

President Atkinson Orders Review of UCI Medical School

President Atkinson has ordered a review of the education, research and clinical programs of the College of Medicine at UC Irvine. The review follows a termination of discussions between UCI and potential corporate partners regarding corporate management of UCI's financially troubled medical center.

The UC Irvine Medical Education Review will be carried out by a 12-member committee chaired by Nancy Ascher, the vice-chair of surgery at UC San Francisco's School of Medicine. Atkinson asked Ascher's group to provide him with a preliminary set of recommendations on the UCI College of Medicine by mid-February and a final report by March 1.

Cornelius Hopper, UC's vice president for health affairs, said the single most important factor prompting the review was September's termination of talks between the UCI Medical Center (UCIMC) and Tenet Healthcare Corp. regarding the possibility of Tenet taking over UCIMC under a long-term lease. In August, talks with another possible corporate partner, Columbia/HCA Healthcare, were broken off after several Columbia executives were indicted on charges of Medicare fraud.

At the time the Tenet negotiations were terminated, UCIMC officials and UCI Chancellor Laurel Wilkening seemed guardedly optimistic about the prospects for the medical center continuing without a corporate partner, at least for a time, since in the fiscal year just past UCIMC had an operating income of \$13 million (as opposed to a loss of \$7.9 million in fiscal 1995). Hopper said, however, that UCIMC's recent profit is largely based on the "soft money" provided by increased government subsidies and that "these are not long-term solutions for the medical center or the medical school that depends on it." UCIMC has chronically been troubled by a patient base made up largely of the uninsured poor and by a low reimbursement rate for these patients. In recent years, its

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Mission of University's 'Digital Library' Extends to Reshaping Academic Publishing

The University of California last month took what may turn out to be a giant step into the computer age by opening the California Digital Library — in effect, a tenth general library of a University that has nine campuses. Such importance as the event has will only become clear in hindsight, but there is no doubt that, at least in terms of its goals, the California Digital Library is revolutionary.

Concurrent with opening the library, UC also named a first university librarian for it, Richard Lucier, who until last month was university librarian at UC San Francisco.

Funded at \$1 million this year, and a proposed \$4 million next year, the CDL has a very down-to-earth objective in front of it: Making full-text versions of at least 1,000 science and technology journals available to UC faculty, staff, and students via their campus computers by next July. Down the road, the number of journals in this collection will be increased as the CDL expands into disciplines outside the sciences. In time, the CDL hopes to create linkages with other universities and business and industry so that CDL holdings can be made available to a much broader

clientele — though they must be willing to pay for such access. (Such outreach is why the CDL is the California Digital Library with no "University of" in front of its name.) And the CDL hopes to play a role in the classroom by providing, for example, resources for faculty who want to teach courses across several campuses.

All of this is ambitious enough, but, under the direction of Lucier, the CDL would like to be a key player in an effort that is more radical yet: Bringing about major change in the system of academic journal publishing. U.S. periodical prices have risen at an average compound rate of 15-20 percent per year for the past 10 years. Funded with fixed or declining budgets, UC libraries have thus been obliged to cut more than 40,000 serial titles from their collections since 1988.

Speaking to the UC Regents in October, Lucier outlined the nature of the present system. As things stand, he said, "Libraries must buy back the scholarly product that our faculty give away to publishers." The time has come, he said, to "break the cycle that is causing so many problems for our libraries."

How might this be done? One prominent idea is that universities — or

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Passage of AB 1318 Ends Differential Fee Debate Gov. Wilson Vetoes Bill That Would Have Given UC Stable Share of State Funding

UC administrators and Senate leaders learned to their disappointment in October that, for the foreseeable future, UC will not be joining the ranks of state-funded agencies that enjoy a guaranteed level of state support. On October 10, California Gov. Pete Wilson announced that he would not sign Assembly Bill 1415, which would have guaranteed UC and California State University a stable proportion of the state's budget for the four fiscal years that begin July 1, 1999.

