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Academic Council
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PRESIDENT ROBERT DYNES

Re: First Annual Report on Shared Governance by the Chair of the Senate

Dear Bob,

Several months ago, the Academic Council agreed that there should be an annual report on the state of shared governance at UC, and this letter constitutes my report. It has been unanimously endorsed by the Academic Council, which requests that you share it with both the chancellors and the executive vice chancellors. Overall, I am very heartened by the health of shared governance at UC.

Let me begin by briefly summarizing what constitutes a healthy state of shared governance. The Regents have delegated to the Senate primary responsibility over certain aspects of the academic enterprise, such as curricula, requirements for degrees, and admissions policy. The Senate must carry out these responsibilities effectively and professionally, making use of data and analysis from the administration, while also maintaining a two-way dialogue on how the Senate's agenda is moving forward. On other academic matters, such as those involving personnel, the library, or the budget, the Senate must be consulted by the administration and must respond in a timely fashion to such consultation. On such matters, the administration is obliged to consider the Senate's advice and to respond, providing reasons should they choose not to follow the Senate's advice. A healthy Senate is also one in which there is significant faculty engagement and one that can undertake initiatives both on matters within its purview and on matters in which its role is only advisory. In any case, a healthy shared governance environment has no surprises between the Senate and the administration.

Inception of the Annual Shared Governance Status Report

Before discussing the current year, I thought it might be helpful to review some of the events of the previous year, when Larry Pitts was Chair of the Academic Council. Admittedly, there were a few difficulties during the 2003-04 academic year, most notably when the UCOP administration promulgated new policies without prior consultation with the Academic Senate. One such policy was the change in the threshold at which equipment must be counted for audit purposes, which also implied a change in the value of equipment purchases at which overhead is charged to grants. However, at the systemwide level, there were several very positive developments that year, most notably:

- The systemwide Senate established a very effective working relationship with both the new President and Provost.
- Despite some breakdowns in communications during the first part of the year between the Senate and the office of Laboratory Management, by the end of the year, the leadership and our lab

committee, the Academic Council Special Committee on the National Labs (ACSCONL), had established a strong working relationship with the Vice President and Senior Lab Management.

- We frequently hear that though valuable, consultation with the Senate is a very slow, time-consuming process. Yet, Chair Pitts ended his term of office with more responses owed by the administration to the Senate than vice versa.

Despite these successes for shared governance at the systemwide level, as the 2004-2005 year began, I had several misgivings about the state of shared governance at both the systemwide and at the campus levels. In particular:

- As part of the initial long-term planning process, the Provost conducted SWOT (Strengths, Weaknesses, Opportunities, and Threats) analyses among a variety of constituency groups, ranging from students to faculty, chancellors, and even the Regents. While most groups cited shared governance as a strength of the University, most groups also named it as a significant weakness of the University. In addition, at the Regents' fall retreat, I found it necessary to explain and discuss the concept of shared governance with several members of the Board of Regents.
- At the systemwide level, despite Senate efforts for the past two years to engage the administration in a meaningful discussion of how to jointly review the four new California Institutes for Science and Innovation, there had been no noticeable progress toward a review process.
- Shared governance was in a worrisome state on several campuses. For example, at Riverside, the Senate office was woefully understaffed, and the Division had not had adequate input into campus decisions for quite a number of years. Meanwhile, the forthcoming opening of the new Merced campus presented us with a challenge inculcating a culture of faculty governance at Merced while finding a way to bring a Senate office and Senate operation into being.

I am pleased to report significant progress on all of these fronts during the course of the year.

