

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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August 31, 2010

PRESIDENT MARK G. YUDOF
UNIVERSITY OF CALIFORNIA

Re: The State of Shared Governance

Dear Mark:

In 2005 and 2008, Academic Senate Chairs George Blumenthal and Michael T. Brown issued reports to the president on the state of shared governance at the University of California. These reports were also published in the respective August 2005 and August 2008 issues of *The Senate Source*. I am pleased to carry on this tradition with my own assessment of the state of shared governance in 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry C. Powell".

Henry C. Powell, Chair
Academic Council

Encl: 1

Copy: Martha Winnacker, Academic Senate Executive Director
Academic Council

Annual Report on Shared Governance

--Harry C. Powell, Chair of the Systemwide Senate, 2009-10

Historically, the Senate has always paid close attention to the principles of shared governance, which can be traced to the University's 1868 state charter that stated that the Academic Senate would be "created for the purpose of conducting the general administration of the University."¹ Rather than representing a burden to the Administration, the Senate has historically strengthened the University, by not only providing valuable input in uncertain times, but also adding credibility to executive decisions. Perhaps the closest parallel to today's economic straits are found in the early 1930s, when the University faced budget cuts exceeding 25% over a three year period. Then President Sproul urged the Senate to create an ad hoc committee on educational policy to advise him on both the budget matters and the emerging regional college movement. This ad-hoc committee not only played a central role in guiding the University during that difficult time in our Nation's history, but was the precursor for the standing committees of Planning and Budget (UCPB) and Educational Policy (UCEP).

Once again, the University faces uncertain economic times. As I write this year's annual report on shared governance, I reminded not only of the unifying role that the Senate has played in the past, but also of the more recent reports from my predecessors that have served to highlight the importance of shared governance. In 2005, Academic Chair George Blumenthal issued the first annual report on shared governance to then President Bob Dynes. His report is noteworthy, not only for its scope, but also for its description of a healthy state of shared governance as "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." This includes the specific areas in which The Regents have delegated to the Senate primary responsibility (e.g., curricula, requirements for degrees, and admissions policy), as well as other academic matters (e.g., personnel, budget, etc.); the administration is obligated to not only consult the Senate, but also to respond to the Senate's advice, providing reasons for a specific course of action if the Senate's advice was not followed. In short, Senate consultation consists of an ongoing respectful dialogue that, when done properly, produces optimal outcomes in terms of the University's governance. Since George Blumenthal's first report, subsequent chairs have commented on the state of shared governance in one way or another; it is my intent to continue this tradition with this report.

Achieving healthy shared governance is difficult even in the best of times. This year, the Senate was faced with the challenging task of simultaneously participating in two important initiatives—the Commission on the Future (COTF) and the Post-Employee Benefits (PEB) Task Force—against a backdrop of a challenging economic environment, in addition to a number of Legislative inroads into territory that is traditionally under the purview of the Senate. In spite of these challenges, the Senate was able to comment on a large number of issues, which included white papers and comprehensive reports on such diverse issues as the budget, admissions testing, comprehensive review in admissions, remote and online instruction, undergraduate effectiveness, and graduate education. This report will highlight some of

¹ An Act to Create and Organize the University of California, California Statutes, March 23, 1868.

these specific areas, but also comment on the Senate's current relationship with UCOP as it relates to the consultative process.

Budget

The year began with the realization that the 2009-10 state budget would mean a fair amount of austerity for the University and its campuses. This included a cut to UC's General Funds by \$637M (including a one-time cut of \$305M), mandatory costs of \$358M, which amounted to a \$60B budget gap. Such circumstances sharply curtailed UC's growth and forced upon us the unwelcomed need for furloughs, the design of which, to President Yudof's credit, involved the Senate to a large degree. The Senate provided significant comments on both the [proposed revisions to Standing Order of The Regents \(SOR\) 100.4](#) and the [furlough/salary reduction plan](#) itself, as noted by 2008-09 Council Chair Mary Croughan in her August 2009 [memo](#) to President Yudof on this subject. Indeed, in my own term, the Senate continued its active consultation over the implementation of the furloughs, commenting on the application of furloughs on [non-podium instructional days](#) and its [impact on research](#) as one of the three principal responsibilities of the faculty and missions of the University. In the end, the faculty preferred furloughs over pay cuts, which allowed the mission of the University to continue to be fulfilled through the furlough option, but still permit members of the UC community to take the time off privately. This year was also marked by the completion of UCPB's [Choices Report](#), which built upon UCPB's previous [Cuts](#) and [Futures](#) reports, and discussed budgetary trade-offs, and offered a values-based rationale for preferring certain choices. In my mind, this report successfully responded to President Yudof's challenge to the Senate to set budgetary priorities, rather than categorically rejecting all proposed cuts out-of-hand, which the Senate is often unfairly characterized as doing.