The governor's veto of AB 1415 came as he signed another Assembly Bill, 1318, which will freeze graduate and professional fees at the University for two years while rolling back resident undergraduate fees next year by 5 percent. Both actions came just as UC was unveiling its proposed budget for 1998-99.

The failure of AB 1415 to become law will have little immediate impact on UC, since both this year and next the University will be operating under a four-year "compact" with the state that informally guarantees it the kind of steady funding it sought to have put into law through AB 1415. When the longer term is considered, however, things are

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Inside Notice: Patent Policy Changes; The Senate and DANR

In Separate Action, Court Rules on UC's Right to Change Patent Policy at Will Campus Research Funds Will Now Come from UC Patents

A new patent policy went into effect last month at the University of California, although it appears the California Supreme Court will have the last word on whether all its provisions are enforceable.

The new policy will bring about two major changes in UC's patent practices. First, a proportion of the income from each profitable UC invention will, for the first time, be earmarked for "research-related purposes" at the inventor's campus or DOE laboratory. Second, the "inventor share" of royalty income has been changed, from a sliding, regressive percentage under the old policy to a flat 35 percent of net royalties.

As it happened, these new policy provisions went into effect one day before California's 3rd District Court of Appeal ruled that UC is obliged to pay one of its faculty the inventor share that was in effect at the time he joined the University in the 1980s. The ruling came in connection with a lawsuit filed in 1994 by Douglas Shaw, an assistant professor of pomology at UC Davis who specializes in strawberry research. Shaw signed UC's "Oath of Allegiance and Patent Agreement" when he was hired in 1986, at which time inventor shares of UC royalties were effectively 42.5 percent of net income. In 1992 he informed UC that he had discovered a new strain of strawberries, which subsequently became profitable. The sticking point is that in between these two actions, UC changed its patent policy. In April of 1990 it instituted the policy that was in effect until last month: Inventors received 50 percent of the first \$100,000 in patent income, but only 35 percent of the next \$400,000 and 20 percent of any income thereafter. (Three different policies have been promulgated over the past 12 years; one that was in effect from 1985 to April of 1990; a second from 1990 through last month, and then the current policy.)

Douglas' claim is that the Patent Agreement he signed in 1986, which was linked to the patent policy in effect at the time, constituted a contract that UC is obliged to honor. UC's position has been that no inventor percentages were included in the agreement that faculty signed then and that such percentages are something that the University is free to change at any time as a matter of personnel policy. In June of 1995 the Yolo County Superior Court

sided with Douglas and last month the Court of Appeal upheld the decision.

UC's new patent policy has a provision in it that makes part of this disagreement moot: It explicitly rescinds the 1990 policy and stipulates that any invention disclosed before last month will accrue royalties for the inventor in accordance with the 1985 policy — the very thing that Douglas claims he is due. Yet both sides in this dispute seem determined to see it to a legal conclusion.

"We're preparing a petition of appeal to the California Supreme Court," says Martin Simpson of UC's General Counsel's Office. "We want it clear in case law that we can change our patent policy."

"The important thing for Mr. Shaw is what he may develop in the future," says his attorney, Lynn Yerkes. Should Shaw disclose a profitable discovery tomorrow, according to UC he would be due patent income under the policy that went into effect last month — a flat 35 percent of net income, as opposed to the 42.5 percent he would be due under

the 1985 policy.

The other major change that the new policy is bringing has to do with the funding of research through patent income. Previously, all UC patent income went one of four places: To patenting expenses, to inventors, to the state, or to chancellors' discretionary funds. Under the new policy, a fifth category has been added. Once the costs of obtaining and defending a profitable patent have been subtracted, 15 percent of the resulting net income will be designated to be spent on research-related purposes on the inventor's campus. However, the policy specifies no mechanism by which this money will be distributed. As a result, UCLA's John Edmond, who worked on the new policy as a member of the Senate's University Committee on Planning and Budget, says that "it's very important that campus Senates get involved in the process of deciding this. Chancellors need to be held accountable for seeing that the money goes to research."

