

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

August 31, 2011

MARK YUDOF, PRESIDENT
UNIVERSITY OF CALIFORNIA

Re: State of Shared Governance

Dear Mark:

In 2005, then-Academic Senate Chair George Blumenthal began a tradition of reflecting on the state of shared governance at the close of the chair's term. I am pleased to carry on this tradition with my own assessment of the state of shared governance in 2011. While both shared governance and the excellence of the University remain strong, there are troubling trends that may threaten both. I hope you find these thoughts to be of value to you as you chart a course through these difficult fiscal times.

On a personal note, it has been a privilege to work with you in the interest of the University over the past two years.

Sincerely,



Daniel L. Simmons, Chair
Academic Council

Copy: Academic Council
Martha Winnacker, Academic Senate Executive Director

Encl.

THE STATE OF SHARED GOVERNANCE
2010-2011
Daniel L. Simmons
Chair of the 2010-2011 Academic Council

The state of shared governance in the University of California and the state of the University itself are closely intertwined. While both are strong, and indeed the University remains at the pinnacle of its success,¹ there are troubling trends that threaten the health of both.

The University of California's unique system of shared governance is one of its great strengths. By virtue of the separately delegated authorities in the Regents' standing orders, the faculty, acting through the Academic Senate, possess an expressed responsibility in the management of the University jointly with the President and the Chancellors. The Academic Senate's delegated authority over courses and curricula, admissions and membership of faculties (through membership in the Academic Senate), and the authority to advise the President and Chancellors on the budget, translates into a responsibility to maintain the quality of the University's research and teaching programs. Faculty undertake this responsibility through work in the Academic Senate as part of their expected duties, normally without additional compensation.²

While the term shared governance is often used to represent consultation within the University with a wide range of constituent groups, the concept has specific meaning when used in the context of governance shared with the Academic Senate. Because of the specific delegations of authority to the Academic Senate by the Regents, the role of the Senate is one of shared management with respect to issues within its specified jurisdiction. With respect to responsibilities over courses and curriculum leading to academic degrees, the authority of the Senate is plenary. Therefore, the role of the Senate on multiple issues is not simply consultative. The Regents' delegation of authority to the Senate also imposes strict responsibility upon the Senate to act in the best interest of the whole of the University of California.

The Academic Senate is a representative organization governed by its own bylaws and regulations. The ultimate authority of the Senate rests with the Assembly, which is constituted with proportional representation from each of the ten campuses of the University. The leadership of the Senate, acting through the Academic Council and the several standing committees of the Senate, both systemwide and at each of the divisions, is constrained to represent the will of the faculty as expressed through its various governing bodies. A consequence of this representative structure is that the Senate must function through processes that require that significant Senate positions be formulated through multiple consultative levels within the organization. The need for a thorough review of issues often constrains the Senate's

¹ The London Times rankings of the universities of the world based on reputation has five UC campuses in the top fifty, six in the top 100—that is an amazing achievement. The University faculty are responsible for bringing over \$4 billion of funding into the University through contracts and grants. Compare that figure to the approximately \$2.3 billion contributed to the University's budget in 2011-2012 and approximately \$2.5 billion raised through student fees.

² Certain leadership positions and standing committee chairs at the divisional level and systemwide come with a stipend and often a change from 9 month to fiscal year appointments.

ability to respond immediately to the latest issue to arise. More importantly, however, both the consultative structure of the Senate and the knowledge of its participants, allow for a wide debate on issues of importance to the University. The Senate debate is undertaken by the very people who are also directly responsible for the research and teaching accomplishments of the University. Indeed, it is often difficult to find equivalent robust discussions by knowledgeable people on the issues of the greatest significance to the University elsewhere.

The faculty of the University are responsible for the great achievements of the University of California. The University's ability to attract and hire some of the greatest young scholars of every generation is the most important of its historic strengths. The University supports the developing careers of these talented people with a culture of excellence in teaching and research. Historically, once individuals were established researchers, continued loyalty to a fair, peer reviewed, and competitive compensation system, a working environment that stressed and supported continued excellence, plus the golden handcuff of the defined benefit pension program, provided strong disincentives to leave the University for more lucrative positions. The security of an adequate post-employment benefits program allowed faculty to retire with secure income when retirement was appropriate. The retirement incentive for older faculty in turn provided the University with the opportunity for faculty renewal, beginning the cycle anew with talented young faculty.

