

UNIVERSITY OF CALIFORNIA

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Notice of Meeting

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

Wednesday, May 23, 2001 10 a.m.-4 p.m.
International Rooms 1 & 3
Tom Bradley International Hall
417 Charles Young Drive West
University of California Los Angeles

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I ROLL CALL

2000-2001 Assembly Roll Call May 23, 2001

President of the University:

Richard Atkinson

Academic Council Members :

Michael Cowan, Chair
C.R. Viswanathan, Vice Chair
David Dowall, Chair, UCB
Jeffery Gibeling, Chair, UCD
David Brant, Chair, UCI
Stephen Yeazell, Chair, UCLA
Irwin Sherman, Chair, UCR
Douglas Magde, Chair, UCSD
Lawrence Pitts, Chair, UCSF
Richard Watts, Chair, UCSB
Roger Anderson, Chair, UCSC
David Hoy, Chair, UCAP
Clifford Brunk, Chair, CCGA
Manfred Kusch, Chair, UCEP
Dorothy Perry, Chair, BOARS
Judith Gruber, Chair, UCFW
Gayle Binion, Chair, UCPB

Berkeley (7)

Steven Beckendorf
Suzanne Fleiszig
Ervin Hafter
Judith Innes
Richard Packard
Theodore Slaman
Daniel Melia

Davis (6)

Lester Ehler
Dallas Hyde
Jerry Powell
Wendy Silk
Victoria Smith
Jessica Utts

Irvine (3)

Madeleine Pahl
James Danziger
William Sirignano

Los Angeles (10)

Robert Blattner
James Spar
Alan Garfinkel
Donald MacKay
Paul Torrens
Frank Heuser
Vickie Mays
Kathryn Atchison
Jose Moya
(1 TBA)

Riverside (2)

Bajis Dodin
Jose Wudka

San Diego (4)

Gary C. Jacobson
Jane R. Stevens
Kim R. MacConnel
Donald F. Tuzin

San Francisco (3)

Mary Croughan-Minihane
Mary Castle White
Martin Shetlar

Santa Barbara (3)

Charles Akemann
John Doner
Dan Little

Santa Cruz (2)

Susan Schwartz
Carla Freccero

Secretary/Parliamentarian

Alden Mosshammer

II. MINUTES

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

REGULAR MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE Minutes of February 28, 2001

I. Call to Order/Roll Call of Members

Pursuant to call, the Assembly of the Academic Senate met at 10 a.m. on Wednesday, February 28, 2001 in the Joseph Wood Crutch Theatre Room, Clark Kerr Campus, University of California Berkeley.

The meeting was called to order by Assembly Chair Michael Cowan. Executive Director María Bertero-Barceló called the roll of the Assembly; the meeting attendance is listed in Appendix A of these minutes.

II. Minutes of May 24, 2000

Action: A motion was made and seconded to approve the minutes of May 24, 2000. The minutes were approved as written without objection.

III. Announcements by the President

Report: President Atkinson noted that he would have to leave the Assembly meeting early today, in order to testify on UC's budget before the state Senate and the Assembly.

President Atkinson noted that Assembly members had been given a copy of discussion topics prepared by the President. The President began his remarks by stating that Chair Cowan and Vice Chair Viswanathan have done an excellent job of leading the Senate during the current academic year.

Additional distributions to Assembly members, beyond the President's listing of discussion topics, included:

- *SATI*. Though the President's recommendation that UC no longer require the SAT I for students applying to UC was not slated as a discussion item, he did distribute to Assembly members a copy of his recent speech to the American Council on Education. President Atkinson said that he would be happy to answer questions about the SAT recommendation.
- *Admissions and Outreach*. A letter from the President to Lieutenant Governor Bustamante and the enclosed status report he noted provide an excellent summary overview of UC's role in outreach and K-12 teacher education.
- *Review of the Master Plan*. In letters to Senator Dede Alpert and to CSU Chancellor Reed, President Atkinson addresses the need to maintain and strengthen the mechanisms for offering UC/CSU joint doctoral degree programs.

- *A Five-Year Report to The Regents.* When President Atkinson began his tenure five years ago, he established eight goals, the first of which is to “maintain faculty quality.”

The President also briefly reported on those items listed as formal discussion topics, including:

- *2001-2002 Budget.*
 - One of the issues with the budget is enrollment. UC projected a 3 percent increase in enrollments (an additional 5,700 students). However, because freshmen applications have increased by nearly 8 percent, the University intends to request additional funds for the expected additional 1,400 students.
 - The budget also includes full support for summer session for three campuses—Berkeley, Los Angeles, and Santa Barbara.
 - Expanded support for graduate students, now a top priority for the University, is included in the budget. The Regents have established a special commission on approaches to expand the level of support for graduate students.
 - UC’s budget, of course, is very much dependent on the governor’s May revise.
- *California Institutes for Science and Innovation.* Early last year the governor committed over a 4-year period \$75M in State funds, leveraged by a two-to-one match from participating campuses, for three Institutes and has pledged to seek additional funding for a fourth.
- *DOE Laboratories – Contract Renewal.* In January the Regents approved a modification of the contracts for management of the Los Alamos and Lawrence Livermore National Laboratories.
- *Energy Crisis – UC’s Response.* With its wealth of knowledge and expertise, UC plans to move toward energy independence and is working rapidly to explore the feasibility of increasing the capacity of existing co-generation sites and to identify other means by which UC can supply power for itself and for areas of the state.
- *Report on Fall 2001 Applications.* UC had an 8 percent increase in freshmen applications. Applications from California public high school seniors increased 14.9 percent, far outpacing the projected 2.5 percent growth. Applications from underrepresented minorities have increased (by 16.2 percent among Chicanos, 12.4 percent among Filipino Americans, and 11.4 percent among African Americans).
 - *Eligibility in the Local Context Program (ELC).* The ELC (one of the ten academic criteria campuses may use as they evaluate candidates’ files for admissions) has had a great impact on high schools that, in the past, did not usually send students to UC. Over 80 percent of eligible public schools in California submitted transcripts for the ELC program. In total, about 10,000 students were identified as eligible for this new path to freshman admissions. Some of these students were also eligible independent of the ELC criteria. Administration believes that, in the past, many students who met UC requirements never bothered to apply.
- *Chancellors’ Forum.* In April the Chancellors will join the President in Washington, D.C. to discuss UC’s federal policy objective with California’s elected representatives. Several Regents and industry leaders will join UC’s delegation.
- *Commission on the Humanities.* The Humanities Commission will recommend ways to ensure the continued vitality of UC’s humanities programs, and is examining such

issues as undergraduate enrollments, graduate student support, the Ph.D. job market, and funding for individual and collaborative research.

- *Fee Waivers.* Developed by the University Committee on Faculty Welfare, this proposal aids UC's recruitment and retention efforts by waiving the annual educational fee for dependents of eligible faculty and staff. The proposal was endorsed both by the Academic Council and the Council of Chancellors, and President Atkinson believes that it will come into effect shortly.
- *Housing.* In order to help address the crisis confronting the University, in housing for both its students and its faculty, UCOP is establishing a task force on housing. The task force will study factors influencing the supply of and demand for housing in communities surrounding campuses, in order to identify opportunities for providing additional University-sponsored housing as well as to identify solutions to accommodate current and projected student, faculty, and staff.
- *Private Support.* Private support for the 1999-2000 fiscal year surged to \$1.2B, an almost one-third increase from the previous year's record. All campuses are doing well.
- *UC Merced.* To facilitate the opening of the core campus in 2004, the University has looked at locational options in areas that are not located on wetlands and hence would not require a federal permit. The most viable of these options is land that is currently developed and adjacent to the proposed campus site. If the University develops this site, UC Merced can begin to build the core of the campus in 2002.

The President then responded, as follows, to questions from the floor:

- **Negotiations concluded on the DOE contract** literally days before the change in national administration. The clause granting the DOE additional control over management personnel now is in every new contract issued by the DOE.
- Funding for additional **UC counselors at the Community Colleges** (at least one counselor for every three Community Colleges) was not included in the governor's budget. If UC can't get that kind of support, it may not be able to go forward with the dual admissions program.
- **Capital needs of the University**, its ability to accommodate growth, depends on the next bond issue. Hopefully, the next bond issue will be for four years at \$4 billion, which would mean \$1 billion per segment. Though UC annually would receive \$330 million, the University needs \$500 million per year. However, the intention is to fill the gap with funding from the private sector as well as from federal grants.

IV. Announcements by the Chair

Chair Cowan suggested that, should the Assembly complete its regular business and time allow, a couple of items be discussed as "new business," including:

- Summer session
- Proposals to establish law schools at the Riverside and Irvine campuses
- SAT I as an optional test

Chair Cowan also observed that the Universitywide Academic Senate is confronted with a series of challenges that tax its capacity to offer full, meaningful, and expeditious consultation. For that reason, as well as to help Council leadership prepare a more

coherent and adequate budget for the work of the Systemwide Senate, the Academic Council office currently is conducting surveys of its members. The surveys are intended to both get a sense of how committees wish to conduct their business and to understand the workload confronting chairs of systemwide committees.

V. Special Orders

A. Consent Calendar: Variance to Senate Regulations requested by the Santa Cruz Division

Issue: Should the Variance to Senate Regulations, as requested by the Santa Cruz Division, be approved on the consent calendar, or removed for discussion?

Action: The motion to approve the consent calendar was seconded and unanimously approved.

Discussion Points :

- One member reported that the UCSC students would like further discussion of the matter.
- Chair Cowan responded that, as a courtesy and to allow Assembly members to be aware of the students' viewpoint, relevant e-mails were distributed to Assembly members in advance of today's meeting.
- Chair Cowan noted that students have no formal standing at the Assembly and therefore cannot object either to keeping this variance on the consent calendar or to enter into this body's discussion.

B. Annual Committee Reports

No questions from the floor were raised about the annual committee reports distributed in the Assembly agenda packet.

VI. Reports of Special Committees (none)

VII. Reports of Standing Committees

A. Educational Policy (UCEP)

Manfred Kusch, Chair, University Committee on Educational Policy

Issue: Should Senate Regulation 544 be modified in order to clearly apply not only to simultaneous enrollment (on the home as well as on another campus), but also to sequential enrollment in summer sessions at another campus than the home campus?

Action: The motion to adopt the amendments to SR 544, as proposed by UCEP, was seconded and unanimously approved.

Chair Cowan requested that each Divisional Chair engage in a consultative process with colleagues on campus to ensure that appropriate mechanisms and reliable advisory systems, to allow expeditious handling of simultaneous or sequential enrollment, are in place within each academic major on campus.

Discussion Points:

- SR 544 was enacted in May 1999 in order to facilitate simultaneous enrollment on two UC campuses.
- In the context of expanded summer enrollment, the Office of the President brought to UCEP's attention that SR 544 does not explicitly apply to students who may enroll in large numbers in greatly expanded and fully state-funded summer sessions. Such summer enrollment would be sequential, rather than simultaneous, with enrollment on the home campus.
- UCEP proposes that a sentence be inserted in SR 544, paragraph A: "Similarly, a UC student's home campus must also permit a student in good standing to enroll in summer courses offered by another UC campus."
- In order to accommodate both simultaneous and sequential enrollment, two other small clarifications will sufficiently expand SR 544: remove the word "simultaneous" from the last sentence of paragraph A, and remove "simultaneous enrollment" from the first sentence of paragraph C.
- These changes do not in any way change the spirit of the 1999 SR 544 legislation. Indeed, UCR&J—while not objecting to the proposed change—felt that current language encompasses the concepts of both simultaneous and sequential enrollment.
- It is the responsibility of the individual campus to make information available to students.

B. Rules & Jurisdiction (UCR&J)

Issue: Should Academic Senate Bylaw 50 be amended to disallow the chief administrative officer of a small unit (one which is not divided into departments) from serving as the Chair of the Faculty?

Action: The motion to adopt the amendments to SBL 50, as proposed by UCR&J, was approved with two dissenting votes.

Discussion Points: None.

C. Board of Admissions and Relations with Schools (BOARS)

Dorothy Perry, Chair, Board of Admissions and Relations with Schools

Issue: What is the rationale behind the dual admissions system, first proposed by President Atkinson, now endorsed with modifications by BOARS and approved in principle by the Academic Council? Professor Dorothy Perry, Chair of BOARS, made a presentation to the Assembly on these issues. The purpose of today's discussion is to help BOARS continue to refine the proposal, as needed, in order to address faculty concerns about and reactions to the dual admissions proposal.

Action: Chair Cowan asked that Assembly members send any further questions or comments directly to Professor Perry, so that BOARS make take all suggestions under advisement. BOARS intends to present its final dual admissions proposal, for formal action, at the May 2001 meeting of the Academic Assembly.

Discussion Points: With the aid of series of overheads, Chair Perry provided Assembly members with the conceptual details of the dual admissions proposal. She noted that a slightly modified dual admissions proposal, dated February 26, 2001, was handed out to Assembly members this morning.

