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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

March 2, 2010

**MARK YUDOF, PRESIDENT
UNIVERSITY OF CALIFORNIA**

Re: Consultation and Shared Governance

Dear Mark:

The Academic Council requested that we communicate its understanding of the role of consultation and the forms it should take in the exercise of shared governance. We enter the new budget cycle with undiminished apprehension regarding continuing fiscal retrenchment as a result of diminishing support from the State. The institutions of shared governance and our culture of communication remain critically important to maintain the confidence of faculty and staff in the long-term health of the University. The nature of consultation in the spirit of shared decision making is an issue of importance both in the Office of the President and on each of the campuses.

We recognize that the budgetary crisis has created conditions of urgency in which decisions of great import must be expedited. Nonetheless, we believe that thorough consultation at the beginning of a decision process will avoid later confusion and angst.

As you know, there is persistent anxiety and mistrust among campus faculty directed at the University's response to the budget crisis and at the critical work of the Commission on the Future. The Academic Council fears that the recommendations of the Commission, no matter how sound, will be discounted because of the ongoing confusion regarding its membership and agenda. The very legitimacy of this effort is at risk. Recommendations from the Commission will be respected throughout the University only after widespread and robust consultation, transparency, and a coordinated and vigorous effort at communicating the progress of the Commission. The same is true with respect to the work of the Post-Employment Benefits Task Force. The Senate seeks to assist both of these processes by enhancing its interaction with the Commission, its working groups, and the PEB Task Force and its subgroups.

We offer the following guidelines to meaningful consultation:

- **Ideas that affect the core academic mission or the future of the University should be thoroughly vetted by the Academic Senate *before* being formally recommended as policy positions.** This will prevent possible distraction and controversy. The Senate should

have the opportunity to opine prior to a proposal's appearance for discussion on the Regents' agenda; these should not be simultaneous discussions. The Senate invites UCOP to circulate ideas or proposals through the appropriate Senate committees for preliminary feedback and constructive suggestions for improvement prior to wider release. Committees are the Senate's formally constituted experts on virtually every issue related to running the University. When necessary, committees can opine on an expedited schedule. However, when possible, systemwide committees and divisions should be allowed time to consult with their campus constituencies to help shape proposals prior to their release for formal review.

- **Formal consultation is necessary for matters in the Senate's purview.** Consultation is formal only if there is a written record of the exchange (e.g., a formal request for input is made and reviews are submitted in response). While preliminary communication with Senate leaders always is appreciated, consultation with *ad hoc* bodies or selected individuals in leadership positions within the Senate is not a substitute for consulting with Senate committees and divisions. Raising ideas verbally at Academic Council or Senate committee meetings, while appreciated, does *not* constitute formal consultation. While discussion with the Senate leadership is not formal consultation, it is a valuable first step in the process. Thus, as Senate leaders, we appreciate your willingness to share key budgetary information and we hope that campus administrations will be equally forthcoming. Also, as members of the UC Commission on the Future, we appreciate your support for formal interaction between the Commission working groups and the Senate standing committees. We anticipate that this interaction will help inform the review process when the Commission's proposals are finalized.
- **The Senate's voice is valid only to the extent to which it is truly representative.** The Senate functions as a representative democracy. Broad consultation with campus-based Senate committees is essential under the rules and procedures of the Senate. The Senate leadership voices the views of a representative body and cannot speak on behalf of the Senate without hearing from that body through its constituted processes. Similarly, the Senate leadership's perspective is of greater value when it is legitimized through conversations with faculty systemwide.
- **Proposals released for review should be well developed and supported by data.** Formal proposals should contain enough detail to facilitate substantive reviews and an understanding of their implications. Indeed, in August 2007, the Council specifically requested that all administrative proposals submitted for Senate review include a fiscal impact statement. A copy of that letter is attached for your reference. Additionally, the Senate should have a minimum of 60 days to conduct a thorough review.
- **The Senate produces value through this unique consultative process.** The Senate functions through robust and informed debate at multiple levels. The Senate's process will produce better policy than the ideas produced by small *ad hoc* committees of individual faculty members or administrators precisely because it is rooted in the legitimacy of a group process.