Legislative Environment

The Senate faced extraordinary challenges in the legislative arena. These included greater demands for advocacy in Sacramento, a Joint Committee on the Master Plan, criticism of the University's planning processes for new programs and schools from the Legislative Analyst's Office (LAO), and a number of bills in the State Legislature concerning transfer, textbooks, and diversity. Besides a significant increase in the time spent in Sacramento for the purposes of advocacy, the Senate's leadership utilized its participation and membership in the [Intersegmental Committee of Academic Senates](#) (ICAS) to promote the educational goals of the three segments (UC, CSU, and the California community colleges). The Senate is represented on ICAS through the chair and vice chair of the Academic Council, as well as the chairs of the Board of Admissions & Relations with Schools (BOARS), UCEP, and the University Committee on Preparatory Education (UCOPE). Although ICAS has been in existence for 30 years, its profile has recently risen among legislators and policy makers, especially in such areas as transfer and the Master Plan. In addition to holding all of its meetings in Sacramento, ICAS advocated on behalf of the segments with key legislators and their aides at its annual Legislative Day in April. The Senate also continues to not only monitor legislation with academic implications, but expresses its views on key bills. Towards this end, Associate Director and Legislative Analyst Todd Giedt actively followed legislation of interest, such as bills on transfer, textbooks, and diversity, soliciting the views of key Council members to formulate the Council's input on a very short timescale. In particular, I would like to highlight the following issues in this area:

- *Transfer*: The Senate worked closely with UCOP's Issues Management Policy Analysis and Coordination (IMPAC) and UC's State Government Relations (SGR) unit to provide input on language for amendments to two transfer bills, SB 1440 (Padilla) and AB 2302 (Fong). Both bills moved in tandem through the Legislature, and would create a new "transfer degree" in order to better facilitate transfer to CSU and UC. In the end, and after considerable Senate input, the University expressed support for both bills, as they are in line with current UC efforts in maintaining transfer as a viable pathway to a UC degree. In particular, the Senate is looking forward to working within ICAS to further the development of the "Course Identification Numbering System" (C-ID) project next year, which promises to further facilitate transfer.
- *Master Plan*: On the 50th anniversary of the Master Plan, the Senate worked with the chair of the Joint Committee on the Master Plan, Assembly Member Ira Ruskin, to review and provide input on possible changes to this important living document. I personally attended public hearings on the Master Plan, and provided testimony on two occasions. In addition, ICAS met with Assembly Member Ruskin on two occasions to express its views.
- *LAO Reports*: This past year, the LAO criticized UC's program and school planning processes through the release of two reports, *Improving State Oversight of Academic Expansions* and *Improving State Oversight of Academic Expansions and Greater Than the Sum of Its Parts --Coordinating Higher Education in California*. Both the Coordinating Committee on Graduate Affairs (CCGA) and UCPB opined on these reports, noting the reports' lack of understanding of UC's rigorous approval process for its programs and schools, and ultimately argued against central planning by the State Legislature. Vice Chair Simmons and I also had the opportunity to personally correct such misunderstandings and better inform the author of these reports in a visit to the LAO this past winter.

Joint Governance

At the prompting of Academic Council, I sent a [memo](#) to President Yudof on the importance of appropriate and timely consultation in shared governance in March. This memo was prompted by the relatively compressed time lines that the Council has been asked to observe in responding to a number of policy issues, as well as the "ongoing confusion regarding [the COTF's] membership and agenda." This memo laid out a number of principles of consultation, which included the following: 1) Policy issues that affect the core academic mission should be vetted with the Senate before being formally recommended as University policy positions; 2) formal consultation is necessary for matters in the Senate's purview; 3) the Senate's voice is valid only to the extent to which it is truly representative (broad committee consultation is necessary before a final Senate position can be articulated); 4) proposals should be supported by data; and 5) the Senate produces value through this unique consultative process. On the whole, President Yudof responded positively to Council's memo, emphasizing that "it is imperative that we work together to ensure that shared governance is robust and effective ..." That said, he remarked that although he would initiate formal reviews when asked or when he deemed necessary, but underscored the importance of informal consultation through the Council and Senate standing committees. He went on to say that it would be a "great loss" if the Senate only relied on formal consultation and faculty were not involved in the initial stages of policy formulation. The President is also correct when he says that the University Committee on Committees (UCOC) appoints faculty members with particular expertise to "preliminary" groups and task forces; members on such groups should regularly consult with standing committees as needed. In sum, I agree with the President that a good balance between formal and informal consultation

will produce the optimal results in terms of shared governance and is indeed the best way forward for the University.