- Dual admissions will benefit high school graduates who are not in the top 4 percent of their class and not eligible by statewide criteria, but who are within the top 12.5 percent of their class. (The proposal does not add to the Master Plan eligibility rate of 12.5 percent, as it does not make additional students eligible as freshmen from high schools.)
 - An anticipated 9,000 – 11,000 graduating seniors would be eligible for the dual admissions proposal. This program probably will yield 1,000 – 3,000 transfer students per year.
 - A dual admission offer would permit these students to enroll at a community college to complete lower division requirements.
 - The focus is on the students' work done at the community college level, as much as what they have done in high school.
 - Students admitted under this dual admissions plan would be offered contingent transfer admission to one or more UC campuses.
 - The admission offer is conditional on the students' fulfillment of campus- and major-specific course requirements and academic performance criteria for transfer students.
- The dual admissions proposal augments eligibility in the local context and reinforces the University's commitment to facilitate the community college transfer function spelled out in the Master Plan.
 - Under the terms of the partnership agreement, UC has agreed to increase the number of transfer students by 15 percent in the next few years, to 15,000 students by 2005.
- As approximately 36 percent of the community college transfer students come from underrepresented populations, the dual admission proposal potentially will increase the diversity in UC's applicant pool.
- With a projected growth of 60,000 additional students coming to UC over the next decade, all campuses—though to varying degrees—will be expanding their enrollment.

Chair Perry then responded to questions from the floor:

- The projected annual 1,000 – 3,000 dual admission students will not have a great impact on UC's physical plant capacities.
- Dual admission students would not displace current transfer or freshman admits, and would represent an increase in enrollment consistent with UC's long range enrollment plan and the Governor's Partnership with UC.
- The transfer process doesn't really differ from that governing current community college transfers.
- Dual admissions students who have chosen and been admitted to a particular major at a campus would need to meet campus-specific course requirements and academic performance standards for that major while attending the community college. Those who have been admitted without having specified a particular major would need to

identify a major while studying at the community college, but not necessarily at the beginning of their studies.

- BOARS recognizes campus autonomy and wants each campus to have the absolute authority to make sure that the students continue on the academic pathway of these majors to achieve at the same level as current transfer students. (One UC campus currently requires every transfer student to identify and to meet the major prerequisite requirements at the community college.)
 - The creation of lower division sequential courses at the community colleges—particularly in the hard sciences—is necessary in order to allow students to transfer “running.” The dual admissions proposal needs to be implemented in conjunction with the community colleges, so that the course work needed for majors is available for students.
 - Funding, especially at the community college level, becomes a crucial consideration. A committee of faculty members from BOARS, the community colleges, and administrators from both UC and CCC will be discussing implementation and funding requirements. Hopefully, the money will reappear in the May revise of the governor’s budget. Without adequate funding, for this “scaffolding” the program should not be implemented.
- Academic quality is ensured. The dual admissions program is targeted at students not eligible for UC as freshmen, giving them in effect a “second chance” to be admitted to UC, but only after a successful two to three-year experience at the community college. Dual admissions transfer students will be required to meet all the academic requirements of regular community college transfer students.
- BOARS is not aware of any cost-per-student estimates or comparisons made with other forms of outreach. However, the cost of getting the community colleges in position to have the kinds of transfer information available and to develop the courses is several million dollars.
- Data is not available concerning the success of advancement to UC graduate degree programs by community college transfer students.
- Articulation agreements would have to be arranged for all community colleges with all UC campuses.
- BOARS does not have data about what fraction of the current pool of transfer students is in the top 12.5 percent of their local high school. The community colleges do not collect this information.
- BOARS does not see a way to separate, in terms of the resources that UC would be providing at the community college level, the existing and dual admission transfer students. Vice President Saragoza currently is proposing one UC counselor for every three community colleges; the counselor would have to be responsive to any student at a community college who is interested in UC transfer.

D. Research Policy (UCORP)

Henry Abarbanel, Vice Chair of UCORP, member of President’s Council on the National Laboratories

Report: Professor Henry Abarbanel noted that his oral remarks to the Assembly would make up but part of his larger written report distributed this morning to Assembly members. He then offered highlights and a brief summarization of that written report.

Discussion Points: Professor Arbarbanel then offered the following responses to questions from the floor:

- In the fall of 2000, the Department of Energy (DOE) requested a three-year extension of UC's management contract of the Lawrence Livermore National Laboratory (LLNL) and the Los Alamos National Laboratory (LANL). The DOE request carried a sixty-day negotiation period rather than the usual eighteen months.
 - Because there was not sufficient time to make a serious evaluation of the contracts, UCORP concluded that UC should acquiesce (emphasis added) in the extension of the contracts at the same time as initiating a UC faculty task force to make a thorough investigation of the UC/lab relationship.
 - The Academic Council subsequently endorsed UCORP's conclusion.
 - The formation and execution of the task force has been sent to UCORP to run as a subcommittee with extensive consultation by members of UCOP, faculty at each campus and other stakeholders.
 - The subcommittee's recommendations are expected in time for the next round of negotiations for UC's management of LLNL and LANL (beginning in the spring of 2004).
- The contract for UC's management of the Lawrence Berkeley National Laboratory (LBNL), which is on a different cycle than contracts for LLNL and LANL, runs through September 30, 2002. If the DOE wishes UC to continue to manage LBNL, it will ask UCOP in March or April 2001 to negotiate a contract. Whether or not UC could manage only LBNL is a matter of speculation.
- Since the fall of 2000, UCORP has not discussed concerns about the labs' morale and their ability to attract and retain excellent people. Recruitment and retention will be one of the issues that will be examined by the subcommittee.
- In order to help better inform and seek opinion from UC's faculty of the issues and benefits surrounding UC's management of the DOE labs, the subcommittee hopes to hold two sets of town meetings at every campus: one for information, the other for discussion.
- One goal of the subcommittee will be to inform the faculty at large, on a regular basis, about the work of the labs and issues involved in UC's management of the labs.

E. Privilege & Tenure (UCP&T)
George Blumenthal, Chair

Issue: What is the rationale for the changes UCP&T has proposed to Senate Bylaws governing Privilege and Tenure standards and procedures? What is the status of the effort to revise APM-015? Professor George Blumenthal, UCP&T Chair, made a presentation to the Assembly on these issues.

Proposed revisions to Senate Bylaws are before the Assembly for preliminary discussion, in preparation for action to be taken at the May meeting of the Assembly.

Parallel proposed revisions to the Faculty Code of Conduct, which resides in APM 015, are still a work in progress and not yet ready to release for final review.

Action: Chair Cowan noted that all divisions currently are reviewing the proposed revisions to Bylaws. He asked all Assembly members to either directly contact UCP&T Chair Blumenthal or forward comments through the appropriate divisional chairs.

Discussion Points:

- Three possible cases may come before divisional Privilege and Tenure Committees, including faculty grievance, faculty discipline, and faculty early termination. Senate Bylaw 335 currently governs all three actions. Proposed revised Bylaw 335, 336, and 337 will each deal with only one category of cases.
- A statute of limitations is incorporated into proposed Bylaw 335. Cases cannot come before P&T later than three years after events leading up to the grievance or disciplinary action become known, or should have become known, to the grievant or administration, respectively.
- In the event that there is a disagreement between the Chancellor and the divisional P&T committee, then the Chancellor is required to meet with the Chair of P&T. Also, at the discretion of the P&T Chair, the Chancellor may be required to meet with the full committee before issuing any decision contrary to the recommendation of P&T.
- Proposed modified Bylaw 195 would oblige divisional P&T committees to supply information about the nature and disposition of cases that occur on campuses. This information would be disseminated in a form that would preserve confidentiality.
- The procedural timetable for early termination of non-Senate faculty needs to be enhanced; one division will forward UCP&T some written suggestions.
- For disciplinary matters, local procedures differ for determining probable cause. Some campuses use a subset of P&T members to determine probable cause; other campuses utilize charges committees.
- The confidentiality of data gathered can be insured by the removal of identifiers, including name, campus, and dates.
- Though UCP&T believes that, ideally, the person who originally filed charges for a disciplinary action should know its final outcome, state privacy laws act as a constraint.

VIII. Petitions of Students (None)

IX. Unfinished Business (None)

X. University and Faculty Welfare Report

Judith Gruber, Chair, University Committee on Faculty Welfare

Report: Professor Judith Gruber, UCFW Chair, provided the Assembly with a roundup of issues UCFW has been working on this year:

In January 2001 The Regents approved significant improvements to the UC Retirement System:

- *Age Factors:* effective January 1, 2001, the maximum age factor is now 2.5.

- *Summer salary*: 7 percent contribution (3.5 percent as a payroll deduction, 3.5 percent as employer contribution. This enhancement to retirement income based on faculty summer salary—one of UCFW’s initiatives—will be implemented this summer.
- *Ad Hoc Cola*: a one-time 85 percent ad hoc COLA adjustment became effective January 1, 2001.

Other improvements to the UC benefit packages include:

- *Child care programs*. UCFW has been working hard for the past several years on an initiative to expand UC’s child care programs—for faculty, students, and staff. President Atkinson announced in February that UCOP matching funds now are available for construction of new child care facilities on the campuses. Campuses that raise \$1M will receive \$750,000; \$1.5M will be matched by \$1M; and \$2M will be matched by \$1.25M from UCOP.
- *Educational Fee Waiver Program*. UCFW has been working on this program for a number of years, and the program is on track to go into effect this fall. The educational fee waiver program is available for children of faculty, staff, and domestic partners of UC faculty and staff.
- *Improvements in Faculty Sabbatical Policy*. UCFW’s has urged that three improvements be made in sabbatical policy. The first already is in place, and the second two are about to go through systemwide review.
 1. *Outside income while on sabbatical*. This change is now in effect and allows faculty to earn outside income while on sabbatical, subject to the same limits as when in active service.
 2. *“Topping up” of sabbatical pay*. If UCFW’s recommendations are adopted, faculty who go on sabbatical at a percentage of pay less than 100 percent could earn compensation, not to exceed 100 percent of their UC salary, from other institutions for research.
 3. *Sabbatical in residence*. UCFW has recommended that significant service be substitutable for some or all of the instruction requirements for faculty on sabbatical leave in residence.

UCFW also is grappling with a series of challenges that face the University.

- *Faculty housing*. The cost of housing in the communities surrounding most UC campuses poses a significant difficulty to faculty recruitment, especially as UC looks to the need to hire upward of 7,000 faculty in the next decade. Existing UC housing programs help, and there have been some improvements to those programs, but the basic problem is that there is a disconnect between the cost of housing and the size of faculty salaries, particularly for junior faculty. UCFW has been working with UCOP administration in order to develop new financial instruments and new sources of funds in order to ease the housing crisis now confronting UC.
- *Health care*. UC is faced with a growing number of conflicts between health care providers and insurers as well as with rapidly escalating health care costs. UC’s health care budget may not be able to completely cover future increases; and cost sharing, in the form of increased premiums and/or increased co-pays, may be inevitable. UCFW and its Task Force on the Future of UC Health Plans are trying to develop ways to negotiate this very difficult terrain.

- *Summer session/year-round operations.* While a lot of work concerning summer sessions and the move toward year-round operations has been directed at student affairs, UCFW is concerned about the possible impact of these operations upon faculty. UCFW is looking at a variety of issues, including faculty compensation, space, teaching, and research—all of which have significant implications not only for faculty welfare but for the future of UC as a premier research institution.

Chair Gruber responded to questions from the floor:

- *Opposite sex health care benefits.* Phase 1 of the implementation of the Senate/UCFW request for domestic partner benefits took place several years ago with the extension of health care benefits to same-sex UC domestic partners and adult dependent relatives. Two years ago UCFW brought forward a proposal for equity in domestic partner benefits--extension of retirement benefits to both same- and opposite-sex UC domestic partners, and health care benefits to same-sex UC domestic partners. UCFW is lobbying for implementation and carefully negotiating to that end with UCOP administration, who have assured UCFW of their commitment to advance domestic partner equity in benefits.
- *Health care costs.* A funding source, in order to have a further augmentation of the UC's health care budget, is not readily apparent. Health care costs are dramatically increasing throughout the nation. UC's co-pays currently are lower than comparison institutions.
- *Ed fee waiver.* The educational fee waiver proposal is intended for all faculty and staff with five years of University service. For purposes of recruitment and retention, the Chancellor can waive the five-year requirement.

XI. New Business

Issue: Summer session. Assembly members agreed to add to today's agenda a discussion of summer session.

Action: Chair Cowan urged Assembly members to continue conversations on their campus about summer session at both the departmental level and in Senate bodies. The Academic Council and appropriate systemwide Senate committees will continue to examine the issues of summer session.

Discussion Points:

- Though, as originally announced, summer session at UCLA, UCSB, and UCB was to begin in 2002, in October 2000 that date was advanced to summer 2001.
 - One of the problems faced at UCSB is the shift from a summer session that was essentially self supporting to a summer session that now has to be integrated into academic departments.
 - At UCSB, each FTE counted in summer session is a new FTE. Last year the campus had approximately 400 new FTE for the full academic year. This summer UCSB will have more than twice that number just for summer session. The influx of resources from enrollment is roughly twice as much in this one summer session than it was for the full academic year.