Proper consultation will improve any proposal and ultimately will ease its passage. Adhering to process will increase transparency, as well as the faculty's trust in the administration. Consultation is expedited, and deliberations are completed expeditiously, when the process of consultation is

respected. Attempts to short-circuit the consultative process inevitably cause confusion and delay in the assessment of proposals both good and bad.

We respectfully request that you circulate this letter to the Chancellors and senior administrators both at UCOP and on the campuses. It is essential that faculty and administrators work together to chart our shared future and the future of the University. At a time of great fiscal difficulty, when the morale of all University employees is an abiding concern, the institution of shared governance, rather than being viewed as an impediment, can be appreciated as a constructive process and as a reason for the present well-being and continued excellence of the institution that we proudly serve.

Please do not hesitate to contact me if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry C. Powell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Henry C. Powell, Chair
Academic Council

A handwritten signature in black ink, appearing to read "Daniel L. Simmons". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

Daniel Simmons, Vice Chair
Academic Council

Copy: Academic Council
Martha Winnacker, Academic Senate Executive Director

Encl



John B. Oakley
Distinguished Professor of Law, U.C. Davis
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Chair of the Assembly and the Academic Council
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Oakland, California 94607-5200

August 10, 2007

ROBERT C. DYNES
PRESIDENT

Re: Academic Council Policy on Receiving Estimates of Fiscal Impact

Dear Bob,

At its July 25, 2007 meeting, the Academic Council unanimously adopted, as an internal regulation of practice, the following statement:

Whenever practicable, all policies or proposals submitted to the Academic Council should be accompanied by an estimation of fiscal impact.

The Council is initiating this as a one-year pilot program, hoping it to be a cooperative effort with the Office of the President as the source or channel of most of the proposals we review. As you may know, the Academic Council recently sent out for informal review a more comprehensive fiscal-impact-statement proposal intended to assure both the availability and the consideration of information on the fiscal impact of proposed policies and programs that come before the Council. After this review, the Council decided that the above simple statement of practice would be adequate as a first step and appropriately flexible for a pilot venture. The statement will be included in the Academic Senate's procedural guidelines.

To provide you with an example of the type of information that we wish to receive, I have enclosed a working draft of a fiscal-impact template. This draft template has not been endorsed and is meant only as an exemplar. The Council would, however, be happy to consult with your office on alternate versions of the template or other formats for gathering and transmitting this information.

I want to emphasize that the Academic Council intends this new attention to fiscal impacts to be a benefit rather than a burden, one that will create a more informed review process at all levels. We plan to evaluate this pilot practice near the end of the 2007-08 year, with input from the administrative side.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JO', is centered below the word 'Sincerely,'.

John B. Oakley, Chair
Academic Council

Copy: Academic Council
María Bertero-Barceló, Executive Director

Encl.: 1

JO/BGF

Draft Template for a Fiscal Impact Statement:

Fiscal Impact Statement

Date:

Proposer:

Tracking number:

Contact person:

Summary of the Proposal:

Check appropriate box if the impact meets these criteria:

No Fiscal Impact.

Fiscal Impact less than \$100,000 annually or \$500,000 over 5 years.

Fiscal Impact cannot be determined.

Brief Explanation:

Fill in the form below if the proposal does not fit the criteria above:

Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.

(if checked, fill in the rest of the Fiscal Impact Statement)

Assumptions:

Describe how estimates were derived:

Estimated Impact to the UC by Fiscal Year

Year 1

Year 2

Year 3

Year 4

NET IMPACT (duration and total sum)

____ This rule is required by state law or federal mandate.

Please identify the state or federal law:

____ Funding has been provided for the impact of proposal.

Please identify the amount provided and the funding source:

____ Funding has not been provided for the impact of proposal.

Please explain how the affected entities will pay for the impact:

Impact on individual divisions:

Impact on individual faculty or academic units:

Consultations with:

Supporting documents:

Analyst preparing estimate:

Date:

Telephone Number: XXX-XXX