Shared Governance at the Statewide Level

Let me turn first to the state of shared governance at the systemwide level. I would like to call attention to several key highlights:

- The sheer number of issues that the Council and Assembly dealt with this year is truly impressive. The Council has been remarkably efficient in its use of limited time to discuss a broad number of issues. However, I would suggest that if the number of issues before Council continues to increase at its current pace, we may need to consider some alternate means of dealing with issues before the Council. This will be especially true if the Council or Assembly wishes to engage in forward-thinking discussion of large issues affecting the University. One recommendation would be to have more discussions using email or teleconferences. The former has been successfully used this year to deal with matters needing attention prior to the next Council meeting. Teleconferences proved to be an effective method for holding meetings of the Assembly, and as a result, we only had to hold one in-person Assembly meeting this year. Both Council and Assembly interacted very effectively and positively with senior management during our consultation periods.
- Among the Council initiatives this year, I would cite the following:
 - We enacted two important transfer initiatives – SciGETC and the streamlining proposal (now Senate Regulations 478.2.b and 477). Particularly for SciGETC, it was essential to ensure that there would be adequate funding on the campuses for implementation. The Provost's office was very helpful in providing assurances that adequate funding would be available.

- There was significant progress regarding the California ISIs. The Senate leadership and the Provost's office put together a draft review policy, which was then vetted by the compendium committees and the Council. We await a revised policy from the Provost for review by all committees and the divisions before final adoption.
- We undertook several initiatives on scholarly communications, most notably a draft policy for the California Institute for Regenerative Medicine on open access to the scientific research that they fund. The President supported this proposal and sent it on to the ICOC.
- We did a full Senate review of the Resolution on Research Funding, and finally brought that matter to a conclusion with an Assembly resolution favoring the right of faculty members to accept research funding without campus or senate restrictions on the funding source.
- In furtherance of our goal of enhancing graduate education at UC, we proposed a legislative concurrent resolution on graduate education.
- We established systemwide courses, which can be used at UCDC and UC Sacramento, and we also took the first steps toward establishing a systemwide minor.
- Council set up a task force to consider the basic principles behind who is and who is not a member of the Academic Senate.
- Council adopted the BOARS position that the National Merit Scholarship Program (NMSP) fails to meet UC's requirements for determining academic merit, and the Chancellors subsequently agreed to end UC support for the NMSP.
- We received and sent out for full Senate review UCAAD's proposed statement on diversity as an essential element of the excellence of the University.
- Council finalized UCAP's proposed APM 220 language on above scale and Step VI criteria.
- Council was able to help modify the proposed University Code of Ethics (largely through the efforts of John Oakley) so that a much improved version could be approved by both the Council and the Regents
- The Senate continued to become more involved in monitoring legislation having academic implications. Senior Policy Analyst Betty Marton has actively followed legislation of interest, and she has found effective ways to solicit the views of key Council members and formulate the Council's input on a very short timescale. Generally, the Council's views have played an important role in the University's final position on legislation. Despite this generally positive picture, I would mention two issues of concern between the Senate and the administration.
 1. We have so far been unsuccessful in persuading the University to include a representative of our Senate staff at the roundtable at which current and pending legislation is discussed.
 2. Last year, when the administration asked the Council for its views on University sponsored legislation to extend to the University Police the same rights enjoyed by other law enforcement agencies to tape record certain conversations without a warrant, the Council felt that this was not an academic matter and chose not to comment. This year, after the legislation had already been introduced, Council reversed its position and decided (by a supermajority) that this legislation posed a threat to the freedom of expression which is so essential to our campuses. The reversal of Council's position came as a surprise to the UC/CSU administrative sponsors of this bill and probably contributed to the legislation's demise. This Council seriously considered the implications of reversing a decision of last year's Council but felt that such a change of position was an essential responsibility. However, we also recognize that the administration had taken the initiative last year to bring this matter to Council – and they also had a reasonable expectation that they could rely on Council's response. It is

entirely possible that UC would never have sponsored this legislation had they known of the Council's opposition.