- Faculty at UCSB will be paid one-ninth for a regular academic course, rather than one-twelfth (which has been the practice for summer session), plus an incentive of \$1500.
- UCOP has set out criteria that will justify continued state funding of summer session, including (a) a 50 percent increase in the fraction of courses taught by ladder faculty during the summer; and (b) a 20 percent increase in summer session enrollment.
- Before implementation of summer session at these three campuses, systemwide Senate consultation was not extensive.
- UC is responding to political as well as demographic pressures for expanded enrollment.
- Dialogues between faculty and local administration need to be more fully formed, in order to carefully address issues rising from the new summer sessions.
 - In order to receive compensation for a full student FTE, 120 student contact hours will have to be generated.
 - Care needs to be taken to insure that short-term pressures not create long-term default positions that possibly could threaten the core of UC's academic enterprise.

The meeting was adjourned at 3 p.m.

Distributed at the meeting:

- *President Atkinson's discussion topics for the February 28 meeting of the Academic Assembly*
- *Standardized Tests and Access of American Universities, lecture delivered by President Atkinson to the American Council on Education, 2/18/01*
- *Atkinson/Bustamante, re UC outreach programs, 2/13/01*
- *Atkinson/Alpert, re Master Plan review, 2/7/01*
- *A Five-Year Report to The Regents, President Atkinson, 1/01*
- *Report on UC/DOE Contracts, UCORP Vice Chair Abarbanel*
- *Dual Admissions Proposal accepted by BOARS, 2/26/01*

APPENDIX A

2000-2001 Assembly Attendance Record, Meeting of February 28, 2001

President of the University:

Richard Atkinson

Academic Council Members :

Michael Cowan, Chair
C.R. Viswanathan, Vice Chair
David Dowall, Chair, UCB
Jeffery Gibeling, Chair, UCD
David Brant, Chair, UCI
Stephen Yeazell, Chair, UCLA
Irwin Sherman, Chair, UCR (--)
Douglas Magde, Chair, UCSD
Lawrence Pitts, Chair, UCSF (A)
Maria Pallavicini (Alt., Pitts)
Richard Watts, Chair, UCSB
Roger Anderson, Chair, UCSC
David Hoy, Chair, UCAP
Clifford Brunk, Chair, CCGA
Manfred Kusch, Chair, UCEP
Dorothy Perry, Chair, BOARS
Judith Gruber, Chair, UCFW
Gayle Binion, Chair, UCPB

Berkeley (7)

Steven Beckendorf (--)
Suzanne Fleiszig
Ervin Hafter (--)
Judith Innes
Richard Packard
Theodore Slaman
Daniel Melia
David Cuderback (alternate)

Davis (6)

Lester Ehler
Dallas Hyde
Jerry Powell
Wendy Silk
Victoria Smith
Jessica Utts

Irvine (3)

Madeleine Pahl
James Danziger
William Sirignano

Los Angeles (10)

Robert Blattner
James Spar (- -)
Alan Garfinkel
Donald MacKay
Paul Torrens
Frank Heuser
Vickie Mays (- -)
Kathryn Atchison
Jose Moya
(1 TBA)

Riverside (2)

Bajis Dodin (--)
Jose Wudka

San Diego (4)

Gary C. Jacobson
Jane R. Stevens (--)
Kim R. MacConnel
Donald F. Tuzin

San Francisco (3)

Mary Croughan-Minihane
Mary Castle White
Martin Shetlar

Santa Barbara (3)

Charles Akemann
John Doner
Dan Little

Santa Cruz (2)

Susan Schwartz
Carla Freccero (A)
John Tamkun (alt., Freccero)

Secretary/Parliamentarian

Peter Berck (substitute)

III. Announcements by the President (oral report)

IV. Announcements by the Chair (oral report)

V. Special Orders (none)

VI. Reports of Special Committees
Report of the Senate's Task Force on UC Merced

At its meeting of May 24, 2000, the Assembly named the Senate's Task Force on UC Merced a Special Committee of the Assembly, charged with approving courses and curricula for UCM. The Task Force is, in addition, a Special Committee of the Academic Council, charged with being the Council's primary advisory body on the development of the Merced campus. In establishing the Task Force as a Special Committee of the Assembly, the Assembly stipulated that the Task Force should report to the Assembly annually regarding the development of curricula at UCM. The report below, prepared by Task Force Chair Fred Spiess, contains information on this topic, along with additional information on the work of the Task Force. Task Force Chair Spiess is unable to attend today's meeting.

Annual Report, Senate Task Force on UC Merced 2000-2001

In its third year, the Academic Senate Task Force for UC Merced (TF) has continued to meet monthly, once in Merced, once on the Scripps campus at UCSD, the other meetings being in Oakland. Meeting format was altered starting in February. Past policy was to hold TF executive sessions plus meetings inviting the Chancellor and, depending on the agenda, specific staff members and consultants. In February, retaining the executive sessions, we shifted to a concept of a Task Force/Administration meeting chaired jointly by the Chancellor and the TF Chair, and involving the Vice Chancellors as regular participants. This format has thus far been successful, providing more informal interactions, and agendas that can better anticipate topics of concern to either group. There has been rotation in the TF membership and a representative of BOARS has been added - members are listed at the end of this report.

This year has continued the pattern of change that was set last year when the Governor asked that the opening date be moved from 2005 to 2004. This year the major changes have been related to siting of the campus. Reactions to environmental concerns have been the primary concern of the staff, and have dominated UCM coverage by the press. While essential permits must still be obtained, the path to a satisfactory resolution has recently become more clear, based primarily on moving the proposed site much closer to the city of Merced, minimizing impact on the vernal pool environment and providing the income the donor trust had anticipated to improve its ability to provide college scholarships for Merced students.

Academic progress continues behind the more publicized environmental activities. There have been three areas of particular activity – generation of courses and curricula, recruiting of initial academic staff, and student affairs planning. Reference can be made to the Task Force and UCM web sites for additional background: www.ucop.edu/senate/ucmerced and www.ucmerced.edu.

COURSES AND CURRICULA

Specific courses appropriate for summer session offerings have been generated with cooperation from the Davis campus. Lacking all the administrative and faculty review capabilities of a complete campus, but motivated to begin to make the San Joaquin Valley aware of the educational advantages UCM will bring, the UCM staff and the Task Force have collaborated with Davis to generate and approve eight courses to be available to Valley students this summer.

Curricular developments have been looking to 2004 and beyond. Most important of these has been the generation of a precursor to a first catalog. UCM outreach efforts need material with which to inform high school students who will be enrolling in Community Colleges with the intent of transferring to UCM in 2004. Since these will be entering UCM as upper division students, they need guidance relating to preparation for majors that may be available when the campus opens. At the same time, we did not want to commit faculty members who are not yet on board. The approach taken was to compile the requirements for broad categories of majors on existing UC campuses, and generate lists of Community College courses now available in the Valley that would match these requirements. General guidance and tables of courses appropriate for a range of majors are thus now in the process of being assembled into a brochure for use by the UCM outreach staff.

A further curriculum related question was raised in March. All campuses normally compile a list of potential new majors or other academic programs that might be proposed in the coming five years, primarily for the information of CPEC. Since the list is for long range planning and not a binding commitment, it was decided that UCM should send a list of logical majors that might be implemented in 2004-2005. As an indication of the thinking of the TF and Staff, considering the needs of Valley students, likely enrollment pressures from the rest of the State, and the number of faculty (100) planned to be on board at that time, the programs submitted were: World History and Cultures, Comparative Literature and Languages, Social sciences, Economics, Public Policy, Physical sciences, Biological Sciences, Mathematics, Computer Science, Electrical Engineering, and Environmental Engineering. The intention would be to develop small in-depth programs under these umbrellas, fleshing out the programs as the faculty size grows.

In these three activities the Task Force was represented by our Committee on Educational Policy, although particularly the first two topics involved substantial discussion with the entire Task Force at several of our monthly meetings.

FACULTY RECRUITING AND APPOINTMENTS

The procedures for recruiting key administrators and faculty have been topics for Task Force discussion starting at the first meeting, held in November of 1998. At that time it was decided jointly by the Senior Associate to the President for UC Merced (Tomlinson-Keasey, eventually the Chancellor) and the Task Force that there would be at least two Task Force appointees for various study groups and on the search committees for key positions. Subsequently the question of processing faculty appointments led to the agreement that there would be a UCM CAP appointed by the Senate Committee on Committees, separate from the Task Force, and that in some sense, the Task Force and its subcommittees would play the roles carried out by "departments."

The procedure for Vice Chancellor (VC) and Dean searches has moved in general in the fashion planned. Over the past year TF members have been involved in searches, now completed, for the VC for Planning, VC for Administration and an Executive VC/Provost. A search is just starting for a VC for Student Affairs. Searches for the founding academic Deans (Social Science/Humanities/Arts; Natural Sciences; Engineering) are in process and may be completed by the end of the summer. With these key appointees on board, significant faculty recruiting will begin in the fall of 2001, barely in time to start assembling the initial cadre of 100 for opening in 2004.

While the role of the UCM CAP has, from the beginning, been fairly clear, clarifying the role of the Task Force in carrying out departmental functions has been a topic of recent concern. As a result it is now planned that, as each Dean comes on board, he or she will work with the Task Force to form one or more TF subcommittees to carry out the functions of departments for the Division involved. These subcommittees would include members of the Task Force, members drawn from the UC Academic Senate at large and UCM faculty as they are appointed. The chair of each subcommittee would be appointed by the Dean in consultation with the subcommittee members. Membership and chairs of the subcommittees would change as campus planning and growth take place.

The Deans would work with their subcommittees to lay out recruiting plans, set up search committees, generate position descriptions and carry the departmental process along flexibly in whatever form may take best advantage of the opportunities. In any case this would culminate in a "departmental" (TF subcommittee) vote in accordance with Senate Bylaw 55, and a forwarding letter from the subcommittee chair to the UCM CAP via the appropriate Dean. While the subcommittees would derive their authority from the Task Force acting as a Senate Division until the UCM Division is formed, it is anticipated that the subcommittees would soon become dominated by UCM faculty members.

One further academic personnel development in process has to do with the possibility of establishing a "paper-less" academic record keeping system that would

support the recruitment, appointment and advancement functions at all levels from the department to the Chancellor, with access to various elements controlled depending on the nature of the decision to be made and the constituency involved. System development ideas are being tested in connection with the faculty appointment actions now underway related to the senior academic administrator appointments.

STUDENT AFFAIRS

Even before the existence of the Task Force, Tomlinson-Keasey, then Senior Associate to the President for UC Merced, established a working group to advise on all aspects of student life. From the time of establishment of the Task Force, we have had two members and the TF chair actively engaged as part of the Student Planning Group. Early discussions in the Task Force led to the conclusion that one way in which UCM could improve over existing UC campuses would be to strive for more substantial faculty involvement in, and responsibility for, student affairs. This is reflected in the final report to the Chancellor from the Student Affairs Planning Group (UCM web site), and in the decision that some version of an undergraduate college system, to build an improved version of the UCSD model, would be developed at UCM (Task Force web site).

Implementation of these concepts has moved toward reality with the recent initiation of a search for a Vice Chancellor for Student Affairs. This involved generating a position description for this Vice Chancellor including the possibility of delegating to faculty members responsibility for executing some functions normally carried out directly under the VC Student Affairs, thus opening the way to better integration of academic and other aspects of university support of student life. Generation of the position description included substantial interaction between the Task Force and the UCM administration.

OTHER ELEMENTS OF TASK FORCE ACTIVITY

Budget Development: The process for putting together the budget requests for UCM have been different each year and will probably be different next year as well. At the time of Task Force formation there was already in place a budget plan for the first few years of campus development. As brought to the Task Force in spring of 1999 for discussion it was clear that there were shortcomings in several areas. The budget exercise in the spring of 2000 was the first to make a comprehensive analysis of the situation, with the opportunity to do this triggered by the Governor's decision to move formal opening from 2005 to 2004. The resulting plan was generated primarily by the Chancellor's Special Assistant (R. Park) and his staff, with the some Task Force consultation. Budget development activity for 01/02 is starting at this time under the aegis of the Vice Chancellor for Administration, with the process outlined formally including involvement of the Task Force Committee for Budget. Next year we can expect that the process will be operated by the Executive Vice Chancellor.

Site Planning Approaches to development of the site in the southern portion of the Virginia Smith Trust area began as part of the documentation submitted March 1, 2001, to the Corps of Engineers, and is continuing in hope that this site will be approved. The Task Force has had two good interactive sessions with the planners retained to produce a master plan for this site, expressing the need to think of the plan as not only meeting the requirement for an attractive, functional campus at full build-out, but providing equally attractive form when the campus is of intermediate size. Much remains to be done in this arena.

Admissions Given the changing Systemwide scene in admissions in general, and the intensive outreach activity sponsored by UCM in the San Joaquin Valley, the Task Force clearly has work to do and will benefit from having a representative from BOARS as a Task Force member. The most important development from the UCM view is in the area of dual admissions. Presuming approval of BOARS plans by the Assembly and the Regents, UCM will have the option of deciding whether to admit students in this manner in 2002, for transfer into full student status as juniors in 2004. If the decision is to take that route there must be an accelerated development of catalog material, with the TF and a small fraction of the startup UCM faculty committing the campus to a general education program and much more narrowly defined majors than have currently been discussed. Whether to start with 2002 admissions or wait until 2003 or 2004 will be a major topic for the Task Force in the coming year.

