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**MICHAEL DRAKE, PRESIDENT  
UNIVERSITY OF CALIFORNIA**

**Re: Report on the State of Shared Governance at the University of California, 2021-22**

Dear President Drake:

Several past systemwide Academic Senate chairs, upon departing the position, have offered observations on the state of shared governance in a letter to the President. Not all chairs have filed such a report, though I do so here.

You are of course intimately familiar with the institution and practice of shared governance, as a longtime UC faculty member, former UC Irvine Chancellor, and now President. But because others who may read this report may not be as familiar, I will briefly outline its formal nature.

The Academic Senate of the University of California operates under the authority of bylaws and standing orders of the Board of Regents. Bylaw 40.1<sup>1</sup> delegates to the Academic Senate, subject to the approval of the Board, the authority to:

1. Determine the conditions for admission and for certificates and degrees, and recommend to the President all candidates for degrees; and
2. Authorize and supervise all courses and curricula, except in the UC College of the Law, San Francisco, in professional schools offering work at the graduate level only, and over non-degree courses in the University Extension.

In addition, the Senate is authorized to:

1. Select committees to advise the President and Chancellors on campus and University budgets; and
2. Through the President, or to the Regents directly by a formal Memorial, may address the Board on any matter pertaining to the conduct and welfare of the University.

Regents Standing Order 105.2<sup>2</sup> authorizes the Academic Senate to:

<sup>1</sup> <https://regents.universityofcalifornia.edu/governance/bylaws/bl40.html>

<sup>2</sup> <https://regents.universityofcalifornia.edu/governance/standing-orders/so1052.html>

1. Determine the membership of the several faculties and councils [subject to the provisions of Standing Order 105.1(c)], except the faculties of the UC College of the Law, San Francisco;
2. Advise the President and the Chancellors on matters concerning the administration of the libraries of the University; and
3. Select a committee or committees to approve publication of manuscripts by the University of California Press.

The first Senate chair to issue a formal Report on Shared Governance was 2004-05 Chair George Blumenthal. His August 2005 report to President Dynes<sup>3</sup> describes a “healthy” state of shared governance, and the following passage crystalizes the main expectations of both parties in the relationship:

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.

2007-08 Senate Chair Michael Brown’s 2008 letter to President Yudof<sup>4</sup> reflects on Chair Blumenthal’s passage above: “Chair Blumenthal observed that shared governance is not a perfunctory consultation or a sharing of information after the fact; rather, it is a vigorous, ongoing dialogue in which each side respects, learns from, adapts to, and, most of all, responds to the other.”

Reports on shared governance typically itemize the key issues the Senate and administration engaged during the academic year. Instead of following that example, I refer you to the Annual Report of the 2021-22 Academic Council,<sup>5</sup> which provides a detailed account of Senate-administration engagement. With this Annual Report as a backdrop, let me offer my sense of the state of shared governance at systemwide, Regents, and Senate Division levels, respectively.

#### State of Shared Governance Systemwide

I think the state of shared governance between the systemwide Senate and administration this academic year was good. Senate leadership met regularly with you and Provost Brown, and engaged in the kind of frank give-and-take that helps steer the institution in cooperative and hopefully problem-solving ways. Discussions with Provost Brown, including impromptu meetings, were particularly valuable. Those interactions allowed us to cut to the chase on how to

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<sup>3</sup> <https://senate.universityofcalifornia.edu/files/news/source/shared.govern.rprt.pdf>

<sup>4</sup> [https://senate.universityofcalifornia.edu/files/news/source/MTB2Yudof\\_Shared%20Governance%20Open%20Letter%208-08.pdf](https://senate.universityofcalifornia.edu/files/news/source/MTB2Yudof_Shared%20Governance%20Open%20Letter%208-08.pdf)

<sup>5</sup> <https://senate.universityofcalifornia.edu/files/committees/council/ar/council-2021-22-annual-report.pdf>

address various issues that confronted the University. The Senate delivered on several difficult issues this year, including the publicly controversial matter of the role of Ethnic Studies in the A-G undergraduate admissions requirements and the posting of political statements to department websites<sup>6</sup> (both, to be sure, still in process); the revamping of the Intersegmental General Education Transfer Curriculum (IGETC) framework mandated by Assembly Bill 928 (Berman)<sup>7</sup>; and the effort to mitigate the impact of the COVID-19 pandemic on faculty<sup>8</sup>. In turn, I am grateful for your hard, successful work on the budget and putting in place the new community safety plan, among other accomplishments.