Letters to Notice

Affirmative Action And Faculty Hiring

To the Editor:

In the June, 1997 issue of *Notice* there appeared a letter from the Chair of the University Committee on Affirmative Action and Diversity advising "all UC faculty" that Prop. 209 "does not affect the University's faculty hiring practices" because of certain unidentified "federal guidelines." This advice is incorrect.

In a memorandum dated October 4, 1996, to the President of the University, the General Counsel concluded that Proposition 209 will have little or no effect on University hiring because its prohibition against race and gender preference mirrors the prohibition in SP-2, the Regents' directive. He concluded simply that "race [and] gender should not be a factor" in any University program (p. 10). In a second memorandum to the President, dated January 9, 1996, the General Counsel wrote that he has been unable to identify any federal

requirement that race or gender be used as positive factors in employment selection practices (p. 6). He further pointed out (p. 6) that even if there were such a requirement, that requirement would not suspend the application of the prohibition against race or gender preference absent a "good faith finding that the University would, in all likelihood, lose federal funding. . . ." Realistically, of course, no such cut-off would take place without an extended give-and-take between the White House and relevant California officials. Only at that point could one conclude in good faith that the University would indeed lose all federal funding.

The real legal question is thus not whether race preference in hiring is still permissible. The question is whether the faculty and administration of the University will respect the law.

—Michael J. Glennon
Law, UC Davis

Academic Council Asks Whether Division of Agriculture's Mission, Separation from Senate Should Come under Review

One measure of the University of California's enormous size is that it has within it a \$245 million a year enterprise, employing some 1,100 people, that most UC faculty and staff are scarcely aware of. It is the Division of Agriculture and Natural Resources (DANR), whose mission is as broad as its funding and staffing levels would indicate. Headquartered in Oakland, DANR has Agricultural Experiment Station researchers on three UC campuses (Berkeley, Davis, and Riverside); it has a contingent of more than 400 Cooperative Extension personnel scattered throughout California who are charged with transferring the fruits of agricultural research to California's farmers; and it administers 33 UC Natural Reserve System sites, whose 100,000 acres are dedicated to research and teaching in areas ranging from land management to archaeology. In September, the Academic Council asked two questions about this huge operation: Would it benefit from a closer alignment with the academic governance processes of the University and should there be an independent assessment of its policies and programs?

In some ways, DANR has considerable integration with the rest of the University. Most of its Agricultural Experiment Station (AES) researchers are regular UC faculty whose salaries derive only in part from organized research funding, with the balance coming from regular "I&R" (instruction and research) funds. Some of its Cooperative Extension specialists are campus-based researchers who take part in such educational activities as qualifying exams for doctoral candidates. And the AES itself is, at least in theory, one Multicampus Research Institute (MRU) among 25 at UC.

Despite these linkages, a UC Academic Senate review has concluded that DANR may not be integrated enough with the rest of UC. In July, the Senate's University Committee on Research Policy (UCORP) completed a report that said that the Senate carries out almost none of its usual programmatic review or budgetary advising in connection with DANR. The division is the recipient of about half of the state-funded research carried on at UC (about \$284 million this year), yet, the committee noted, "The methods for establishing budgets of units like the

AES branches, the research stations, and related research programs are unknown to us." MRUs at UC are supposed to be reviewed every five years, yet DANR is "by tradition (or policy) exempt from the standard five-year review . . ." the committee said.

Given these things, the committee made the first of its two recommendations: That the lack of Academic Senate consultation regarding DANR research policies and budgets is a "potential problem area that the Office of the President should be made aware of, and asked to address." The committee then went on to say that, apart from lack of interaction with the Senate, DANR's current operations raise a number of questions that ought to be addressed by an independent panel appointed by President Atkinson. In September, the committee's report was endorsed by the Academic Council, which forwarded the report's recommendations to the president.

