructure and making it available to researchers nationwide. From 1986 to 1996, there were about 12,000 users of the SDSC facilities, according to Pfeiffer. Academics, who comprise the bulk of these users, get computer time and support from SDSC without charge if their proposals pass muster by an SDSC review panel. UC faculty have had a special relationship with SDSC, as UC puts up \$1 million per year for the center (half from UCOP, half from the campuses) for which special blocks of supercomputing time are set aside for UC researchers. (UC faculty are also able to apply for "free" computer time, like other academics.) SDSC also has private-sector clients who pay for computer time, consulting, and training.

This part of SDSC's mission will remain much the same under the PACI program; what is changing, in essence, is the distribution of the infrastructure. NSF envisions the creation of a "metacomputing" environment, in which the far-flung member institutions will be linked to the cutting-edge machines at San Diego and Urbana-Champaign through systems that are developed by the member institutions themselves. Thus, "mid-range" systems will be installed at NPACI partner institutions Texas and Michigan and experimental systems at member institutions Cal Tech and UC Berkeley.

Like the old supercomputing program, NPACI is expected to provide a core of support around which SDSC will develop its research capabilities. "Research" at SDSC means not only research in computer science, but research in any field that utilizes high-performance computing. The facility has resident chemists and biologists, for example, whose

support comes from regular extramural grants. Academics from outside the facility can likewise utilize SDSC to do research. For example, working with a team from SDSC, UCSD brain researcher Mark Ellisman put together a group that brought off what he believes is the first instance of "tele-microscopy" — in this case, the use of an electron microscope from a remote site. Vice-Chancellor Attiyeh says that in the first five-year review it got, SDSC was criticized for being too much a service center and not enough a research center but that "in the last five years, I think we've been good at both creativity and service."

## Economic Effects of Center

Intellectual ferment in high-tech areas often leads to commercial enterprises and Karin is able to tick off a list of San Diego companies that have been spun off, directly or indirectly, from the work of SDSC. General Atomics, he says, recently sold, for \$66 million, a regional Internet access provider that came directly out of the facility.

Recognizing such commercial and intellectual potential, the State of California, UC, and UCSD have been willing to put up money to help keep the supercomputing facility in San Diego. UC's \$1 million a year for blocks of SDSC computer time is considered by NSF to be a cost-sharing contribution, Karin says. Beyond this, UCSD puts up nearly \$1 million more per year for the facility, along with various "in-kind" contributions, and the State of California is contributing another \$16 million — \$1 million this year and \$3 million a year over each of the coming five years.

Judged purely against the research and PACI money that stand to flow to the campus over the coming years, this would seem to be money well spent. Still, it's difficult to say what SDSC has meant to the State, the UC system as a whole or the San Diego campus in particular. "I haven't sat down and tried to do that calculation," says Vice-Chancellor Attiyeh. "A lot of the benefits are difficult to measure and quantify." With respect to UCSD, he says, the campus has a good number of faculty who use SDSC for research, and "people can walk on over and interact personally," but it is UC San Francisco that has the highest number of SDSC users, he believes. "It's certainly been a positive thing for us," he says, "but I don't think we have an extraordinary advantage compared to other institutions that make use of it."



## Khoury Case: Dispute Raises Issues about Demotion, Sabbaticals

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Senate's Academic Council took the unusual step of writing directly to the Superior Court about it (see story, below).

The Superior Court, acting on a suit brought by Khoury, made no judgment as to whether Khoury violated University regulations. Rather, the court ruled that there was an unreasonable delay on the part of the administration in bringing charges against Khoury and that during the period of this delay, the case against him was prejudiced by the death of two principals in it, former UCR Chancellor Rosemary Schraer and former Anderson (AGSM) Dean Stepan Karamardian. (Documents referred to in this story were put into the public record in the court case.)

### Reason for Suspicion

The court found that as far back as the fall of 1988, the University had "far more than a suspicion" that Khoury had violated University policy in his financial arrangements with UBC, but that UC failed to act on those suspicions; it was required to do so, the court said, under the legal principle of "laches," which requires that authorities must "go find the facts" in cases where a suspicion exists. The University claimed that it was misleading statements by Khoury himself that kept the nature of his alleged infractions from coming to light, but the court found that no one was misled during the period after UC administrators had reason to believe rules had been broken.