In 2007, the Academic Council endorsed the recommendations of a [report of a Special Visit Team](#) led by the Western Association for Schools and Colleges (WASC) to UCOP. This visit was prompted by both the failure of the University to follow its own policies in the area of executive compensation, as well as increased Regental involvement in the executive functions traditionally vested with the President. That report identified a number of governance and management practices that needed improvement. In his own report on shared governance, then Academic Council Chair Brown remarked that although the events preceding the WASC visit were indeed troubling, “[over the past two to three years] the relationships between the Senate, The Regents, and the administration have strengthened – making it possible for all parties to engage in sensitive dialogue about governance, executive compensation, restructuring, and the like.” I am happy to report that recently WASC made another visit to UCOP and commented favorably on the operations of UC’s shared governance, which confirms Chair Brown’s initial observation. I believe that the improved relations between the Senate, administration, and the Regents are due not only to the actions of the Senate, but also to the respect that President Yudof holds for shared governance.

Specific Areas of Concern

Over the course of the past year, the Senate opined on a number of issues that have traditionally been within and outside the Senate’s purview, but are of critical importance and interest to UC faculty:

- *Post-Employment Benefits Task Force:* PEB consumed a significant portion of the Senate’s energy this year. However, it is an issue of extreme importance to UC faculty. In March 2009, the PEB Task Force was created by President Yudof to “study and recommend funding, policy and benefits design alternatives that reflect the university’s commitment to provide competitive pay and benefits programs to attract and retain excellent faculty and staff while ensuring that post-employment benefits for current and future retirees are sustainable.” The Task Force consisted of a Steering Committee and three work teams (pension, retiree health, and finance). Academic Senate consultation has been intensive from the beginning, with the following Senate representation—the Steering Committee: Council Chair Powell, Vice Chair Simmons, and Charles Hess (Chair, Council of UC Emeriti Associations); the Pension Benefits Work Team: Council Chair Powell, Robert Anderson (TFIR Chair), and Shane White (UCFW Chair); the Retiree Health Benefits Work Team: Charles Hess, Council Vice Chair Simmons, Rick Kronick/Bob May (HCTF Chair), and Helen Henry (former UCFW Chair); and the Finance Work Team: Jim Chalfant (UCPB). The Senate’s involvement in PEB highlights two areas of Senate governance that I feel are very important—confidentiality and communication to the broader Senate community. With respect to the first, confidentiality, it should be noted that much of the PEB information and many of the scenarios discussed within the task force were confidential. Given that environment, the Senate leadership had to walk a delicate line between sharing information with their Senate colleagues and respecting the confidentiality necessary to move the reform of PEB forward. Above all, key Senate standing committees, primarily UCFW and UCPB, kept a watchful eye over the process. With respect to the sharing of information, Vice Chair Simmons and I not only provided regular updates to the Academic Council, but also undertook a “tour” of the Divisions in the spring to appropriately inform interested Senate members on the PEB process.

- *Outsourcing of UC's Benefits Administration:* In late 2009, under the adept guidance of then Senate Chair Croughan, the Senate played a significant role in preventing the outsourcing of UC's Benefits Administration, which includes the UC Retirement System (UCRS). Beginning in 2007 and 2008, the administration considered outsourcing UC's benefits administration on the grounds that it could lower costs, improve efficiencies and service. Over a two year period, the Senate successfully argued that such outsourcing was unjustified on the basis of efficiency, effectiveness, cost, or quality of service. The entire process was marked by extensive Senate consultation over a two-year period. In short, the Senate (especially UCFW) was involved in the initial discussions, review of the RFP, and attendance at a bidders' conference, as well as vendor presentations. Such consultation represents the principle of an "ongoing respectful dialogue," which in this case, did indeed produce the optimal outcome.
- *Commission on the Future:* The Commission was charged with developing a new vision for the University within the context of the University's mission and budget, while reaffirming our commitment to quality, access and affordability. Although the beginnings of the COTF was marked by confusion over the Senate's role in the nomination process, the Senate members not only played crucial roles in formulating the positions within the COTF workgroups themselves, but also formulated thoughtful responses to each of the COTF's recommendations in both the first and second rounds of its deliberations. The COTF was composed of a number of Senate members, some of which chaired specific working groups; these working groups included *Size and Shape*, *Education and Curriculum*, *Access and Affordability*, and *Funding and Research Strategies*. The Senate was asked to comment on two rounds of recommendations, the first in March and the second in June. The first round totaled 30 recommendations and the second round included 14 additional recommendations, along with the Office of the President's ten recommendations. Although under intense pressure to produce thoughtful comment and analysis on these recommendations in a relatively short period of time, the Senate proved to be efficient and effective in this task. These comments were instrumental in communicating the Senate's position at the various COTF meetings, especially at the June meeting, when the first round recommendations were discussed.
- *Academic Freedom:* The University Committee on Academic Freedom (UCAF) should be commended on its proposed amendments to APMs 010 and 015, which would add the following phrase to the existing language with respect to academic freedom: "freedom to address any matter of institutional policy or action whether or not [one is speaking] as a member of an agency or institutional governance." The need for these amendments has arisen in the wake of recent court decisions that have narrowed the scope of academic freedom to teaching and research, leaving faculty vulnerable to punishment for opinions they express at faculty meetings. For UC, the most relevant case has been *Hong v. Regents*. Hong is a UC Irvine professor who argued that he was denied a merit increase in retaliation for views he expressed on matters of departmental governance. I recommend that members interested in this topic read the AAUP report, [*Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos*](#). The UCAF proposed language to APMs 010 and 015, which will go out for systemwide Senate review in early September, not only protects speech relating to teaching, research, and extramural expression, but also protects faculty speech with respect to institutional matters. In my view, it is important that the Senate of the largest public university system take the lead in this issue of nationwide importance.