Graduate Programs UCM planning has from the start anticipated 10% of its initial enrollment being at the graduate level. The Task Force has, also from the start, advised that a larger fraction will be essential if the new faculty members are to mount the research programs that one would anticipate. Given the recent push to increase graduate enrollment Systemwide, we expect that in reality some graduate programs will be started in 2003, perhaps in collaboration with other UC campuses, and that from the start the graduate fraction will exceed the planning numbers.

CONCLUSION

In spite of uncertainties in development of the physical plant, the Task Force has been moving ahead to support opening in 2004. At this point it is clear that there will be a campus -- arrival of the senior academic administrators this summer and fall will dictate a heavy workload for the TF members and increased requests for participation by Senate members from across the entire University. The first three years of the TF have been challenging, particularly in making plans and decisions that would be useful, without restricting the initiative of the UCM faculty members who will follow us. The next three years will emphasize helping our UCM colleagues build their enterprise, with the Task Force gradually disappearing from the scene.

Task Force Members:

Fred Spiess, SD, Task Force Chair

Peter Berck, B, UCEP
Gayle Binion, SB, UCPB
Clifford Brunk, LA, CCGA
Robert Flocchini, D, Campus Rep., TF Vice Chair
David Hoy, SC, UCAP
Jon Jacobson, I, Campus Rep.
Katja Lindenberg, SD, Campus Rep.
Otoniel Martinez-Maza, LA, Campus Rep.
Geoffrey Mason, SC, UCM CAP Chair
Douglas Morgan, SB, Campus Rep.
Maria Pallavicini, SF, Campus Rep.
Dorothy Perry, SF, BOARS
Anthony Pratkanis, SC, Campus Rep.
Justin Roberts, R, Campus Rep.
George Starr, B, Campus Rep.
Chand Viswanathan, LA, Council Vice Chair
Peter Young, SC, UCORP

We give special thanks to those who have served from the beginning of this effort:
Peter Berck, Bob Flocchini, Katja Lindenberg and Justin Roberts.

Fred Spiess, Chair

VII. Reports of Standing Committees

A. Academic Council

Michael Cowan

- Nomination and Election of Vice Chair of the Assembly 2001-2002 (oral report, action)
- Nomination and Election of the Universitywide Committee on Committees at-large Membership 2001-2002 (oral report, action)
- Approval of Assembly Meeting Schedule, 2001-2002 (action)

Proposed Dates and Locations	Submission Receipt Date*
Wednesday, October 31, 2001, UCLA, UCSD, or UCI	August 1, 2001
Wednesday, February 20, 2002, UCB	November 28, 2001
Wednesday, May 29, 2002, UCB	February 21, 2002

- Ratification of the Appointment of the Secretary/Parliamentarian (action)

In accordance with Senate Bylaw 15, at its meeting of April 11, 2001, the Academic Council, in consultation with the President, approved the appointment of Professor Peter Berck to be Secretary/Parliamentarian of the Assembly for a three-year term commencing September 1, 2001. The Assembly is asked to ratify the appointment.

* Final date on which the Secretary/Parliamentarian can receive reports and other submissions for inclusion in the *Notice of Meeting*.

- Apportionment of Representatives to the Assembly, 2001-2002 (information)

On the basis of Divisional Academic Senate membership as of February/March 2001, the Webster Method of Calculation was used to determine the number of campus representatives to the Assembly for 2001-2002. At its meeting of April 11, the Academic Council approved the apportionment of the 40 Divisional Representatives as follows. A comparison with last year's apportionment is shown.

Campus	Representatives 2000-2001	Representatives 2001-2002
Berkeley	7	7
Davis	6	6
Irvine	3	4
Los Angeles	10	9
Riverside	2	2
San Diego	4	4
San Francisco	3	3
Santa Barbara	3	3
Santa Cruz	2	2
Total	40	40

B. University Committee on Committees

Janice Plastino, Chair

- Appointments of Committee Chairs and Vice Chairs, 2001-2002 (information)

C. Board of Admissions and Relations with Schools (BOARS)

Dorothy Perry, Chair

- Approval of Dual Admissions Proposal (action)

At its meeting of February 28, 2001, the Assembly discussed the proposal for an undergraduate dual admissions program. Since that time, the proposal has undergone review by the Senate Divisions and has been approved for submission to the Assembly by the Academic Council. The Assembly is now being asked to approve the dual admissions program in principle and to approve an amendment to Senate Regulations that would codify this approval. Should the Assembly approve both the program and the legislation connected to it, the proposal for dual admissions would be sent to the UC Regents for their approval.

With respect to approval of dual admissions in principle, the Academic Council, at its meeting of April 11, 2001, recommended the approval of the dual admissions program with the understanding:

1. That the program will be instituted only when the Office of the President has identified funding adequate for counseling and support components of the plan and
2. That BOARS formally review the functioning of the plan five years after the first student cohort is admitted, and report to the Academic Council.

An explanation of the proposal, prepared by BOARS, begins on page 26 of this *Notice of Meeting*, and is followed by a draft implementation plan for the proposal. Two memoranda of explanation from BOARS Chair Perry regarding dual admissions then follow, one to Senate officers and admissions administrators at UC Irvine, the other to Senate officers and admissions administrators at UCLA. The Los Angeles Division of the Academic Senate has requested that a Resolution of the UCLA Senate's Legislative Assembly regarding dual admissions be submitted to the Assembly in connection with its consideration of dual admissions, along with a report of the UCLA Senate's Committee on Undergraduate Admissions and Relations with Schools. Both documents are contained in this *Notice of Meeting*, following the memoranda of explanation from BOARS Chair Perry.

With respect to approval of Senate Regulations connected to dual admissions, the Regulation amendment being submitted for approval is set forth below. The Regulation has been approved for submission to the Assembly by the Academic Council and by the University Committee on Rules & Jurisdiction.

Senate Regulation 476

Present Wording

476. (Am 4 May 95; effective fall 1998)

Applicants for admission to the University by transfer from other collegiate institutions must meet one of the following three requirements. (Am 4 May 95)

- A. An applicant who met the requirements for Admission to Freshman Standing specified in Chapter 2 of this Title may be admitted to the University provided the applicant has maintained a grade-point average of at least 2.0 in all transferable college course work.
- B. An applicant who met the requirements for Admission to Freshman Standing specified in Chapter 2 of this Title with the exception of the tests specified in SR 418 and/or the Specific Requirements specified in SR 424 (A) (2) may be admitted to the University provided the applicant has maintained a grade-point average of at least 2.0 in all transferable college course work and has remedied the deficiencies by
 1. completing with a grade of C or higher one transferable college course (3 semester or 4-5 quarter units) for each missing high school subject specified in SR 424 (A) (2) and

2. completing with a grade of C or higher 12 semester (18 quarter) units of transferable college course work in case not all tests specified in SR 418 have been taken.

C. An applicant who did not meet the requirements specified in (A) or (B) may be admitted to the University provided the applicant has completed 60 semester (90 quarter) units of transferable college course work, has maintained a grade-point average of at least 2.4 in transferable college course work, and has completed all of the following with a grade of C or higher:

1. Two transferable college courses (3 semester or 4-5 quarter units each) in English Composition. One of the English Composition courses is to be equivalent in level to the transferable course which would satisfy (on some campuses only in part) the English Composition requirement at the University. The second course can be (but is not required to be) the 'English Composition/ Critical Thinking' course used to satisfy part of the English Communication requirement of the Intersegmental General Education Transfer Curriculum specified in SR 478. Courses designed exclusively for the satisfaction of remedial composition requirements as defined in SR 761 cannot be used to satisfy this requirement.
2. One transferable college course (3 semester or 4-5 quarter units) in Mathematical Concepts and Quantitative Reasoning.
3. Four additional transferable college courses (3 semester or 4-5 quarter units each) chosen from at least two of the following subject areas: the Arts and Humanities; the Social and Behavioral Sciences; and the Physical and Biological Sciences.

The courses acceptable under (B) and (C) will be determined by the Board of Admissions and Relations with Schools. The Board may waive requirements (C) (1), (C) (2), and (C) (3) upon the presentation of appropriate test scores.

Senate Regulation 476

Proposed Wording:

476. (Am 4 May 95; effective fall 1998)

Applicants for admission to the University by transfer from other collegiate institutions must meet one of the following ~~three~~ four requirements. (Am 4 May 95)

- A. An applicant who met the requirements for Admission to Freshman Standing specified in Chapter 2 of this Title may be admitted to the University provided the applicant has maintained a grade-point

average of at least 2.0 in all transferable college course work.

- B. An applicant who met the requirements for Admission to Freshman Standing specified in Chapter 2 of this Title with the exception of the tests specified in SR 418 and/or the Specific Requirements specified in SR 424 (A) (2) may be admitted to the University provided the applicant has maintained a grade-point average of at least 2.0 in all transferable college course work and has remedied the deficiencies by
1. completing with a grade of C or higher one transferable college course (3 semester or 4-5 quarter units) for each missing high school subject specified in SR 424 (A) (2) and
 2. completing with a grade of C or higher 12 semester (18 quarter) units of transferable college course work in case not all tests specified in SR 418 have been taken.
- C. An applicant who did not meet the requirements specified in (A) or (B) may be admitted to the University provided the applicant has completed 60 semester (90 quarter) units of transferable college course work, has maintained a grade-point average of at least 2.4 in transferable college course work, and has completed all of the following with a grade of C or higher:
1. Two transferable college courses (3 semester or 4-5 quarter units each) in English Composition. One of the English Composition courses is to be equivalent in level to the transferable course which would satisfy (on some campuses only in part) the English Composition requirement at the University. The second course can be (but is not required to be) the 'English Composition/ Critical Thinking' course used to satisfy part of the English Communication requirement of the Intersegmental General Education Transfer Curriculum specified in SR 478. Courses designed exclusively for the satisfaction of remedial composition requirements as defined in SR 761 cannot be used to satisfy this requirement.
 2. One transferable college course (3 semester or 4-5 quarter units) in Mathematical Concepts and Quantitative Reasoning.
 3. Four additional transferable college courses (3 semester or 4-5 quarter units each) chosen from at least two of the following subject areas: the Arts and Humanities; the Social and Behavioral Sciences; and the Physical and Biological Sciences.

- D. Applicants who at the time of graduation from high school do not meet the criteria of Regulations 418, and 424, but who stand in the upper 12.5 percent of their graduating classes, as determined by criteria established by BOARS, and who have achieved a GPA of at least 2.8 in such of the courses prescribed by Regulation 424 as they have completed, may apply simultaneously for admission to a California Community College and for conditional admission to a campus of the University, subject to the satisfaction at the Community College of the provisions of Regulation 476 B and C.

The courses acceptable under (B) and (C) will be determined by the Board of Admissions and Relations with Schools. The Board may waive requirements (C) (1), (C) (2), and (C) (3) upon the presentation of appropriate test scores.

Justification from BOARS Chair Perry:

The justification for dual admissions is contained in the proposal summary that follows.

**University of California
Board of Admissions and Relations with Schools**

Dual Admissions Proposal

Accepted by BOARS
March 22, 2001

Introduction:

Dual admission from high school to UC and a community college would be a new and separate eligibility pathway representing academic success and hard work in each student's local environment. It would be both an extension of the geographic accessibility to UC achieved with Eligibility in the Local Context (ELC) and a strategy to increase the transfer of high achieving students to UC after completing lower division work at any of the California community colleges. *Dual admission would augment ELC and statewide eligibility to provide a clear path to UC for all high achieving students, whether in the top 12.5% of their high school class or the top 12.5% of the statewide pool of high school graduates.*

The dual admission program identifies high school graduates within the top 12.5% in each school who are ineligible for freshman admission -- students who are not in the top 4 % of their high school class and not eligible by statewide criteria. These students would be identified at the end of their junior year through an analysis of their high school transcripts. If these students apply for freshman admission, a dual admission offer would permit them to enroll at a community college to complete

lower division preparation requirements and transfer to a designated UC campus and college or major, conditional on their fulfillment of campus- and major-specific course requirements and academic performance criteria for transfer students. The dual admission proposal augments eligibility in the local context and reinforces the University's commitment to facilitate the community college transfer function spelled out in the Master Plan for Higher Education. Since it does not make additional students eligible as freshman from high school, it does not add to the Master Plan eligibility rate of 12.5% of high school graduates.

In order for the dual admissions proposal to succeed, a few underlying tenets must be considered.

1. Every UC campus would participate in the dual admissions program.
2. Dual admission students would not displace current transfer or freshman admits. They would represent an increase in enrollment consistent with UC's long range enrollment plan and the Governor's Partnership with UC.
3. Dual admission students, at a minimum, would be required to meet all university requirements as well as campus- and major-specific academic requirements and selection criteria for current community college transfers.
4. A comprehensive resource package for dual admission students from high school, through their studies at community colleges, and into and through their UC education, would be a hallmark of this program.

In order to conceptualize the dual admissions proposal and present points of agreement reached by BOARS, the proposal is presented in three parts: 1) selection of students at the high schools, 2) admissions process and transition to college, and 3) dual admissions students attending the community college. These proposed policies reflect a compilation of policy issues identified by BOARS members, senate faculty members, and members of the administration.