T.N. Narasimhan, a Berkeley professor who directed the UCORP analysis, stresses that his group did not come to any conclusions about whether major change is needed at DANR. "The blue-ribbon review committee we thought should be set up might conclude that DANR does not need to change at all," he says. "We are saying that the time is right for the President to call in people with fresh minds to take a look at the question." The issues that the Senate believes warrant scrutiny include the following:

- Has DANR's research agenda kept pace with the times? Narasimhan says that, over this century, AES and Cooperative Extension have been "a spectacular success in carrying out what is now known as technology transfer," moving knowledge from laboratory to farm. UCORP's report also notes, however, that agriculture has become a "mature industry," and that "Concerns about long-term public health, environmental quality, conservation of natural resources . . . have necessitated a rethinking of how to allocate public resources." The question is whether DANR has moved far enough to realign itself with these societal changes.

- Is the DANR research agenda inappropriately influenced by the agricultural industry in California?

- Given that AES research proposals have to be prepared in conformity with

U.S. Department of Agriculture guidelines, is there any way for DANR research to follow the scientific instincts of AES faculty, rather than having a carefully controlled agenda?

- Is the University as a whole subsidizing DANR research that is underwritten by commercial commodity groups? It may be, UCORP said, that commodity-group research funds carry with them "limited or no overhead funding and thus may represent a burden to UC research overall."

The Vice-President of DANR, W.R. ("Reg") Gomes said in October that his reaction to reading the UCORP report was mixed. "To suggest that we need to be evaluated is entirely appropriate. What we do ought to be part and parcel of the University's scrutiny," he said. However, he believed the UCORP report was guided by a serious conceptual flaw, which is that DANR is a "homogenous unit."

"With respect to the AES funding, the vast majority goes directly to three chancellors," he said, "and that component of their budget is evaluated, I assume, within their systems."

Regarding the recommendation that a high-level panel ought to be convened to review DANR's mission and structure, Gomes said an independent panel that "addressed many of the issues UCORP has raised" was convened by President Peltason and delivered its final report in 1995. DANR is in the midst of a strategic planning process that follows from this group's report, he said. "At this point for the President to put together another blue-ribbon panel without considering the report from two years ago would, I think, be premature." UCORP members said that in several meetings they had with DANR administrators no such report was mentioned. The committee Gomes refers to was one whose central task was to serve as a search panel to find a replacement for former DANR Vice-President Kenneth Farrell, then stepping down.

One of the questions being addressed in DANR's current strategic planning process, Gomes said, is the issue of whether DANR has changed sufficiently with the larger world around it. "We are concerned with this question," Gomes said. "But I would say it's an unfair allegation to say that the division is doing now what it did a hundred years ago."

Digital Library: On-line Journals by July

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consortia of them — could serve as their own publishers through on-line production of scholarly output. Major strides have been made in this direction already, with scientists from a number of disciplines posting “pre-reviewed” versions of their papers on web sites prior to formal print publication. Lucier believes that the time is right to move further on the issue. “A window of opportunity exists in which changes could be made that are of benefit to the academy,” he says. “If the commercial world moves before we do, this opportunity will be lost. I think it’s critical that something happen in the next 24 months.”

UC librarians and administrators have been working with the AAU, the Association of Research Libraries, the NSF and various philanthropical foundations to bring about change in this area. Closer to home, Lucier says he hopes the CDL can begin to supply UC faculty with “on-line tools” that will make it easier for them to publish their own materials. He notes, however, that the periodicals crisis is at root a faculty issue, as opposed to a library issue, since it is faculty who ultimately set the standards for published scholarship.