UC attorney Christopher Patti, who argued the case before the court, says that the University "hasn't yet made a decision" on whether to appeal the court's decision. Khoury's demotion — from Professor II to Associate Professor III — ended with the Superior court's ruling. In addition to back pay with interest, Khoury has the right to ask for UC to pay his legal fees in the case. He says he will "absolutely" be taking more legal action in connection with the harm he suffered by being demoted.

The facts in the case are complicated. All parties are agreed that Khoury was paid \$30,000, Canadian, under a six-month contract he had with UBC that ran from June through December 1988. Khoury maintains that the bulk of this (Cdn. \$20,000) was for "research support" and "consulting" that he performed over the summer. UC alleged nothing against him with respect to his

summer work, since faculty are free to use their summer time as they wish. His full-time UCR sabbatical ran from September through December, during which time he taught two sections of a UBC course in international finance. His contract with UBC called for him to receive Cdn. \$10,000 for his fall work with this money going to "offset your living and other expenses," according to a letter he received from a UBC official. Khoury

### Issues in Case Moved Chair of Council to Write Letter to Court

It is unusual, to say the least, for an Academic Senate officer to write directly to a court in a case pitting the UC administration against a UC faculty member, but that is what Academic Council Chair Duncan Mellichamp did in connection with the Sarkis Khoury case.

"The case raised such compelling issues — generalizable to all faculty — that I felt obliged to write," says Mellichamp, who sent a letter to the Superior Court in Riverside on February 7 after consulting with the chairs of several Senate P&T and Academic Personnel Committees. As the letter was critical of administrative procedures and recommendations, it effectively sided with Khoury, and against the University, in their legal battle. Ultimately, however, it was rejected by the court as an inadmissible third-party communication.

In the letter, Mellichamp raised three issues "of potential concern to the entire faculty of the University of California": that the events in the case occurred so long before charges were brought in it that Khoury could not adequately present a factual defense; that demotion "appears to be an inappropriate sanction in a disciplinary case that does not involve fraud in the acquisition of the professor's rank and step"; and that UC did not provide a hearing on the sanction before it was imposed.

Mellichamp says that his letter carries no implication that the Senate "will reflexively side with a faculty member in any issue of discipline." Further, he notes, he took no position on factual matters in the case — as to whether Khoury did or did not violate UC regulations. "My concern," he says, "was with the procedural issues raised in this case, such as delay in bringing charges, and with the appropriateness of demotion as punishment."

maintains that this is the whole of the story: He got consulting and research money from UBC for the summer and expense money for the fall, while teaching two sections of a course.

The position of Dean Granfield and Chancellor Orbach is that this story is "subterfuge." Based on their investigation, they concluded that Khoury "accepted an offer to teach two courses during the fall 1988 in exchange for \$30,000." Granfield acknowledges that Khoury did consulting for UBC in the summer but says "The key issue is, what would Khoury have been paid by UBC if he had not taught classes and the answer is: nothing." Khoury maintains that the critical point is whether he was "augmenting" his income by working at UBC and notes that, in maintaining households in both Orange County and Vancouver, his expenses in the period exceeded the income he was getting from UBC. To this, Granfield replies that "No matter where you go, you have expenses but that's what your UCR salary is for" while on sabbatical. The administration thus maintains that this is a case of being paid to teach while also being paid to be on a full-time sabbatical.

### Allegations of Ethical Violations

This issue is then joined to another, which is the administration's contention that Khoury attempted to hide the true nature of his UBC work before and during his sabbatical and that he continued to mislead UCR officials about it once it was completed. In the brief filed with the court, UC maintained that Khoury "arranged to have \$20,000 of his fall 1988 salary attributed to the summer 1988, when he had no obligations to UBC under the agreement, as a means of circumventing University rules; and that he misled University officials about the scope of his teaching responsibilities at UBC and the extent and nature of his compensation."

Khoury maintains that his arrangement with UBC was the result of a protracted negotiation, with elements of the agreement suggested by both parties. "What leverage would I have with UBC to get them to do whatever I wanted?" he asks.

Sufficient questions had been raised at UCR during his sabbatical that, in November 1988 UCR Vice-Chancellor John Vickery got a letter from a UBC dean that set forth the terms of Khoury's employment (noting, incorrectly, that Khoury was teaching a single seminar at

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UBC). This letter, and a review Khoury says former AGSM Dean Karamardian conducted regarding the sabbatical, are critical to Khoury's contention that the administration knew of his sabbatical arrangements and implicitly approved of them — in the sense that for six years it took no action against him in the case.