One significant concern not addressed in this proposal, but expressed by many faculty members, is the support needed for dual admissions students at all stages in the dual admissions process. Indeed, the administrative scaffolding required at the high schools, the Office of the President, the community colleges, and at the UC campuses, borrowing the term used by Vice President Saragoza, is an extremely important part of the gestalt of the program. BOARS strongly recommends that a companion document outlining the scaffolding plan be prepared and accompany this proposal.

Issues relating to selection of students at the high schools:

1. Dual admission students would be identified at the same time as Eligibility in the Local Context (ELC) students by a process through the Office of the President. The process would include calculation of the GPA in 10th and 11th grade for all a-g courses taken, as an extension of the process used in the ELC.

2. Students who have completed at least 11 ELC courses would be ranked at UCOP and the top 4% would be identified as ELC. Students would be considered for dual admission if they were included in the next 8.5% of students from the individual high school, when ranked by UCOP based on transcripts submitted by the high school.^{1 2}
3. Data from this year's experience with ELC indicates that many students ranked in the top 10% of their classes in the lower performing high schools have not completed the 11 ELC courses.
4. In order to determine which students would be dual admissions candidates, students would be ranked based on their GPA in all a-g courses taken in the 10th and 11th grade. Together with the ELC students, this group would constitute the top 12.5% of the high school class. A minimum of nine ELC courses must be completed in order for the students to be considered for dual admissions.
5. The minimum a-g high school GPA required at the time of selection for dual admission would be 2.8, no matter how many of the a-g courses had been taken, which is the base GPA used in the eligibility index.
6. High schools would have to rank the top percentage of their students, send transcripts to UC for evaluation in a manner similar to current practices with ELC.
7. SAT and/or ACT scores would not be required as they are not required for any community college transfer student.
8. Students deemed eligible through ELC would not be eligible for dual admission.
9. The remainder of the students in the top 12.5% of their class would receive a letter informing them that they are successful in their high schools, that UC wishes to have them apply, and although not ELC, they would be eligible for dual admissions. Those students who choose to complete all requirements and become statewide eligible as freshmen would apply for admission as freshmen. They would *not* be considered for dual admission.

Issues relating to the admissions process and transition to college:

1. When students apply to a UC campus or campuses as high school seniors they will only be considered for dual admissions if they are NOT UC-eligible as freshmen.
2. Places shall be maintained for dual admissions students in planned transfer enrollment growth at each campus.
3. The dual admissions program is preliminarily estimated to yield 1200 to 3000 students. Campus dual admission admits would be estimated based on the

¹ The 11 ELC courses are 3 English, 3 mathematics, 1 history/social science, 1 lab science, 1 language other than English, and 2 chosen from among the other subject requirements.

² A school with less than 4% designated ELC eligible may have more than 8.5% identified as dual admission program candidates. Analyses show that this would be a rare instance.

- annual projections for enrollment submitted by each UC to UCOP each year. These estimates would be added into transfer growth estimates, not displacing the number of transfers who would otherwise be accepted. The scope of the dual admissions program on each campus would be part of and consistent with that campus's overall enrollment growth plan for the next decade.
4. Every campus would admit some dual admissions students; some number would have a competitive chance at every campus. Those not selected would be placed in a referral pool. This would result in a referral pool process similar to the ones for eligible California freshmen and transfer applicants.
 5. Dual admissions students who have chosen and been admitted to a particular major at a campus would need to meet campus-specific course requirements and academic performance standards for that major while attending the community college. Those who have been admitted without having specified a particular major would need to identify a major while studying at the community college, but not necessarily at the beginning of their studies.
 6. Minimum transfer requirements would be set by each specific UC campus and college or major. Information pertaining to selection criteria for specific majors (e.g., the minimum and average community college GPAs required for transfer admission) shall be provided to each dual admissions student. The support program would be sufficient to provide necessary counseling about majors, and to accommodate student needs such as changing majors prior to entrance to UC, provided the student meets the course requirements and academic criteria for the major at the UC campus in question.
 7. Articulation agreements would have to be arranged for all community colleges with all UC campuses. When each dual admissions student returns the SIR, he or she would have to name the community college where the lower division study would occur. The support structure should be comprehensive in all community colleges and flexible so that arrangements could be managed if the student subsequently attended another community college.
 8. Dual admissions students would be informed of financial aid packages for baccalaureate degree programs. Students would be provided information and support in meeting the deadlines for baccalaureate financial aid.
 9. The dual admissions agreements would not preempt regional transfer programs that various UC campuses have with local community colleges.

Issues relating to the dual admissions students when attending community colleges:

1. A maximum number of four years is recommended during which the dual admissions students would transfer to UC. BOARS feels that two years is not enough because students need to identify majors, and many majors require extensive lower division preparation, but the expectation would be that most students would transfer within 3 years.

2. Appropriate support services would be available to integrate UC with the community colleges. It has been suggested that one UC counselor would be available for every three community colleges, providing a regular presence for UC on all community college campuses in the state and personal contact for the dual admissions students.
3. Scaffolding would be in place to provide individual academic and financial aid planning for each dual admissions student. This would be a service beyond the existing general transfer activities and counseling provided by the UC personnel at the college and by the community college transfer centers.
 - A subcommittee of the MOU Implementation Committee has been formed to address these matters. It includes faculty representatives from the community colleges, UC and members of both administrations. This group will be instrumental in defining the support mechanisms at the lower division level.
4. UC campuses would provide outreach to make the dual admissions students feel part of the UC community while attending the community college. Visits to their UC campus, student activities, and possibly summer enrollment and web pages, could be included. These make up a critical part of the administrative structure required to support these students.
5. Students would be provided support and counseling if they wished to change majors. This would require ongoing counseling during each student's career at the community college and continued communication with the UC campus.
6. The dual admissions offer would be provisional and could be rescinded if the student fails to meet the agreement with UC and the community college. This would be consistent with existing policy governing all freshman admits and current transfer students.

**Proposed outline of administrative scaffolding
Presented by Vice President Saragoza**

1. High schools
 - a. Transcript identification and transmission to UC
 - b. Applicant information and counseling
 - c. Financial aid package
2. Community colleges
 - a. Articulation agreements with all California Community Colleges
 - b. Counseling structure from UC
 - c. Interaction with existing transfer center
 - d. Financial aid
 - e. Academic counseling
 - f. Individual interface with UC

3. UC campuses
 - a. Interface with dual admission students while attending community college
 - b. Admissions staff support to identify and follow dual admissions students
 - c. Academic counseling
 - d. Financial aid

Dual Admissions Proposal: A Draft Implementation Plan¹

**Submitted by the Dual Admissions
Implementation Subcommittee²**

*Draft Only – For Public Review and Comment
(March 15, 2001)*

¹ This *Implementation Plan* should be reviewed in conjunction with the *Dual Admissions Proposal Policy Statement* (February 26, 2001).

² The 10-member subcommittee (a subgroup of the MOU Implementation Committee) consisted of an equal number of faculty and staff representatives from the California Community Colleges and the University of California. (The MOU Committee has been in existence since 1998 and is charged with implementing the provisions of the UC/Community College memorandum of understanding (MOU), which was approved in 1997. See *Enhancing Student Transfer: A Memorandum of Understanding between the California Community Colleges and the University of California*, November, 1997.)

Topic Outline

SECTION 1: POLICY OVERVIEW AND PLANS FOR IDENTIFICATION, ADMISSION, AND ENROLLMENT OF STUDENTS

- I. Dual Admissions Policy: Brief Overview
- II. Identification, Admission, and Enrollment of Students Eligible for Dual Admissions**
 - A. Identification of Students Eligible for Dual Admissions (DAP)**
 - B. DAP Student Application for UC Admission**
 - C. DAP Student Enrollment at Community College**

SECTION 2: INSTITUTIONAL RESPONSIBILITIES AND RESOURCES

- I. Community College Responsibilities and Resources for DAP Students**
 - A. Community College Campus Participation in DAP**
 - B. Courses and Curricula for DAP Students**
 - 1. Level 1: Courses Needed to Meet Minimum UC-Eligibility and General Education (IGETC).**
 - 2. Level 2: Courses Needed as Preparation for Specific UC Majors**
 - C. DAP Student Support Services at Community Colleges**
 - D. Subject A/ESL Assessment and Placement for DAP Students**
- II. UC Responsibilities and Resources for DAP Students**
 - A. UC Support for DAP Students *During* Attendance at a California Community College**

- B. **UC Support for DAP Students *after* Transfer to a UC Campus**
 - C. **UC Campus Interactions with California Community Colleges**
- III. Availability of Support for Transfer Students Not Participating in DAP**

SECTION 3: TRANSACTIONS WITH STUDENTS ELIGIBLE FOR DUAL ADMISSIONS

- I. **Information to be Communicated to Students *After* Notification of DAP-eligibility, but *Prior* to Applying to the University**
- II. **Information to be Communicated to Students Who Choose to Participate in DAP**
 - A. **Signaling an Intention to Participate**
 - B. **Information to be Sent to Students following their Intention to Participate in DAP**
 - C. **Selection of a Community College to Complete Lower-Division DAP Requirements.**
 - D. **DAP Student Agreement: Specific Elements**
 - E. **Monitoring DAP Student Progress**

SECTION 4: MAJOR COMPONENTS OF DAP BUDGET

SECTION ONE

POLICY OVERVIEW AND PLANS FOR IDENTIFICATION, ADMISSION, AND ENROLLMENT OF STUDENTS

I. Dual Admissions Policy: Brief Overview

Dual Admissions is an additional path to the University of California, over and above the means that currently exist. To qualify, students must graduate from a California high school in the in the top 4 to 12.5% range of their high school class. Students then are guaranteed admission to the University of California after first attending a California Community College and completing specified lower-division baccalaureate degree requirements. As this program is intended to supplement existing eligibility provisions, only students graduating in the top 4%-12.5% of their high school class and who are *ineligible* for admission via statewide freshman eligibility criteria or eligibility in the local context criteria qualify for DAP.

To transfer to a UC campus at the advanced standing level, DAP students must meet all University and campus-specific academic requirements and selection criteria for their expected major or program. During their lower division enrollment at a Community College, DAP students will receive a comprehensive array of services, including orientation to the UC campus where they have been admitted and regular advising sessions to guide course work selection and assist them in achieving their academic goals.

II. Identification, Admission, and Enrollment of Students Eligible for Dual Admissions

A. Identification of Students Eligible for Dual Admissions (DAP)

1. DAP students will be identified via the Eligibility in Local Context (ELC) process, now administered by the UC Office of the President. This process includes calculation of the 10th and 11th grade GPA in designated ELC courses.³
2. ELC eligible students, those designated as the top 4% of their high school graduating class, will be identified.

³ There are 11 ELC courses comprising 3 English, 3 mathematics, 1 history/social science, 1 lab science, 1 language other than English, and 2 chosen from among the other subject requirements.

3. Then, using the total pool of students, those ranked in the top 4%-12.5% of their class will be identified using ELC procedures; that is, GPA in the 11 designated ELC courses.⁴
4. Minimum grade point average in ELC courses required for Dual Admissions will be 2.8.
5. Standardized test scores, such as SAT I, SAT II, or ACT will not be required of DAP students.

B. DAP Student Application for UC Admission

1. DAP students will receive notice of their program eligibility in September of their senior year of high school, along with an invitation to apply to UC and admissions application materials. They will apply during the regular November 1-30 filing period.
2. DAP applicants will be reviewed during the University's regular December-March application reading period.
3. Campuses will notify DAP applicants of admissions decisions during the regular March notification period. The notification will include detailed information regarding community college participation in the DAP program and the lower division enrollment expectations for DAP students.
 - a. Each UC campus will admit DAP applicants; the exact number will depend upon campus capacity and student demand.
 - b. DAP students not initially selected by any campus will enter a special DAP "referral pool" process and will be admitted to one of the UC campuses as a DAP student.
4. DAP students will return their Statement of Intent to Register (SIR) and the customary required fee by May 1 to

⁴ Students who have completed fewer than the 11 courses mandated for ELC consideration may need to be considered in order to identify the dual admissions group.

the UC campus where they plan to enroll.⁵ Along with these items, the student will indicate the primary or “home” Community College where he/she plans to enroll for lower division work.⁶

5. By June 1, those DAP students who have submitted an SIR will receive a letter jointly signed by the Chancellor of the UC campus where they have been admitted and the Community College President where they plan to enroll.⁷ The letter will outline program expectations and procedures the student should follow in planning his/her baccalaureate program, including a DAP orientation session to be held on the UC campus during the summer prior to initial freshman enrollment.⁸ Subjects addressed in the orientation will include:
 - a. Development of an academic program and study plan designed to assure the student of timely entry to his/her major of choice. Specific Community College courses to satisfy requirements will be identified, along with required grades that must be achieved. Students who have not chosen a major will select appropriate courses for IGETC/GE/breadth requirements and make plans for selection of major. Students also will be introduced to advising tools such as ASSIST.
 - b. Beyond the issue of academic major and course selection, the orientation session will provide an introduction to the vocabulary and assumptions of higher education and will assist students in arranging a series of regular advising sessions with Community College and UC representatives.
 - c. Students will be introduced to an array of student services such as financial aid opportunities, academic

⁵ A process to waive the SIR fee for financially needy students will be developed.