With this as background, it’s perhaps not surprising to learn that the CDL is more a response to print-age problems than to digital-age promise. It is, in fact, the outgrowth of a planning process intended to deal with UC’s multifaceted library crisis. A UC Library Planning and Action Initiative (LPAI) Task Force, convened last September, put the formation of a digital library at the top of a list of recommendations it made for dealing with UC’s library problems. The general thrust of these recommendations is that resource sharing and economies of scale are the way of the future for the University’s libraries. Put another way, the view of LPAI is that a decades-old paradigm — that each UC campus should build its own comprehensive library collection — is now gone forever.

Lucier is quick to note that the CDL is not a high-tech solution to an economic problem. Digital collections cost money too and it’s not clear yet what savings, if any, will come with on-line journal subscriptions or the other services CDL hopes to render. But the potential for economies of scale, for resource sharing, and for changing the current academic publishing structure are all far greater

with computer technology than with the existing print structure.

That said, a lot of Lucier’s new job has little to do with digital technology. Forty percent of his appointment is devoted to leading systemwide library planning — the resource sharing that is not part of the CDL. This work, stemming from another LPAI recommendation, is in such an early stage that it is too soon to say what will come of it. One likely action, however, will be the supplanting of UC’s longstanding “interlibrary loan” program with a system under which library patrons will directly order books from any of UC’s libraries and then have them delivered in short order, with the goal being 48- or perhaps even 24-hour delivery times.

For CDL, meanwhile, the first tangible product will be delivery of the on-line journals. Rather than picking a few journals from across the academic spectrum for the initial CDL collection, university librarians recommended giving the collection a disciplinary focus — science, technology and industry — because they believe it’s necessary to have a critical mass of journals in a selected area to induce faculty and students to make the shift to the electronic platform. Science and technology were selected as the first focus areas simply because of the number of electronic journals available in them. Journals in other areas will be added later, with serials in the humanities and social sciences most likely to be added next.

Since it is attempting something so new, it’s not surprising that the CDL has a host of unresolved issues facing it. There is, for example, the problem of “authentication,” or making sure that authorized users are the only ones accessing the system. Copyright infringement would seem to be another large problem, but Lucier told the Regents this issue is no greater for the CDL than the issue of photo-copying is for conventional libraries.

Then there are hardware and software questions for users. Academic Council Chair Sandra Weiss told the Regents that the campuses need a flow of resources in the next few years to ensure that students and faculty can tap into the digital library. Even assuming that such resources are available, there is the question of learning how to use them; on this issue, faculty members may well have a steeper learning curve than students.

Budget: 1415 Veto

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not so clear. UC’s share of the state’s General Fund Budget stood at 7 percent in 1970-71, at about 5.2 percent in 1990-91 and at about 4.2 percent this year. With all but a small proportion of state funds locked up under constitutional and statutory entitlements, the fear among UC administrators is that this trend may continue, thus chronically weakening the University.

In his veto of AB 1415, Gov. Wilson voiced strong support for UC and CSU but said it was unacceptable to have them funded through “statutorily-mandated autopilot spending,” which, he said, would impose “serious inflexibility upon a state budgetary process that suffers grievously from that flaw already.” As an alternative, he proposed getting to work on another state compact with UC and CSU. However, critics of the governor’s veto, such as Assembly Speaker Cruz Bustamante, asked how effective any compact Wilson might negotiate could be, since he will be leaving office in little more than a year. UC administrators nevertheless embraced the governor’s openness to working on some sort of assurance of steady support for UC.

The student fee legislation that Wilson did sign, AB 1318, is a more extreme version of the fee strategy the state and UC have agreed to in each of the last three years: UC holds resident undergraduate fees constant and the state agrees to pay the cost of the fee increases the University would otherwise have put in place. The difference this time is that resident undergraduate fees actually will be rolled back by 5 percent in 1998-99 (and frozen the year after) and that, for the first time, graduate and professional fees will be frozen — at this year’s levels for a period of two years. The only clear financial loss this brings to the University is that selected professional schools will not be able to institute increases in fees that they had scheduled for 1998-99. Differential fees at UC’s medical schools, for example, had been scheduled to rise from \$5,376 to \$6,376 in 1998-99. Across the system, the loss to these professional schools will be about \$635,000.