I appreciate that UCOP senior managers make themselves available to Senate leadership and relevant Senate committees. Senior managers engaged with Senate committees, heard faculty concerns, and discussed how to rectify problems. In particular, we appreciated Associate Vice President for Budget David Alcocer's efforts to inform the Senate on the principles, structure, and history of the UC budget. The Senate's analysis and recommendations on Rebenching<sup>9</sup> – particularly on the need to make set-asides transparent and to sunset them where appropriate – was one important outcome of this aspect of shared governance. We hope our report will be used to reset some of the problematic budget structures and practices in the near future.

Your participation in the meetings of the Academic Council and the Assembly of the Academic Senate signaled important moments of shared governance. The time we devoted to Q&A interaction was especially important because it provided opportunities for faculty representatives other than the Senate leadership, with whom you meet more regularly, to discuss critical matters under deliberation on the campuses and with systemwide Senate committees. In my view, your visits to Council would be more productive if the time allocated for Q&A interactions was increased. It is understandable that much of your time at Council over the last two years focused on sharing information about the pandemic. Still, members of Academic Council have been kept informed on this topic through various other channels, and more time devoted to Q&A and general discussion could be of great value in the future. Both parties – administration and Senate – would benefit considerably from such exchanges and it would also engender a deeper sense of partnership.

Beyond meetings with Senate leadership and Council members, I want to raise a couple of pertinent concerns. I recognize that the size and complexity of the institution can often make some Senate issues and criticisms difficult to address in a thorough or timely fashion. I appreciate UCOP's participation in Senate committee deliberations as part of shared governance. At the same time, I and others sense that some senior UCOP managers see the Senate as a hurdle to get past or a constituency to mollify rather than a true partner in governance. This approach is not usually overt; rather, it tends to appear in indirect ways. For instance, in the July 2022 President's Advisory Group (PAG) meeting, various members of your team reported on progress around the four key priorities you have for the University. One priority, which the Academic Senate shares, is for UC to be a leader on the climate crisis. The Academic Senate had recently passed a Memorial to the Regents on Reducing Fossil Fuel Combustion, which I had formally communicated to you in my letter of June 8, 2022<sup>10</sup> and touched on in my remarks in at least two

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<sup>6</sup> [https://senate.universityofcalifornia.edu/\\_files/reports/rh-senate-divs-recs-for-dept-statements.pdf](https://senate.universityofcalifornia.edu/_files/reports/rh-senate-divs-recs-for-dept-statements.pdf)

<sup>7</sup> [https://senate.universityofcalifornia.edu/\\_files/underreview/sc-senate-review-calgetc-sr479.pdf](https://senate.universityofcalifornia.edu/_files/underreview/sc-senate-review-calgetc-sr479.pdf)

<sup>8</sup> [https://senate.universityofcalifornia.edu/\\_files/reports/rh-senate-divs-mcifwg-report.pdf](https://senate.universityofcalifornia.edu/_files/reports/rh-senate-divs-mcifwg-report.pdf)

<sup>9</sup> [https://senate.universityofcalifornia.edu/\\_files/reports/rh-md-rebenching-report-and-recommendations.pdf](https://senate.universityofcalifornia.edu/_files/reports/rh-md-rebenching-report-and-recommendations.pdf)

<sup>10</sup> [https://senate.universityofcalifornia.edu/\\_files/reports/rh-md-senate-memorial-on-reducing-fossil-fuel-combustion.pdf](https://senate.universityofcalifornia.edu/_files/reports/rh-md-senate-memorial-on-reducing-fossil-fuel-combustion.pdf)

Regents meetings. This Memorial is quite momentous for the University, one that puts the faculty at the cutting edge of the priority. Yet, it was not mentioned during the PAG discussion. Even if the omission was simply an oversight, it reflects the growing feeling of invisibility among the faculty.

Over the last year, the PAG also discussed the University's troubled experiences with a variety of software systems, but missed an opportunity to consider how to engage UC faculty experts in shared governance decision-making around the University's procurement of new software and other technology resources. Inasmuch as many of our faculty have national and international stature in this area, it would benefit the University to tap faculty expertise to help in this domain rather than rely on costly outside consultants with far less knowledge about the needs of an academic environment. The Senate has shown how useful its expertise is in many areas, as seen in its participation on the Executive Steering Committee on Health Benefits and its efforts to advise on the intricacies of the UC Retirement System. The Senate's contributions to the Joint Work Group on the appropriate level of review of new UC master's programs were pivotal. In short, shared governance could be utilized much more effectively by drawing on the deep intellectual resources of the faculty. Discussion about when and how to do this should be part of ongoing exchanges between Senate leadership and University administration at the highest levels.