⁶ See Section 3 (II) (C) (2) for a discussion of the Community College “home campus.”

⁷ DAP students will select the community college that they wish to complete their DAP agreement. See Section 3 (II)(C).

⁸ Funds to defray costs for financially needy students to attend these orientation sessions should be identified.

tutoring, etc. This information will be provided by the California Community College Chancellor's Office and individual Community Colleges.

C. DAP Student Enrollment at a California Community College

1. While completing lower division requirements at Community College, DAP students will be responsible for consulting with their designated UC adviser regarding changes in their educational plan.
2. DAP students will be eligible to use UC libraries and will receive invitations for UC campus events, including programs related to their intended major.
3. DAP students will be responsible for notifying the UC campus where they have been admitted of the term when they expect to enroll. Notification must be received during the application filing period for their expected enrollment date. Appropriate academic records must be submitted verifying the student's completion of their academic requirements. DAP students will be responsible for notifying the UC campus where they have been admitted of the term when they expect to enroll. Fall is the traditional starting term for transfer students at UC, though some campuses also allow transfer students to transfer at the beginning of the Winter and/or Spring term.
4. A DAP student who decides at any point in time not to attend the specific UC campus will be responsible for notifying the campus as soon as possible.

SECTION TWO

INSTITUTIONAL RESPONSIBILITIES AND RESOURCES

I. California Community College Responsibilities and Resources for DAP Students

A. Community College Campus Participation in DAP

It is recommended that all California Community Colleges (or at least one college per Community College district) participate in DAP, allowing students throughout California access to a UC campus through this program.⁹ It is acknowledged, however, that many community colleges may not have the breadth of courses that will allow DAP students to complete the necessary courses for transfer to a UC campus in a particular major. (For example, while a community college may have course offerings allowing students to complete the Intersegmental General Education Transfer Curriculum [IGETC] or the minimum course requirements for UC eligibility at the transfer level, the institution may not have lower-division courses to prepare students for a major in engineering.) Given the variation in curricula on community college campuses, community colleges will participate in DAP at two levels (see “B” below).

B. Courses and Curricula for DAP Students

A significant part of the success of DAP hinges on the ability of students to enroll in Community College courses that meet UC eligibility and pre-major requirements. DAP students must have access to appropriate courses that allow them to complete their lower-division requirements in a timely manner.

With this in mind, curricula at each California Community College will be analyzed by an intersegmental team of UC and Community

⁹ The Subcommittee notes that an individual Community College shall be free to determine whether or not it shall participate in DAP. Once a Community College signs a contract with UC to participate, it must continue to serve any cohort of students that enrolls under the terms of that contract. If the Community College decides to end participation, it may cease to enroll new DAP students but must complete its obligation to the existing cohorts of students through the point of transfer.

College faculty and staff expert in transfer to assess the extent to which any particular college can meet lower-division course requirements for students in this program. The goal of this review team will be to classify all colleges as a *Level 1* or *Level 2* institutions. To do this, the review team will analyze Community College curricula in two areas:

1. *Level 1: Courses Needed to Meet Minimum UC-Eligibility and General Education (IGETC).*

Community Colleges in Level 1 should demonstrate an ability to offer courses (in a regularized pattern) allowing DAP students to complete minimum UC-eligibility requirements and/or IGETC within the prescribed time frame.¹⁰ The extent to which a Community College has courses that allow students to complete these requirements can be found in the ASSIST database. It is anticipated that the vast majority of community colleges can serve DAP students at this level.

2. *Level 2: Courses Needed as Preparation for Specific UC Majors*

Community Colleges in Level 2 should demonstrate an ability to offer pre-major courses in a regularized pattern to permit DAP students to complete all work within the prescribed time frame. This second level of review does not require Community Colleges to offer pre-major courses in all disciplines; rather the review covers the extent to which a Community College can fulfill the lower-division requirements of one or more majors at all UC campuses, as reflected in its current curriculum. A Community College that has the coursework to prepare students in one or more UC majors will be certified as a *Level 2* institution for those specific majors.

C. DAP Student Support Services at California Community Colleges

¹⁰ For minimum UC-eligibility at the transfer level, applicants must complete at least one UC-transferable course in “mathematical concepts and quantitative reasoning,” at least two UC-transferable English composition courses, and four courses chosen from at least two of the following subject areas: the arts and humanities, the social and behavioral sciences, and the physical and biological sciences. For IGETC (which largely duplicates UC’s minimum transfer course requirements), students must complete 11 courses (34 semester units). For more information, see UC’s *Answers for Transfers 2001-2002* (<http://www.ucop.edu/pathways/infoctr/at/>.)

To the extent that DAP is a commitment on the part of UC and California Community Colleges to assist students in achieving a baccalaureate degree, there are a variety of support services that should be provided by Community Colleges to assure student success:¹¹

1. One professional staff member (e.g., a counselor) who will be, among other duties, the Dual Admissions Coordinator to coordinate DAP program activities at the Community College and to plan and coordinate with UC DAP staff to implement the program.
2. Sufficient professional academic counselors to work with DAP students on their campus, to meet with DAP students regularly and to assist DAP students in meeting the academic requirements of their DAP admissions agreement. Among their activities, these counselors will:
 - Assist with program planning;
 - Assist in monitoring the academic progress of DAP students;
 - Provide referrals to other support services as needed (i.e., tutoring); and
 - Facilitate the successful transfer to the UC campus.
3. A professional financial aid officer who, among other duties, will be assigned to work with DAP students on their campus, to meet with DAP at least once per year, and to assist DAP students with their application for financial aid. These financial aid specialists will ensure that the student's financial package is designed to meet the financing needs of a baccalaureate program goal. The financial aid officer will also work with students to secure consortium agreements if enrollment at another community college is required to complete a student's transfer preparation. Students will be advised how to take advantage of the new expanded Cal Grant guarantee program, as well as other aid to ensure a comprehensive "baccalaureate financial aid package."

¹¹ It is recognized that ideally these resources would be available for all students interested in transfer.

4. Access to a Community College Transfer Center, as specified in Title 5 (Section 51027) of the California Education Code.
5. A fully staffed and appropriately funded matriculation office whose submitted matriculation plans and assessment mechanisms comply with relevant sections of Title 5 regulations of the California Education Code.
6. Sufficient capacity to conduct articulation on a sustained basis with UC campus articulation officers to fully articulate the Community College curriculum with all UC campuses.
7. Mechanisms to allow authorized UC and Community College personnel to: a) exchange information about DAP students to facilitate academic monitoring and counseling; b) Conduct periodic work sessions with UC and Community College staff regarding DAP issues, both curricular and extracurricular.

D. Subject A/ESL Assessment and Placement for DAP Students

DAP students must either satisfy their UC Subject A requirement through high school course work or stipulated national examinations, or by taking examination in the statewide Subject A testing. Assessment scores and any recommendations for additional ESL assessments will be sent to the students' designated DAP home Community College who will honor those assessment mechanisms and place students accordingly within their composition or ESL courses; in the case of students identified as needing additional ESL assessments, the home community college will determine how those will occur. Thus, students who have not satisfied the Subject A requirement prior to graduation from high school or who are identified as needing additional work in ESL will be held for courses equivalent to those for which they would be held at their target UC campus.

II. UC Responsibilities and Resources for DAP Students

A. UC Support for DAP Students *during* Attendance at a California Community College

UC campuses and California Community Colleges should have an interactive and on-going relationship in the academic lives of DAP students. This program is beneficial only to the extent that students' associate themselves with both a Community College and a UC campus. There should be some tangible connection for the students with the UC campus while they are in attendance at the community college, such as library access, extension courses, summer bridge programs, Saturday academies, orientation programs, personal web pages, etc.

Specific UC staff needed for DAP student success include the following:

1. One professional staff member to act as the Dual Admissions Coordinator to assist in the coordination DAP activities at Community Colleges, to assist the home campus¹² in identifying appropriate courses at other colleges within the region to further student progress, and to consult with community college DAP staff regarding DAP student progress at the lower division level.
2. Sufficient professional outreach officers/advisors to: consult with students and execute the original transfer agreement; monitor the progress of DAP students; meet with DAP students at least once per academic year (in person or via video-conferencing); and to assist DAP students in preparing for the transition to a UC campus.
3. One professional financial aid officer to work with DAP students on the UC campus, to meet with DAP at least once per year, and to assist DAP students with their application for financial aid.
4. Sufficient capacity to conduct articulation so that all UC undergraduate campuses can assure that pre-major articulation is completed with all Community Colleges throughout the State.
5. Sufficient staff at the UC Office of the President to: 1) monitor overall program implementation (from identification of students in high school through graduation

¹² See Section 3 (II) (C) (2) for a discussion of the Community College "home campus."

from UC); 2) review annually Community College curricula to assess availability of courses for DAP students; 3) provide training to campus staff involved in DAP; and 4) evaluate overall program effectiveness.

6. Assistance in locating off-campus housing for students who wish to relocate to an area closer to the UC campus to which they have been accepted.

B. UC Support for DAP Students *after* Transfer to a UC Campus

1. UC campuses should establish summer orientation programs specifically designed for DAP transfer students.
2. UC campuses should establish, if they have not done so, transfer centers that serve as a place for new transfers to obtain information and advice. It is also suggested that these centers include lockers and other services that are especially helpful for commuter and older students, most of whom are transfer students.
3. Opportunities should be available for DAP students to take classes as part of “learning communities,” which allow transfer student cohorts to complete similar sequences of courses and to work together on cooperative learning projects. Such learning communities have been successful with first-year college students by building bonds among students and creating common academic goals.
4. UC campuses should offer to the extent possible guaranteed housing for DAP students, as well as child-care and family housing opportunities.

C. UC Campus Interactions with California Community Colleges

Interactions will involve the following:

1. Providing to community colleges a list of students who have agreed to participate in DAP, the community colleges to which they have decided to enroll, and the UC campus that will ultimately admit them.

2. Jointly with community colleges, monitor student progress to transfer.¹³
3. Conduct periodic work sessions with community college staff regarding DAP issues; both curricular and extracurricular.
4. Support opportunities for on-going faculty-to-faculty discussions of curriculum and teaching practices (e.g., IMPAC).

III. Availability of Support for Transfer Students Not Participating in DAP

It is anticipated that improvement in information and other transfer-related resources at community colleges and UC campuses as a result of DAP implementation also will be available for community college students not participating in DAP but who are preparing for transfer to UC.

¹³ While it is assumed that student success is best achieved when both segments monitor the progress of students, it is acknowledged and anticipated that UC will officially monitor student progress since it is UC's ultimate responsibility to award the baccalaureate degree.

SECTION THREE

TRANSACTIONS WITH STUDENTS ELIGIBLE FOR DUAL ADMISSIONS

I. Information to be Communicated to Students *after* Notification of DAP-eligibility, but *prior* to Applying to the University

The following information, at a minimum, will be included when notifying students about DAP after they have been selected for the program, but before the UC November application filing period:

- A. Specific information about DAP, including academic requirements and the ways in which this program may be advantageous to them in meeting their educational goals.
- B. Web access to a profile of each California Community College, including such information as its curricular offerings, student composition, geographic location, student services, and – most critically – the level at which the college is participating in DAP.¹⁴
- C. Information about financial aid opportunities at California Community Colleges and UC.
- D. A recommendation to students that they attend the Community College on a full-time basis while completing their DAP agreement, along with information about the advantages of attending college full-time (e.g., academic progress and preparation, financial aid reasons, etc.)
- E. Information about how students can make themselves Statewide-eligible to attend UC during their final year in high school, if they so choose.

II. Information to be Communicated to Students Who Choose to Participate in DAP

¹⁴ Given variation in California Community Colleges with regard to course offerings and institutional commitment to transfer, Community College participation in DAP will be offered at two levels. See Section 2 (I) A) for a complete discussion of institutional participation levels.

A. Signaling an Intention to Participate

1. Like all students interested in attending UC, students will be required to apply during the November 1-30 filing period. Applicants who are DAP-eligible will indicate their desire to be considered under this program on the UC application. DAP-eligible applicants (like all other applicants) will be reviewed by the campuses to which they have applied. Notification of selection by a UC campus will come no later than March 31.
2. The same application fee structure that is currently used for all students will be used for DAP students.¹⁵
3. DAP-eligible students, who have been selected by a UC campus and wish to attend that campus, will be required to submit the SIR form to that campus, along with a fee to hold a place.¹⁶ The same SIR fee will be assessed for DAP-students as for all other admits to the University.

B. Information to be Sent to Students following their Intention to Participate in DAP

Upon receiving notification of their intention to participate in DAP, students will receive an e-mail account (which will serve as their identification number for program purposes) and the address of a DAP web-based information portal. It is recommended that a community college component be added to UC's *Gateways* website to serve as the information portal for DAP students. Within this portal students will have access to a variety of information and data such as:

1. A personal web page where students can store electronically information about their progress and receive information about the program.¹⁷

¹⁵ Currently UC applicants are charged an application of \$40 for each campus selected. UC will waive application fees for up to four campuses for students who qualify for a fee waiver. See p. 3 of *UC's Application for Undergraduate Admission and Scholarships 2001-2002*. (or <http://www.ucop.edu/pathways/>)

¹⁶ A process will be developed to waive this fee for financially needy students.