- This year, BOARS began several key changes to the way it does business. It began to hold executive sessions as the norm and not the exception, the committee and its staff actually wrote all of the BOARS reports for the year, and the committee exerted some control over the number of consultants sitting with the committee at any one time. These changes served to bring BOARS practice more into line with what we have come to expect of other Senate committees. But they do represent a significant departure from past practice, and consequently they might (incorrectly) be interpreted as an unwillingness to engage fully with the administration on admissions issues. We have as a key challenge to ensure that there is sound communications and no surprises in the interaction of BOARS with the Office of Academic Affairs.
- We continued our efforts to keep Senate operations as transparent as possible. All consultants to Senate committees (and Council) received full agenda packets (excluding material for executive session) prior to every meeting, and both our agendas and our minutes were promptly posted on the web.
- The Intersegmental Council of Academic Senates (ICAS) operated quite effectively this year. It produced a substantial and significant discussion document on transfer issues from a faculty perspective and agreed to opine on transfer issues on an annual basis. I should comment, however, that the issuance of such a faculty-produced document has evinced a strong reaction from the Intersegmental Coordinating Committee (ICC) and its transfer committee, which feels that all stakeholders should have input into **all** such documents on intersegmental issues. ICAS' view was that the ICC or other agencies can certainly produce papers on transfer, but there is real value-added to have a uniquely **faculty**-driven perspective on this issue.
- The lab committee ACSCONL has worked effectively with lab management this year in full discussions of our proposed partnership with Bechtel and of the pros and cons of competition. The committee has also contributed several ideas intended to strengthen UC's bid for management of the Los Alamos National Laboratory. One difficult issue was the decision by lab management to slash funding for the Institute on Global Conflict and Cooperation (IGCC) based on a perceived lack of confluence of IGCC's activities with laboratory expectations. The Council took great exception to the idea that a university office could unilaterally decide to decimate the funding for an MRU without regard to the quality of the MRU's activities and without Senate review of that decision, and we were very gratified that President Dynes decided to restore this funding even before Council had finalized its position.
- The Senate perspective continues to be taken very seriously by the Board of Regents. At four Council meetings, we had visits from Regents, and those interactions were extremely positive and fruitful. It is unfortunate that a few regents were unable to attend a Council meeting during the year, but I am struck by the engagement of most regents in issues on the Senate's plate. The perspectives and analyses of the Faculty Representatives have been considered with due seriousness by the Regents, and on certain issues, such as the addition of staff advisors to two committees, I was able to help the Regents reach a resolution of a potentially divisive issue. Please note, however, that there are instances in which the faculty have not been invited to participate in discussions among the Regents. In particular, a group [which is not a regental committee] of the regents is discussing compensation policies for senior management, faculty, and staff, and they have commissioned a study by Mercer & Associates on this issue. The Faculty Representatives have not been invited to join that discussion, and this led me to suggest that Council form its own task force on Senior Management and Faculty Compensation.
- The systemwide Senate operational budget has not grown during the past 8 years (and in fact took a 5% cut this year), despite a significant increase in responsibilities. We have met this challenge by cutting committee meetings and by such efficiencies as using electronic communications rather than

paper and by mandating the use of the UCLA Travel Center for all Senate travel. With the addition of Merced representatives on all committees this coming year, it is unlikely that the Senate can function at the same level without an increase in funding.

How Can We Do Better in Systemwide Shared Governance?

Despite my very positive view of shared governance at the systemwide level, there are areas in which the Senate and the administration can be better shared-governance partners. The Senate has a responsibility to be a stable partner, changing a previous position only rarely. I would suggest the principle that Council should reverse a previous position only if either:

- New information comes to light that was not available to Council previously,
- There were substantive procedural errors in earlier consultation with committees or campuses, or
- A strong majority of Council believes that Council had earlier reached an untenable position.

Such principles might have better explained Council's reversal of position on AB992.

In addition, both the Senate and administration have an obligation to engage and reach consensus on issues in a timely way. Despite our progress this year on the Cal ISI review process, it is rather disappointing that we are not yet finished after three years of effort by the Senate and that the Senate has not yet been able to provide meaningful input on the Cal ISI budgets. I was also startled to learn that some issues (such as the academic index issue before BOARS) were fully considered and decided by the administration before any recommendation emerged from Council or even the Senate committee. I cannot emphasize strongly enough the need for better communications between the administration and the Senate by both sides.