Before the UCR Senate Hearing Committee, Vickery testified that he gave the November 1988 letter to Chancellor Schraer, telling her at the time he thought Khoury's arrangement might constitute a violation of the APM, but that no action was taken subsequent to this. At the same hearing, former acting AGSM Dean Irving Balow said that in 1991 he was told by Schraer about the existence of a possible violation by Khoury but that, she added it was not an issue and should not be further investigated. These are the factors that persuaded the Superior Court that the administration had reason to suspect a policy violation — and yet did nothing about it.

How, then, did the issue come up again? Michael Granfield was hired away from UCLA to be AGSM's new dean in the fall of 1994. One of his first priorities in assuming the post, he says, was to have conversations with all faculty and staff. During these talks, he says, two senior AGSM faculty complained about the Khoury sabbatical. Based in part on a talk he had with Khoury himself, Granfield undertook an investigation that resulted, he says, in his learning of the arrangements Khoury had with UBC. Once he learned from UBC that Khoury "had earned \$30,000 for teaching two classes, I had an obligation to pursue this," he says.

Khoury takes a different view of how the charges came about. He had been regarded as a "troublemaker" on the UCR campus, he says, for, among other things, insisting on a move of some economists out of AGSM into UCR's Economics Department, and for working for the departure of Karamardian as dean. Orbach was well aware of this, Khoury says, and knew Granfield from their days together at UCLA. "There is no doubt in my mind that [Granfield] was hired to do what he did," he says.

Granfield's inquiry ultimately resulted in three formal charges being lodged against Khoury, in March of 1995. In October of that year the Hearing Committee met, taking testimony from four witnesses. In exonerating Khoury on all charges, the committee noted, with re-

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## Notes from the Chair: Our Self-Study

Since 1920 the Academic Senate has evolved into an important participant in the complex process of managing this University. However, the last major reorganization of the Senate took place in the early 1960s at which time the Northern and Southern Divisions were combined in order to provide equitable representation among the campuses. The Universitywide Assembly then became the governing body of the statewide Senate and the Academic Council was formed as the Assembly's executive committee.

During the last three decades, the Senate's working circumstances have changed in many significant ways. New campuses have grown to maturity (as enrollments climbed from 49,000 in 1960 to 170,000 today); the administration's size and scope of operations have increased tremendously; and the California and national environments — political, social, and economic — have changed. To be sure, since 1964 numerous minor modifications have been made in the Senate's organization: standing committees have been added and deleted, universitywide committees represented on the Council have changed, and so forth. And other changes have been made in part as a result of the budget exigency of the past few years. For example, the Assembly has met only once per year until recently; and the Council has necessarily assumed a more active role in Senate affairs.

In most areas where we have been delegated authority by the Regents, i.e., academic responsibilities such as for courses and curricula, the Senate continues to perform its quality control mission effectively. However, in areas where the administration has responsibility (and the Senate by delegation and tradition consults) I believe that we are less effective in representing faculty interests. Here the complexities of the issues and the speed necessary for response often overtake our wish to provide meaningful advice.

These factors convinced Senate leadership last year that the time had come to evaluate just how effectively the Senate is functioning and what changes are necessary for our organization to work well in the present environment. The Task Force on Governance, established by the Academic Council in November (see *Notice*, December 1996), represents the first full-scale review of the organization and operations of the Universitywide Senate to be conducted in more than three decades. The main question is: how well are we meeting our delegated responsibilities under the Standing Orders of the Regents? To help answer that, the Task Force has been organized into three panels:

Panel 1 (on internal Senate organization and operations) met for the first time just recently. It intends to conduct focus groups on each campus, to distribute a questionnaire to selected Senate representatives, and to analyze a series of documents and interviews over the next 6 months. The panel will then make recommendations concerning the existing authorities and responsibilities of the Senate, and how effective it is in undertaking them.

Panel 2 (on relations with the Regents and Administration) has met three times and is beginning to formulate recommendations that can help measurably in building and maintaining these complex working relationships. An interim statement from this group is summarized on page-two of this issue.