¹⁷ It is recommended that individual student high school data obtained as a result of the identification of the top 12.5% of high school students be downloaded to students' personal web sites. This information will be useful to students and counselors selecting Community College courses.

2. Information to assist them in completing their DAP agreement and in preparing for UC enrollment after finishing their coursework at a community college.
3. Contact information for specific outreach staff on each UC campus that will advise them and execute the DAP agreement.
4. Contact information for counseling and transfer center staff on each Community College campus that have been assigned to assist DAP students in developing an educational plan and helping them understand the DAP agreement using courses at a Community College.
5. Web links to course articulation information via ASSIST (i.e., www.ASSIST.org) and financial aid information.
6. Information on the DAP summer orientation programs.
7. Via e-mail and personal web page, strategically timed information about class registration, financial aid deadlines, program modifications, and reminders to visit their community college and UC counselors/advisors.

C. **Selection of a Community College to Complete Lower-Division DAP Requirements.**

1. Students will be allowed to select the community college they wish to attend to fulfill their DAP requirements.¹⁸
2. To complete their DAP-agreement, students may attend additional community colleges, although they will be asked to designate one community college as their “home campus.” This home campus will be the college that

¹⁸ Given the fluidity of student enrollment within California Community Colleges, the DAP Implementation Subcommittee believes that, from a logistical standpoint, DAP should not assign students to any one community college, recommending instead that students be allowed to select the primary (or “home”) Community College they wish to attend. This is consistent with current Community College policy allowing all Californians open access to all of its colleges. It is anticipated that students will select an institution based on, among other factors, the availability of appropriate courses and geographic convenience. But it is possible that students may have the choice of several participating colleges in a region and that they may attend one or more of these colleges to obtain all of the courses they need to fulfill their lower-division requirements.

provides the student with DAP-related services, such as academic counseling and financial aid. Students are responsible for submitting to their home campus all additional transcripts from those institutions.

D. DAP Student Agreement: Specific Elements¹⁹

Students who have agreed to participate in DAP are required to complete all lower-division coursework and GPA requirements at a community college prior to enrollment at a UC campus. The extent of these requirements will vary by UC campus and the major that the student selects. To assure student success, an agreement must be developed between DAP students and the UC campuses to which they have been admitted outlining the specific requirements they must complete while attending a California community college.

1. *Minimum Eligibility:* If a student chooses to participate in DAP, the UC campus to which the student has been admitted under DAP must delineate in the student's agreement both the Universitywide minimum UC-eligibility requirements for transfer students and the lower-division pre-major requirements that must be completed at the community college, if any. At a minimum, then, the DAP-student's agreement must specify the following requirements:
 - a. The minimum GPA that must be earned in UC-transferable courses;
 - b. The minimum number of courses requires to achieve UC eligibility at the transfer level;²⁰

¹⁹ Students may choose not to participate in DAP even if they originally signaled their intention to complete the program and signed a DAP agreement. If such students choose not to complete their DAP contract, they may still achieve eligibility to attend a UC campus by completing appropriate requirements at a community college and applying to UC as a regular transfer student.

²⁰ For minimum UC-eligibility at the transfer level, applicants must complete at least one UC-transferable course in "mathematical concepts and quantitative reasoning," at least two UC-transferable English composition courses, and four courses chosen from at least two of the following subject areas: the arts and humanities, the social and behavioral sciences, and the physical and biological sciences. For more information, see UC's *Answers for Transfers 2001-2002* (<http://www.ucop.edu/pathways/infoctr/at/>)

- c. Completion of a minimum number of transferable units (i.e., 60 semester or 90 quarter units of UC-transferable coursework); and
 - d. A specific time frame for completion of all requirements. (DAP students will have four calendar years within which to complete all lower-division requirements specified in their DAP contract.)²¹
2. *Preparation for a Major:* For students entering majors with specific preparatory requirements, the agreement will need to specify the lower-division course requirements that need to be completed, the overall and pre-major course GPA that will need to be earned, and the Community Colleges that the student may attend in order to complete these pre-major requirements.
 3. *UC Campus Requirements:* In those instances in which UC campuses have campus-specific lower-division requirements, the agreement with the students will need to reflect this.
 4. *DAP Orientation:* DAP students will be required to attend a summer orientation at which time these agreements will be individually reached.

E. Monitoring DAP Student Progress

It is anticipated that a degree audit program will be developed (e.g., “Degree Navigator” at UC Davis), to be used in conjunction with the ASSIST database and *Gateways*. This degree audit program could be used as an advising and monitoring methodology, allowing students to see the full academic program for their chosen major and assess their progress against the major requirements.

²¹ Under the current proposal, DAP students will have four calendar years within which to complete their lower-division requirements at a California Community College. However, advising and outreach materials will encourage and support a faster rate of progress.

SECTION FOUR

MAJOR COMPONENTS OF DAP BUDGET

The Dual Admission Policy will require a foundation of curricular and extracurricular support for students in a network to which both California Community Colleges and the University of California play joint, but well defined, roles. Major elements of institutional and student support will include:

- A. A full array of courses at participating Community Colleges to prepare DAP students for their intended majors.
- B. Course articulation of all UC majors with all Community Colleges participating in DAP. It is anticipated that comprehensive articulation of this magnitude will require at least one articulation officer employed half-time (minimum) at each Community College and an additional half-time articulation officer for each UC campus
- C. Summer orientation programs designed specifically for students participating in DAP, including funds to provide financially needy students with an opportunity to attend these programs.
- D. Resources to support academic advising at the Community Colleges and UC campuses to assist DAP students in preparing their transfer agreements and to assist them with on-going academic program planning. It is anticipated that this effort will require at least one academic adviser from each UC campus, and one counselor identified at each Community College to assist DAP students.
- E. Resources to support financial aid advising at the Community Colleges and UC campuses to assist DAP students in securing resources to support their educational goals. It is anticipated that this effort will require at least one financial aid adviser from each UC campus, and one financial aid officer identified at each Community College to assist DAP students.
- F. Resources to support staff development and training of UC outreach officers and academic advisers to achieve mastery of admissions requirements of all UC campuses.
- G. Opportunities for DAP students to participate in UC campus academic support programs, workshops, cultural events, and other activities.
- H. Access to UC libraries.

- I. Opportunities for on- and off-campus housing during DAP students' first year at the UC campus where they are admitted upon transfer.
- J. Financial aid package addressing affordability concerns.
- K. Database developed and maintained by UC (with Community College access) for tracking individual student progress, enrollment management, and evaluation of DAP effectiveness.
- L. Resources to support high school counselor workshop materials and specialized training.
- M. Periodic meetings of UC and Community College staff, faculty, and counselors to discuss DAP-related issues, both curricular and non-curricular.

April 18, 2001

MEMORANDUM

To: David Brant, Chair UCI Academic Senate
Sue Wilbur, UCI Admissions Officer

From: Dorothy A. Perry, RDH, PhD
Associate Professor and Vice Chair
Chair, Division of Dental Hygiene

Subject: Dual Admissions Proposal

BOARS met on March 22 and 23 to discuss, among other items, the concerns expressed by you regarding the dual admissions proposal (DAP). I want to personally thank you for the time and effort you have taken to help us improve the proposal. I believe that we have a unique opportunity here to encourage access to UC for promising transfer students, and that this is an opportunity not to be missed.

David has sensitized me to the need to assure that non DAP students at community colleges have improved opportunities to be informed about and pursue UC academic careers. Although BOARS did remove that statement from the policy document, it is presented quite clearly in the companion implementation planning document. I attach both documents (the BOARS policy was revised very slightly at the last meeting, note specific references to a-g courses on page 2) for your review.

Sue's letter was the subject of a lengthy discussion. I would like to respond to each point.

1. Public relations. BOARS is very aware that the communications from UC to the top 12.5% of high school students must be carefully worded. We intend to review the documents and work with the administration to assure that students and parents understand what we are offering.
2. Impact on admissions office. BOARS has addressed the issue of resources with the administration, repeatedly and in depth. Strong fiscal systemwide support for the program is essential so that admissions offices can do their job and not feel they are being stretched yet another way. We continue to ask the administration to elucidate specific plans, and make sure that resources follow the program rather than being sent to the campuses in general. Central

administration also plans to provide as much systemwide support for applicant evaluation, and as early in the process as possible.

3. Advising. Plans for advising students are outlined in the implementation document and that planning is well under way. Selection of students for majors, including dance and music, is a campus-based activity and DAP students will be included in the process, not made exceptions to it. The nature of advisement will have to be specific, and the UC advisors at community colleges will have to be knowledgeable, in fact expert, at this.
4. Equitable distribution of DAP students. The DAP students will be selected by the campuses to which they apply based on your processes. Those not selected at any campus will be placed in a referral pool similar to current practices for both freshman and transfer students.
5. Other issues. 1) Residency will be exactly the same as it is now. 2) Tracking of these students is essential to the evaluation process, and will be done. 3) Financial aid is a crucial element of the transfer package and is presented in the implementation document. 4) Public relations regarding traditional transfer students is not a particular concern at this time. All normal transfer procedures will remain in place. Should this emerge as an issue, BOARS will be active in seeking solutions to the problem.

Thank you again for the time and effort you spent thinking your way through this proposal. BOARS has worked very hard to define a consensus and put forward a proposal that is agreeable to all campuses, but maintains campus autonomy in admissions. I would be delighted to respond further to these points, or any others that you may wish to bring to my attention.

cc: M. Cowan
C. Viswanathan
BOARS members
D. Galligani
A. Saragoza

May 8, 2001

MEMORANDUM

To: Stephen Yeazell, Chair UCLA Academic Senate
Charles Buchanan, Chair UCLA CUARS
Rae Lee Siporin, Admissions Officer

From: Dorothy A. Perry, RDH, PhD
Associate Professor and Vice Chair
Chair, Division of Dental Hygiene

Subject: Dual Admissions Proposal

BOARS met on March 22 and 23 to discuss, among other items, the concerns raised about the Dual Admissions Program (DAP) proposal in an e-mail message from Rae Lee and a faxed message from Chuck. As you know, BOARS has been trying extremely hard to find consensus on DAP among the campuses, and wishes to respond specifically to your concerns. These communications were shared with me, I trust with your permission, and I shared them with the members of BOARS. As a result, BOARS has revised the DAP slightly to make its intent more clear. I will forward you the revised document with this letter.

I would like to take this opportunity to thank you for continuing to work with us to improve the proposal. In addition, I would like to respond to your specific concerns in writing, based on BOARS deliberations at its most recent meeting.

Rae Lee's first point is related to taking UC preparatory courses in the 9th grade. BOARS intention is to treat the transcripts of the DAP students in precisely the same way that ELC students are currently evaluated. The proposal has been modified to state that the GPA calculation will be made for all a-g courses taken in the 10th and 11th grades.

Point 2 in her message concerns how UC will communicate with the identified students. We too are aware that the letters will have to be very carefully worded, and we intend to review the communications. In addition, BOARS is well aware that admissions decisions are made prior to a determination of eligibility and supports that once a campus makes an offer for dual admission, it stand, even if the student turns out to be eligible in the final analysis. If a student is accepted as a freshman at one campus, and for dual admission at another, it is up to the student to decide which offer to accept.

Point three of the message relates to the referral pool process. In order to continue making the UC guarantee of a place for all eligible students, BOARS continues to support the idea of using a process similar to that used in freshman admissions. At this time there are campuses that take all eligible students, and will do so with DAP students. If that situation changes, BOARS will be engaged in solving whatever problems emerge.

Chuck's faxed message to me repeated some of the concerns addressed by Rae Lee. I will address the general statements A – D.

- A. Proposed clarifications to the BOARS document. 1) BOARS has made every effort to emphasize campus autonomy in the proposal. We do not feel that the proposal has to spell out specific clauses in student contracts, and feel that current wording of the proposal and existing practices emphasize the conditional nature of acceptance at any UC campus. 2) The program is not intended to disadvantage any student. A DAP student could apply for regular transfer admissions at any campus as long as minimum requirements were met. However, the DAP admissions offer would stand as long as the student meets the campus-specific requirements. 3) A referral pool process is necessary, and clearly stated in the proposal. Should the accepted DAP student not meet the contract, then the specific UC admissions offer would end. 4) In a sense all the campuses are planning for this process in the dark, no one can predict with certainty how the program will change the campuses, or how it will affect our public relations. BOARS insists upon reviewing the program as it is implemented, and regularly thereafter. Policies that do not work will be changed.
- B. Questions regarding the statewide program. BOARS is very concerned that sufficient resources be in place to implement this program. We continue to work with UCOP on this matter, emphasize our concerns, and believe that the administration is equally sensitive to the fact that we cannot institute this program poorly. The implementation document may provides insight into how the administration intends to make the program work. Everyone is exquisitely aware that were the program to fail due to lack of effort and resources, it would be a public relations nightmare for UC and a tragedy for aspiring students of the state of California.
- C. CUARS concerns over implementation. BOARS recognizes that UCLA, UCB, and UCSB will, of necessity, have small numbers of students enrolled through DAP. We do feel that it is crucial that all campuses be available to students through this program. DAP is a unique opportunity for students to come to UC. BOARS feels that the public is going to respond positively to it, as opposed to UCLA's concerns that it will create a cadre of "unhappy disenfranchised students who were unable to fulfill their contracts."