The importance of a robust system of shared governance was illustrated by the Senate's [participation](#) in the Post-Employment Benefits Task Force and as the subsequent redesign of the pension plan and its funding arrangements. The Senate strongly advocated for maintaining the defined benefit structure as supportive of the University's recruitment, development and retention of a superior faculty. The Senate also initiated and sustained arguments for [external borrowing](#) to fund UCRP unfunded liabilities, a position that was embraced by the administration and the Regents. The funding plan ultimately was revised to borrow internally from the short-term investment pool (STIP) to pay down unfunded liabilities. Senate leadership also developed a partnership with the leadership of the UC staff assemblies and the Staff Representatives to the Board of Regents in order to present a united front that became significant in discussions with senior administration regarding the final recommendations that ultimately went to the Regents.

The Senate has also played a significant role in structuring the University's approach to declining State support for higher education. Over the last several years, the California Governor and State Legislature have been increasingly unwilling to make California higher education a priority in the State budget.³ Through its various reports generated by the University Committee on Planning and Budget (UCPB), the lists of principles produced by UCPB and the University Committee on Faculty Welfare, and culminating with the report of the Special Committee on a

³ I have on many occasions attributed the lack of state support to the structural mess that "we the people" have created through various initiatives. Given the impossibility for California to raise taxes and avoid a shift of the cost of public goods from the broad taxpaying base to individuals who consume or rely on services, and the growth in costs of prisons and the public's demand for enhanced punishment for crime (both major and minor), we should expect a long-term decline in the level of State support for higher education. This in turn will exacerbate the economic loss to the State in the form of reduced educational opportunities for all but a growing elite, a reduction in innovative contributions to the economy, all of which will generate a cyclical decline in the State's ability to invest in critical infrastructure such as the education of talented young people from all segments of the State's population.

Plan for UC in the current academic year, the Senate has steadfastly advocated for budget solutions that will maintain the University's historic research and teaching excellence. While access and affordability are important pillars of the University of California, the loss of these fundamentals is recoverable if and when the people of California again recognize the importance of public higher education. However, if the University of California loses its research and teaching preeminence, it will take decades to recover, if ever. Protecting the historic excellence of the University of California requires the maintenance of its high quality faculty. In its written recommendations, its conversations with senior administrators, and in presentations before the Board of Regents, the Senate has advocated budgetary approaches dedicated to recruitment and retention of excellent faculty. The very stature and prestige of the University of California, the existence of its research discoveries, and the value of its academic degrees, are all dependent on the contributions of the faculty.

The Academic Council's July 2011 [resolution](#) supporting replacement of the last round of State budget cuts with a tuition increase is evidence of recognition by Senate leadership that the University must replace declining State revenue with student tuition. The Chancellors' collective advocacy of that same position reflects broad administrative recognition that the University has done all that it can to absorb reductions in state funding without irreversibly damaging its academic programs. The Regents accepted that reasoning when they agreed to an additional tuition hike at their July 14, 2011 meeting. Tragically, this necessary step shifts the cost of a University education from the state to individual students and their families.

The existence of the University of California's multicampus system of ten high quality research universities resting on a common standard of excellence is another cornerstone of the University's success. The Academic Senate of the University of California, governed by representatives who reflect the strong voices of each of the ten divisions, is an important component of the single university concept. Unfortunately, this pillar of strength is beginning to erode. As a consequence of the funding streams strategy, which provides that each campus will retain the revenue it generates, individual campuses are developing a sense that they may use funds at their discretion without regard to University-wide policies. At the same time, some campuses are asking for greater flexibility on matters of enrollment numbers, and admissions and faculty compensation policies. A palpable tension can be felt between the interests of individual campuses and the interest in maintaining the University of California as a system. Nonetheless, the Senate has made a significant contribution to the problem of funds allocation among the campuses, first by asserting that the "rebenching" process proceed as [expeditiously](#) as possible, and second, by offering the recommendations of the [Implementation Task Force](#), as approved by the Academic Council, for allocation formulae that are based on the proposition that state funds are allocable on the basis of equal treatment of students in the same classification regardless of which campus the student attends. The Senate's rebenching recommendations still require some refinement, as choices must be made about the allocation of graduate student enrollments and the appropriate funding ratios for academic graduate students. Much of the historical allocation discrepancies among the campuses are due to different levels of graduate student enrollment; the ultimate solution will require further serious thinking within the Senate.