Apart from this effect, AB 1318 also ends, for the time being, an internal debate UC has been carrying on about whether professional fees in a given discipline should be allowed to differ by

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Budget: End of Debate

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campus. Last spring, UC's five business school deans proposed such a differential; under the three-year plan they put forth, Berkeley and UCLA's business school fees would have risen from their current level of \$6,000 to \$10,500 by 1999-00, while Riverside's fees would have been half that. Agreeing with a report from its University Committee on Planning and Budget, the Senate's Academic Council last July concluded that it could not support the proposal, on grounds that it "runs counter to the two fundamental principles that have served both the University and the State extraordinarily well: publicly subsidized higher education and a single University composed of nine research campuses with a shared and common goal of achieving excellence in teaching, research and service." Framed in this way, the issue awaited a decision from Atkinson; then came the action of the governor and legislature on AB 1318.

The 1998-99 budget that the administration unveiled in October calls for ladder-rank faculty to receive a 5-percent salary boost next year (in addition to merit increases). This figure is subject to change, however, as the University has yet to receive some salary data from the "comparison-eight" institutions it uses to set faculty salaries. Next year's salary increases are proposed to once again become effective on October 1, whereas this year they were deferred until November 1. The deferral joined reductions in maintenance as the means UC decided to employ to cope with a \$12 million budget cut imposed by Sacramento in August.

In October, the Senate's Academic Council passed a motion calling upon the administration to work toward restoration next year of the wages that were lost through this year's salary-increase delay. Office of the President officials said privately, however, that it is unlikely that such a request would get a serious hearing in Sacramento, since the state was forced to cut the budgets of any number of state-funded agencies in August and would not look favorably now on restoring any of these cuts for such selective purposes as salary reimbursements. Given tight budget projections for UC next year, it also seems unlikely that there could be a reallocation of funds within UC to make up for the deferral.

Notes from the Chair: Research Funding

The Master Plan for Higher Education in the State of California specifies UC as the state's academic agency for research. Through our research, we improve the economy of the state and the health and quality of life of its citizens. Studies continue to rate UC as the leading public university in research quality and productivity. In the face of this success, it's hard to believe that the University's research mission is at risk.

But, over the last few years, there is increasing evidence that all is not well. In its 1996 survey of faculty, the University Committee on Research Policy identified substantial faculty concern about insufficient support from department staff, inadequacy of space and equipment to conduct research, decreasing time for faculty to actually do research, and diminishing intramural support for research projects. At the urging of the Senate and the Chancellors, the President's Office created a task force to address the issue of problems with UC's research climate. The declining research support from state and federal sources is felt intensely at the campuses where fewer resources exist to maintain, let alone enhance, UC's research infrastructure.

In 1996-97, 55 percent of our research support came from federal funds (mostly NIH and NSF) and only 18 percent from state general funds. Budgetary cuts during the 90's have resulted in a \$433 million decrease in state funds to the University, a 20 percent decline from the 1989 budget. UC's share of the state's general fund budget is now only slightly over 4 percent. Of course, this decline in state resources has also had a major impact on teaching. Systemwide, the student-faculty ratio has gone from 14.5 students per faculty member to our current ratio of 18.7 to 1. Not only do these increases in faculty teaching and advising responsibilities limit the amount of time given to each student, they decrease the time available for research. Some observers may think that a shift to more teaching is for the best. But, as each of us knows, it's our research that fosters excitement and cutting edge lectures within the UC classroom.

What will become of UC's research mission? In a message regarding our 1998-99 budget, President Atkinson noted that we face some sobering realities as we look to the future. These include an even greater student demand for a UC education but no assurance of additional resources, a shrinking piece of the state budget as we have to compete with the state's other funding priorities, and an unclear future for federal funding, given the goal of balancing the federal budget.