Panel 3 (on resource implications) will only begin to discuss the Senate's long-term needs after recommendations are available from the first two groups. The Senate must have the capability to carry out its assigned duties; resources are needed — staff, budget, and space. While the Regents Standing Orders provide the Senate with authority to organize itself, they are silent on how the resources are to be obtained to do this. Financial support provided by UCOP and campus administrations has been quite uneven, with important implications for the effectiveness of the Senate in representing faculty and in providing constructive and timely advice to the President and Chancellors.

At this point only one thing is clear: that the responsibilities given to the task force are too large to be accomplished within the original time line (one academic year). Thus, it is expected that a full set of recommendations likely will be forthcoming well into my successor's term in office, next year.

—Duncan Mellichamp  
Chair, Academic Council

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## UCR Case: Does UC's Faculty Code Have a Statute of Limitations?

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spect to the APM regulations, that Granfield did not prove that Khoury's summer money from UBC was a phony arrangement and that the dean did not "show that the prohibition against augmenting income includes a prohibition against reimbursement of extra expenses at a distant research site." On charges that Khoury violated the Faculty Code of Conduct, the committee found that Khoury's sabbatical arrangement did not constitute, as Granfield alleged, an "unauthorized use of university resources."

The matter then went to the chancellor who, under UC regulations, is empowered to decide on faculty disciplinary cases, based on the recommendation of the Privilege and Tenure Committee. In a 19-page response to P&T, issued in February 1996, Orbach said his judgment was that Khoury should be disciplined. In Orbach's view, the Hearing Committee wrongly focused on the single issue of misuse of University funds, while "failing to address the primary issue presented to it": the ethical question of "deliberate misrepresentation to the University about his sabbatical activities." Orbach recommended

that Khoury be demoted to Associate Professor I as of July 1. After reviewing the record, President Atkinson agreed with Orbach, but decided to demote Khoury to Associate Professor III, as of September 1. That decision was reversed by the court ruling last month.

However it is ultimately decided, the Khoury case raises several issues for the University in connection with faculty discipline. First, what is allowable with respect to reimbursement for sabbatical "expenses"? What kind of work may faculty undertake at other institutions while on sabbatical from UC?

Beyond this, the Senate Hearing Committee found a "statute of limitations" implied in the Faculty Code of Conduct. The committee noted the Code provision that "Faculty members have the same rights and obligations as all citizens." Noting that the California Code says that contract violations carry a four-year statute of limitations, the committee then concluded that, given the administration's longstanding knowledge of the case, action against Khoury was "prohibited by the statute of limitations." Employing the principle of "laches," the Superior Court said, in a similar vein, that too much time had elapsed to bring charges. In his letter to the Court, Academic Council Chair Mellichamp made a related argument: that the events in the case happened so long before charges were brought that Khoury could not adequately present a defense in the case. The Court agreed here too, noting that witnesses potentially critical to Khoury's defense had died before charges were brought.

Apart from this, the case raises the issue of tensions that may arise when a chancellor rejects the decision of a P&T committee in a disciplinary case. The feeling among some Senate members is that such an action is rare, but there seem to be no figures on this.

Finally, when is demotion an ap-

propriate sanction and how does demotion work once it's been imposed? In his letter to the court, Mellichamp allied himself with a position taken by the American Association of University Professors: that demotion is only appropriate when a rank and step have been obtained through fraudulent means.

The problems with using demotion in a case such as Khoury's, Mellichamp said, become evident in considering what happens after the sanction is imposed. A demoted professor presumably is well-qualified for the rank and step he attained before demotion, Mellichamp noted. Thus, "when he next chooses to stand for evaluation at the level of his former rank and step . . . the campus CAP will have no basis to recommend anything other than a return to his former level. The administration at that point has the authority to accept such a recommendation or reject it. Thus the consequential effect of imposing demotion is twofold: it brings CAP inevitably into the disciplinary procedure, a function it is in no way intended to provide; and it leaves the end point (duration) of the sanction completely to the administration to determine . . . In effect the sanction is completely open ended in that the faculty member may never be allowed to move any higher than the penalty position on the salary ladder . . ."

Last month, a Senate/administration Task Force on Disciplinary Procedures turned in its final report for review and comment. Meanwhile, a working group separate from the task force has been formed to deal with issues raised by the Khoury case. The group would seem to have its work cut out for it. Meanwhile, AGSM Dean Michael Granfield announced late in April that he would be leaving his post for a job with an accounting firm. The change, he says, has nothing to do with any troubles within his school. "I just got an opportunity I couldn't pass up."

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### Notice

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