- *Diversity:* This year, the University was rocked by news of acts of racism on three of its campuses this past winter—at UCSD, there was an offensively themed student party that mocked the commemoration of Black History Month, as well as the discovery of a hanging noose at the library; at UCI, a group of students shouted down an Israeli speaker; and at UCD, six swastikas were found on campus, and the Lesbian, Gay, Bisexual, Transgender Resource Center was defaced with derogatory words. The Senate joined with President Yudof in issuing a [Joint Statement](#) denouncing racism and incivility in February. In addition, I sent a [letter](#) from the University Committee on Affirmative Action and Diversity (UCAAD), which endorsed UCSD Chancellor Fox’s quick condemnation of the above-mentioned racist-themed party. I praise both the administration and the Regents in working quickly together to not only denounce these racist acts, but also taking actions to both prevent their re-occurrence and promote a supportive campus climate. These actions include a Regents ad hoc committee on Campus Climate; a Presidential Advisory Council on Campus Climate, Culture, and Inclusion; a UCOP climate council; along with a number of local campus climate councils, which will report to the systemwide Council. The Senate looks forward to working with these recently formed groups whenever possible.
- *Graduate Education:* I also commend the CCGA in its effort to remind President Yudof, the Regents, and the public at large of the importance of graduate education for California’s economy and society. In its [White Paper on the State of Graduate Education at the University of California](#), CCGA noted that UC offers graduate degrees in over 600 different fields, all of which drive discovery, innovation and education, as well as the larger economy. In the current information age, where the Arts, Humanities and Sciences are becoming increasingly complex and intertwined, UC graduates, as well as research conducted by UC’s graduate students, will push California towards regaining its position as a global and worldwide economic power. Indeed, the white paper also documents the scores of discoveries and innovations that UC has made in the last 20 years or so; it is especially important to constantly remind the public and California’s leaders about the importance of graduate education for this state.

In closing, I am heartened by the relatively solid and healthy state of shared governance in these troubled times. On numerous occasions, both President Yudof and members of the Regents have made personal visits to individual standing committees, as well as the Academic Council.² I cautiously applaud the beginnings of a possible tradition where the President or a Regent is invited to meet with a major standing committee to discuss weighty issues such as eligibility, graduate education, or faculty welfare. I am also proud to report that the Council approved a final draft of the Compendium, which governs the creation and review of academic degree programs, academic units, and research units; it will go to the Academic Planning Council in the fall. The update of the Compendium is especially important, as it is considered a manual for shared governance in practice. Finally, I believe that the numerous visits that Vice Chair Simmons and I made to the campuses this past year have strengthened the connection between the systemwide Senate and the Divisions. Nothing is more gratifying than observing the robust state of shared governance on our campuses. In particular, I praise the exceptional efforts of the faculty at UC Merced to create a strong tradition of shared governance on our newest campus; success at Merced is a bellwether

² President Yudof has a standing appointment with Academic Council every month; he also visited with BOARS (April), CCGA (March), and UCFW (December) this past year. Regent Gould met with Council in February; Regent Island met with BOARS in June; and Regent Marcus communicated with CCGA.

for the future of the University as a whole. As I finish my term as Chair, I am confident that I am leaving the Senate in the capable hands of Daniel L. Simmons, whose extensive experience in shared governance, will be instrumental in leading the University through these turbulent times.