In the recent Rand report on the fiscal crisis in California higher education (*Breaking the Social Contract*, 1997), the authors conclude that the state must protect and enhance UC's research mission as the state's flagship research institution. If this is to happen, we will need substantial external support and strong leadership from the California Legislature, the Governor, the Regents, and most of all our public, who need to believe that the University's research mission is one of the best investments the state can make in its future.

We will also need to develop budget initiatives that address basic research necessities at the department/faculty level. Typically, budget initiatives concern large endeavors, such as the existing Industry-University Cooperative Research Program or the proposed Research Opportunities Matching Program through which matching state funds will help to leverage federal research dollars. These are important initiatives, with great relevance to the state's economy; the assumption is that they will more easily garner funds than would a request for money to assure faculty of adequate research staff and space. Our job is to help our state's policy makers sense the importance of this latter, grass-roots level of research support. Will we be able to generate the commitment necessary to make our research infrastructure a priority for the state? I believe we must.

—Sandra J. Weiss
Chair, Academic Council

UCI Medical Review: Relationship between Finances, Programs

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patient load has dropped off, even among indigent patients, such that the College of Medicine no longer has sufficient patients to support some of its residency programs.

The interrelationship between UCIMC finances and College of Medicine activities underlies much of the charge Atkinson gave to the UCI review committee, but there is also a component to the review that is separate from finances. Atkinson asked, for example, that the panel provide him with recommendations on how to ensure a "full accreditation of academic programs" for the college and "quality patient care across the spectrum of clinical services." The first charge seems to be a reference to press reports, appearing this summer, which claimed that a quarter of UCI's residency programs had problems serious enough that an accreditation organization, the American Council for Graduate Medical Education (ACGME), was prompted to issue warnings about them.

Thomas Cesario, dean of the UCI College of Medicine, said he is "delighted that this review is coming" because he

believes it will "clear up misconceptions" about just such things as the ACGME review. Contrary to impressions conveyed in the press, he said, ACGME has written to him, saying that "they do not feel that UCI is significantly worse than any comparable institution in the U.S." The residency problems that resulted in ACGME warnings, he said, had largely to do with administrative issues—such as the need for a written curriculum—rather than substantive issues of patient care or resident training. Gerald Weinstein, chair of the College of Medicine faculty, said the only long-term problems he sees with the college have to do with "the financial environment of Orange County and its influence on the college and the hospital."

UCI has been rocked in recent years by two major malpractice controversies. The first, involving a fertility clinic that allegedly transferred embryos without the consent of donors, has thus far resulted in payments of nearly \$20 million to victimized families. Then, in September, an Orange County judge ordered UC to pay \$18.6 million to an Orange County woman, Denise DeSoto,

who was left permanently comatose after oxygen was cut off to her following an operation she underwent at UCIMC in 1993. Vice-President Hopper said, however, that neither the DeSoto case nor the fertility clinic scandal are connected to the College of Medicine review.

The Chair of the UCI Academic Senate and the Chair of the College of Medicine's faculty learned of the review only after its charge had been formulated and its committee members named. In October, the Academic Council expressed concerns that faculty had not been engaged in the plans for the review, which has research and teaching implications. The President's Office of Health Affairs is now working with the Senate to bring about a greater level of faculty involvement in the review.

Several Council members also questioned the wisdom of having outgoing Chancellor Wilkening serve on the review committee. They raised the question of whether the review panel can be completely candid if one of its members is the chancellor who has overseen UCIMC and the College of Medicine.

Notice

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Voluntary Contribution Plan Update

UC Voluntary Contribution Fund Performance
As of September 30, 1997

Fund	Rate of Return, Last 12 Months	Rate of Return, Last 1 Month	Unit Price
Equity	31.64%	4.62%	\$203.3
Bond	23.45%	3.54%	\$97.9
Savings	6.23%	0.49%	N/A
ICC	7.60%	0.61%	N/A
Money Market	6.60%	0.46%	N/A
Multi-Asset	18.11%	2.60%	\$22.4