The role of the Academic Senate is paramount in maintaining standards for excellence in teaching and research throughout the ten campus system. Uniform high standards are evident in

the eligibility requirements for consideration for admission to the University, in the requirements for the creation of degree programs and approval for courses and curricula, and standards for merit advancement and promotion. Multicampus shared governance faces its greatest challenge in the latter context. Budget pressures over the last several years have resulted in salary scales that are below market by as much as 30 percent. Individual campuses have compensated by using off-scale salaries to maintain competitive compensation in recruitment and retention cases. Discretionary salary increases outside of the peer-reviewed merit and promotion system have resulted in over 65 percent of faculty with off-scale salaries. While off-scale compensation proliferates, the University administration now says that it is too expensive to fix the salary scales. In addition, faculty with off-scale salaries insist that any adjustment to salary scales requires maintenance of the off-scale increment in the same dollar amount, thereby making it impossible to eliminate the off-scale component. While a divided Academic Council [recommended](#) in December 2010 that salary increments be directed to the published salary scales, the administration plans to apply the current salary increase to both the salary scale and off-scale components of faculty compensation. Campus administrators assert that they would be forced to fund the off-scale component of compensation in any event, and that it is, therefore, too expensive to fix only the salary scale component. In accepting this approach, the University undercuts the efficacy of the Senate peer reviewed salary structure in favor of a compensation system based on discretionary decision making by administrators. It also undermines the notion of UC as a single University, with a single standard of excellence for faculty at all of its ten campuses.

Faith in the peer reviewed compensation system based on competitive salary scales is an important component of faculty loyalty and commitment to the University of California. That faith is eroded when faculty recognize that the route to enhanced compensation is not through increased productivity in scholarship and teaching, but through seeking outside offers of employment that may be matched at administrative discretion. Faculty loyalty is also challenged when the focus on market-based recruitment creates an inverted compensation ladder under which new hires obtain off-scale salary in excess of recently tenured associate professors, whose demonstrated excellence is rewarded with tenure but uncompetitive salaries. The University will lose one of its essential characteristics unless the Senate demands a return to competitive salary scales. While off-scale salaries are necessary and appropriate in exceptional recruitment and retention packages for a handful of the most accomplished researchers, the trend toward using discretionary off-scale compensation as the norm should be reversed. Only the faculty acting through the Senate will accomplish this reversal but, unfortunately, as so many of the faculty have become habituated to off-scale salaries, a reversal will be difficult, if not impossible. That is a loss to the University and to shared governance.

In a new role not prescribed by the Regents, the Senate has made important contributions to the University's presence before the State Legislature. Largely through the Intersegmental Committee of the Academic Senates (ICAS), the Academic Senate leadership has engaged with its counterparts from the California State University and the California Community Colleges to actively engage with members of the State Legislature on issues of importance to the California higher education community. Over the past two years ICAS has stepped up its engagement with a series of meetings by the faculty leaders of the three segments with Legislative members and

their staffs.⁴ While ICAS has been no more successful than the UC administration in saving the higher education budget, the collective role of the academic senates of the three segments has been noticed by members of the State Legislature, and has made them aware of the impact of their actions which undercut affordable access to a quality higher education system.

The primary challenge to the University and its system of shared governance is to prevent the budgetary exigencies of California's failing political/economic system from destroying the fundamental values that have served as the brick and mortar of what has become one of the world's preeminent research and teaching institutions. The University of California's excellence is built on its great faculty. That faculty has helped to construct the institution through its system of faculty governance, which has historically promoted the evolution of a multicampus system resting on the foundation of uniform standards of excellence. It is on that base that the value and prestige of the multiple thousands of degrees conferred by University of California campuses rests. The faculty must actively and steadfastly protect its unique role in the shared governance of the University in order to preserve the stature of the University of California as the best public research university in the world.

Fiat Lux,

A handwritten signature in black ink that reads "Daniel L. Simmons". The signature is written in a cursive, flowing style.

Daniel L. Simmons
Chair of the Academic Council 2010-2011

⁴ 2009-2010 Council Chair Harry Powell deserves special credit for refocusing ICAS on direct legislative advocacy during his term as ICAS chair.