Shared Governance on the Campuses

Let me turn now to discuss how shared governance is working on the various campuses. Generally, the divisions report that shared governance is working quite well. The divisional leadership meets regularly with the various chancellors and EVCs, and most campuses report that there is significant information sharing as well as Senate input on budget decisions facing the campuses. The many campuses with new chancellors have reported substantial success in establishing a strong relationship between the chancellor and the senate. It is important to emphasize that it is the professional responsibility of all senior management, whether or not they have prior UC experience, to understand shared governance and to work effectively and co-operatively with the Senate.

Some campuses, have expressed great appreciation of how the Senate's voice is heard. For example, the UCSD administration stated that it would not institute athletic scholarships until or unless they could obtain Senate endorsement of their plan. UC Irvine and UC Santa Barbara are two other campuses where the Divisions have expressed especially strong satisfaction with the state of shared governance. Despite this overall positive interaction, a number of campuses report increasing difficulty in persuading faculty to participate fully in Senate responsibilities. I do not know if this is a result of skepticism about the value of shared governance, whether it reflects a concern that the campus does not adequately appreciate senate service, whether it is a result of faculty turnover, or whether it is a symptom of a change in faculty morale. Because the active participation of faculty is so crucial to effective and vital shared governance, a future Council may wish to study and address the issue of effective faculty participation.

I would like to mention three specific campuses, where changes in shared governance have occurred this year.

- UC Davis – In response to a series of recent incidents in which the Senate did not feel it was appropriately consulted on campus issues, the Division formed a task force which drafted a report, called “Mending the Wall,” on the state of shared governance at Davis. This report included a number of recommendations, and I believe that the campus is making significant progress both in upgrading the Senate office and improving consultation since the issuance of this report.
- UC Riverside – During the current year, the Division at UC Riverside has undergone a major metamorphosis. The Senate office has grown from 2.0 positions to an effective senate staff. The Division has had a real impact on campus discussions and policy, and for the first time in several years, the faculty there are more heavily involved in the Senate and are seeing the fruits of their labor. I believe that both Chair Martins-Green and Chancellor Córdova deserve praise for transforming shared governance at Riverside into a working principle. I recognize that there are still a number of issues of contention at UCR, particularly as to the authority of the Senate (for example over curricula) versus that of the administration. Yet, by any reasonable measure, the changes at Riverside are very heartening, and I am hopeful that their forward momentum will continue as they move to establish full and effective shared governance.
- UC Merced – During the current academic year, with the permission of the Academic Assembly, the UCM Task Force delegated most of the functions of the division to a proto-divisional structure at Merced, which, under the leadership of Professor Shawn Kantor, carried out its responsibilities in a very professional manner. In May, the Academic Assembly voted to grant divisional status to Merced once a funding plan was agreed to. In June the Academic Council took final action to approve the startup funding plan for the Merced division and to endorse a set of principles, jointly agreed to with the Merced administration, governing the growth of support for the Merced division. Though the Merced division is now operating as the master of its own fate, we anticipate that as it receives the necessary funding outlined in the Council’s “Framework” document, the division will grow in effectiveness and functionality in the years ahead.

Concluding Remarks

As you can see, I am quite upbeat on the state of shared governance at UC. The Senate is carrying out its mandated responsibilities in an effective manner, and although Senate advice sometimes takes a bit of time to generate, this advice provides real added value and proves itself to be well worth waiting for. The Senate is working very well with the administration on all levels, and I can report significant progress in areas that began this year as troublesome. I do thank you and the rest of the administration for your support and co-operation in our joint efforts. Shared governance continues to be a real strength of the University of California.

Fiat Lux,



George Blumenthal
Chair, UC Academic Senate

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