#### Shared Governance with the Regents

The relationship between the Senate and the Board of Regents this academic year has been excellent, in my view. In some ways the restored rapport was facilitated by the return to in-person Regents meetings. Senate leadership was able to engage with Regents in friendly, serious, and productive ways. Senate leadership's contributions to discussions at Regents were received respectfully and taken seriously. Individual Regents and Senate leadership were able to articulate their concerns and speak earnestly with one another on a range of important and difficult topics, including the Ethnic Studies/A-G admissions issue, the posting of political statements to department websites, the potential consideration of innovation and entrepreneurship activities in the Academic Personnel Manual (APM), ongoing issues surrounding UC's affiliation with hospitals that have policy-based restrictions on healthcare, and the potential effects of Graduate Student Researcher (GSR) unionization on graduate education funding, among other issues. I was also pleased to observe many Regents listening carefully to the Senate Chair's formal remarks.<sup>11</sup>

#### Shared Governance at the Senate Divisions

If shared governance was mostly healthy in the systemwide context, I regret that the record of genuine consultation between the administration and Senate in the Divisions was spottier. To be sure, some Divisional administrations engaged their Senates well, while others failed to properly consult their Senates on the fundamental academic matter regarding student demands that instruction be offered in all modalities at all times. This was a topic I addressed in formal remarks at Regents meetings, in part, to make these concerns known to Division administrations.

More recently, we found a mixed situation on campuses with regard to shared governance consultation on campus enrollment growth plans. Many campus administrations did not consult their Senates on the plans before they were shared with UCOP and formally presented to the Regents at their July 2022 meeting. I checked with Division chairs and Executive Directors and

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<sup>11</sup> <https://senate.universityofcalifornia.edu/resources/regents-remarks.html>

found a split situation: at half of the campuses there was no consultation whatsoever; at the other half there was selective/informal consultation. No campus underwent a formal deliberative process with the Senate. At UC Berkeley, for example, the Senate was not consulted and was not asked to provide official feedback regarding the administration's submission of campus enrollment growth plans to UCOP. At UCLA, campus Senate leadership asked multiple times to be consulted only to be fobbed off by administration. For that matter, UCLA administration did not confer with the Senate about its plan to purchase Marymount California University as a satellite campus, nor did it consult the Senate about plans to leave the Pac-12 athletic conference for the Big Ten. Finally, the Senate leadership at UCLA has not been consulted about the governance or possible physical siting of the Institute on Immunology and Immunotherapy. Indeed, there seems to be a nascent, unspoken plan to create a public-private research park in the heart of the UCLA campus, much at odds with protestations of a lack of space to accommodate additional students.

These sporadic breaches of shared governance on the campuses do not serve the University or you as President well. Inasmuch as most of the campus enrollment growth plans rest on scenarios that rely on the expansion of online instruction, or making summer a genuine academic term, or creating satellite campuses – all complicated issues central to the authority explicitly delegated to the Senate by the Regents – the lack of consultation was deeply problematic and impertinent. In the grand scheme of things, not incorporating the faculty perspective and recommendations was alarmingly non-strategic on the administration's part.

I am also concerned that UCOP and the campuses were sometimes at odds this past year. Consider the issue of how UC should address the distortion of the research, teaching, and service missions of the faculty caused by the pandemic. The Mitigating COVID-19 Impacts on Faculty Working Group you appointed recommended recognition of faculty contributions by awarding an additional sabbatical credit to faculty, both to help restart the research enterprise and to acknowledge the exceptional efforts of individual faculty in the abrupt transition to remote instruction during the pandemic. Your decision not to support this recommendation at a systemwide level was based in large part on information that campus administrations were doing so on their own. However, Senate leadership's research revealed that only two campuses have plans to implement the extra sabbatical credit recommendation or something similar. If other campuses have plans in the works, the Divisional Senates have received no word that any such sabbatical credit program will be implemented at the local level – again, underscoring the lack of consultation.

It is clear that the Senate carried out its responsibilities effectively, while being respectful of the responsibilities of the Regents and the administration. It has been a pleasure and an honor to work with you and the Regents this year. I am disturbed, however, that the responsibility to engage in shared governance is not reciprocated by some Division administrations, a troubling situation that undermines the work we do together at the systemwide level.

Sincerely,



Robert Horwitz  
Chair of the Academic Senate (2021-22)