D. Considerations beyond the BOARS proposal. 1) BOARS strongly endorses DAP as a statewide program. This will in no way diminish the regional efforts made by UCLA and the other campuses. 2) The implementation document refers to traditional transfer students, and recognizes that they too will benefit from improved transfer activities on the community college campuses. This is an important point for those students who are not DAP but wish to transfer to UC. 3) BOARS is opposed to changing the program so that students would be selected after the community college career. This would eliminate the incentive for the program and reduce the extraordinary opportunity we foresee that campuses have by working with promising students from their senior year in high school. It would end up looking quite like our existing systemwide transfer program.

I want to thank you again for permitting me to respond to your concerns. I sincerely hope that BOARS has addressed your concerns sufficiently that you are willing to work with us toward starting this program. We consider it an extraordinary tool for campuses to meet and foster high achieving transfer students from all areas of the state. I look forward to hearing from you.

cc: BOARS members

M. Cowan

C. Viswanathan

D. Galligani

A. Saragoza

**University of California
Academic Senate, Los Angeles Division**

**A Resolution Concerning the
Dual Admissions Proposal**

April 10, 2001

Recommendation:

Be it resolved, that the Legislative Assembly of the Los Angeles Division recommends that the proposed *Dual Admissions Program* be approved by the UC Academic Assembly with the following three conditions:

1. That the Program not be implemented until the President of the University certifies to the Board on Admissions & Relations with Schools that he has identified permanent funding adequate to support the community college counseling, financial aid, and related assistance necessary for this new cohort of students to succeed.
2. That the Program have a sunset provision, under which it lapses five years after the first student cohort enters UC, unless the Board of Admissions and Relations with Schools, after an appropriate study, recommends its continuation.
3. That implementation of the Program recognize explicitly that UC campuses are heterogeneous and the costs and consequences of the Program may be vastly different across campuses.

April 4, 2001

**CONSIDERATIONS AND RECOMMENDATIONS
FROM UCLA-CUARS
ON THE DUAL ADMISSION PROGRAM PROPOSAL**

This document represents the positions and thoughts of the UCLA Senate Committee on Undergraduate Admission and Relations with Schools (CUARS) on various aspects of the BOARS proposal to the statewide Academic Council on "Dual Admission". Presuming that the Dual Admission Program is approved, we hope these comments and recommendations may be of use to BOARS, the Academic Council, and the UCOP in both the policy-making and implementation stages.

The apparent motivation for the Dual Admission Program – to increase access to UC, with attendant support resources, for students who may grow sufficiently in community college to become competitive at UC campuses – is very desirable. However, because of its current extensive transfer program, UCLA has some very particular considerations for implementation. We offer comments and recommendations both for the statewide context and specifically for UCLA.

A) CLARIFICATIONS TO THE **BOARS DOCUMENT**

Many useful clarifications have already been incorporated at UCLA's suggestion into the current (3/22/01) BOARS proposal. We are quite appreciative of this. These include:

- Increasing the emphasis that each campus has autonomy in creating its campus-specific selection process.
- Increasing the emphasis that a student's agreement with a specific campus is a contract, where final entry into the campus is conditional on the student's fulfilling the community college curriculum and GPA standards specified in the contract.
- Increasing the emphasis that a campus' agreed-upon level of Dual Admission participation must be compatible with its overall Enrollment Growth Plan which it establishes with UCOP.

Other areas of concern have been clarified by a memorandum of 3/29/01 from Dorothy Perry (Chair of BOARS) to Stephen Yeazell (Chair UCLA Academic Senate), Charles Buchanan (Chair UCLA CUARS), and Rae Lee Siporin (Director, UCLA Undergraduate Admissions and Relations with Schools). These include:

- Timing is very complicated as to when it becomes clear that a student is indeed *statewide ineligible for freshman admission to UC*, and is therefore eligible for the Dual Admission Program. [Presumably a student learns whether he/she is between

4% and 12.5% in the Eligible in Local Context (ELC) during the summer before his/her senior year in high school. But he/she typically doesn't know whether he/she is statewide eligible or not until after the fall semester or even the spring semester of the senior year.] UCLA-CUARS concurs with Dorothy Perry's statement in her memo: "[The members of BOARS] are aware that the letters [offering Dual Admission to students] will have to be carefully worded, and we intend to review the communications. In addition, BOARS is well aware that admissions decisions are made prior to a determination of eligibility and supports that once a campus makes an offer for dual admission, it stands, even if the student turns out to be [statewide] eligible in the final analysis. If a student is accepted as a freshman at one campus, and for dual admission at another, it is up to the student to decide which offer to accept."

- The operation of the referral pool is likewise complicated. Questions, and some answers:
 - Is our interpretation correct that any high school student who meets the requirements of the Dual Admission program (in the top 12.5%, but not in the top 4%, in the ELC evaluation of his/her high school; not statewide eligible at the time of Dual Admission letters) is automatically included in the Dual Admission pool -- that is, he/she does not need to apply to be included in the Dual Admission program and there is no further selection for inclusion? The BOARS proposal seems not to be explicit in this area.
 - Once a student is in the Dual Admission pool, is he/she guaranteed a contract with some specific campus? Dorothy Perry's memorandum clarifies that this is the case: "In order to continue making the UC guarantee of a place for all eligible students, BOARS continues to support the idea of using a process [for Dual Admission] similar to that used in freshman admissions. At this time there are campuses that take all eligible students, and will do so with DAP students. If that situation changes, BOARS will be engaged in solving whatever problems emerge."
 - What happens to a Dual Admission student who completes his/her community college career, but has not fulfilled his/her contract (e.g., his/her GPA is below the stipulation in the contract) such that the original sponsoring UC campus does not allow the transfer? Again, Dorothy Perry's memorandum clarifies that: "Should the accepted DAP student not meet the contract, then the specific UC admissions offer would end." Of course, if the student's community college studies have met the general statewide requirements for transfer to the UC system, then he/she (as for any other student) becomes part of the statewide transfer pool and a place will be found for him/her on some UC campus.

B) SUGGESTIONS CONCERNING THE STATEWIDE PROGRAM

- Counseling and financial support resources are key to this program's success. There should be explicit assurances to the campuses that their participation in the Dual Admission program is contingent on these resources. There should be an emphasis that these resources be administered through the UC campuses. For efficient and successful administration of the program, there should be a regional emphasis, rather than the (perhaps unworkable) current statement in the BOARS proposal that "Articulation agreements would have to be arranged for all community colleges with all UC campuses."
- There should be a "sunsetting" provision such that the program would be reviewed in ~2007 or 2008 and continued only if it demonstrated its effectiveness in meeting its goals.
- As Dual Admission is implemented, there should be extensive consultation between the administrators implementing it and both BOARS and campus undergraduate admission committees.

C) CONCERNS THAT **CUARS HAS OVER THE EFFECTS OF IMPLEMENTATION AT UCLA**

- Because (a) UCLA already has a large and effective transfer program, (b) UCLA's Enrollment Growth Plan will have only a small projected growth in overall transfer enrollees, and (c) the Dual Admission program is intended to supplement rather than displace other transfer students, UCLA may end up with an expensive, but very small Dual Admission program. This could lead to the perception amongst the public that UCLA was not wholeheartedly participating in the program.
- The very high standards, which UCLA requires to transfer into many majors, create additional problems for UCLA's effective participation in the Dual Admission program as currently proposed. We are concerned that many of the Dual Admission students entering into a contract with UCLA may not be able to fulfill the contract. This then could lead to a very large, expensive inefficient program with the further public perception problem of a large number of unhappy disenfranchised students who were unable to fulfill their contracts with UCLA and are forced to go elsewhere.

D) CONSIDERATIONS, ABOVE AND OUTSIDE THE BOARS PROPOSAL, WHICH WOULD ALLOW UCLA TO BE MORE EFFECTIVE WITHIN THE PROGRAM

Modifications to the current proposal which would allow UCLA to have a considerably more effective role include:

- Set up and fund UCLA to have a major role (an extension of its current successful transfer program) in developing and coordinating the counseling, etc for a regional Dual Admission program, where it is understood that most of the successful Dual Admission graduates will matriculate to other UC campuses.
- Allow and fund UCLA to include in its Dual Admission program (with, thereby, access to the Dual Admission counseling and financial support resources) some students who have taken part in UCLA's outreach programs and who may be statewide eligible, but who are not competitive at UCLA as freshman candidates. In conformity with our perception of the motivation for the Dual Admission Program, this allows UCLA to carefully select amongst a larger pool those students whom we believe have the potential to grow considerably in community college and to nurture them during their community college education toward the goal of becoming competitive upper division students at UCLA.
- Allow the selection for Dual Admission to the specific campus as a transfer to occur after the community college career, not before. This still guarantees the student access to the Dual Admission resources and entry to UC at some campus provided he/she satisfies some specified requirements at the community college, but produces a much simpler and more efficient program. [We note, however, that this begins to more closely resemble the current transfer situation, except for access to the Dual Admission resources during community college.]

VII.

C. Board of Admissions and Relations with Schools (BOARS)

Dorothy Perry, Chair

- Report on Eligibility in a Local Context (discussion)

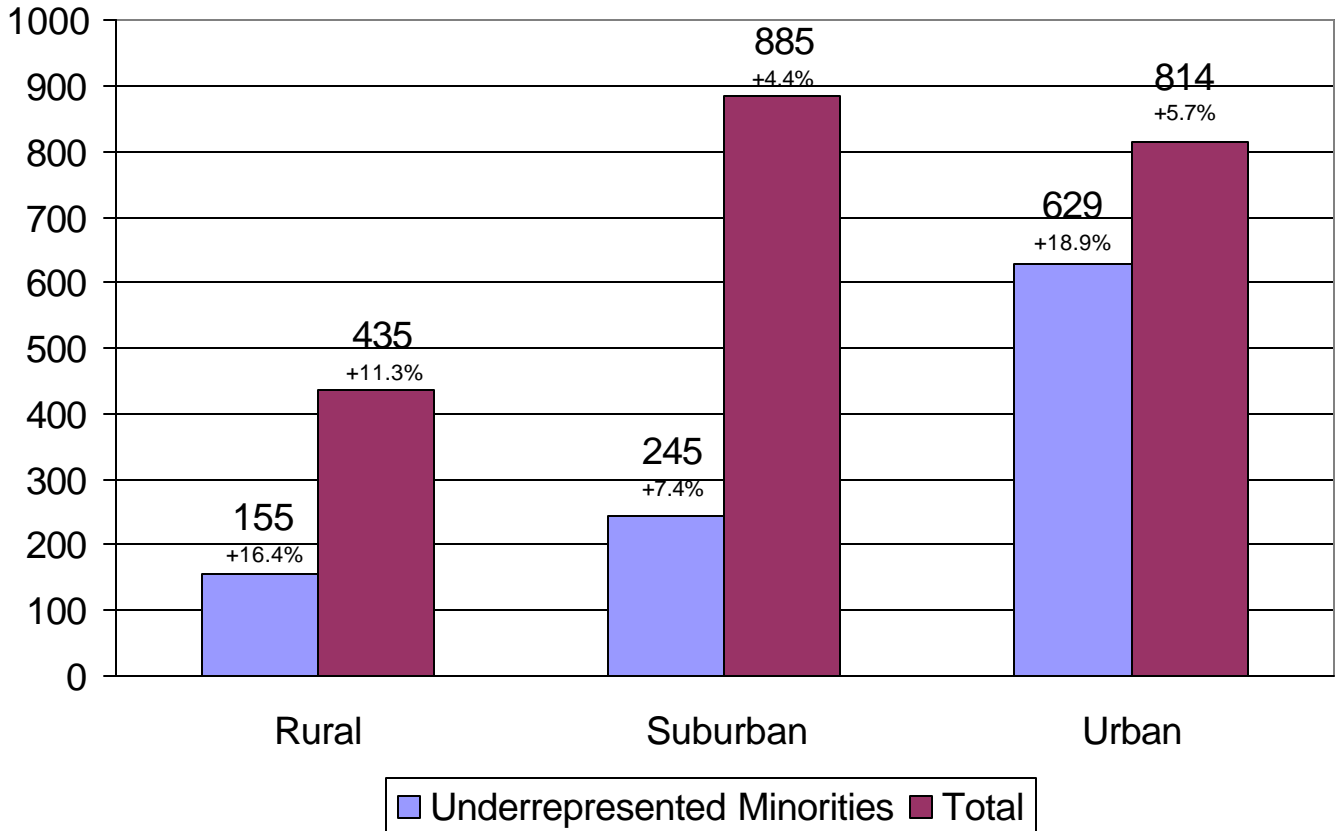
The University has admitted its first cohort of undergraduates through Eligibility in a Local Context (ELC). BOARS Chair Perry will report to the Assembly on ELC admissions within the larger context of undergraduate admissions. Four tables follow that provide information on ELC admissions and on spring 2001 undergraduate admissions in general.

**High School Participation in UC ELC Program
Year 1 (Normal and Special Process)**

	Non-Participating	Participating	Total	Participation Rate
Public Schools	28	852	880	96.8%
Private Schools	58	196	254	77.2%

New UC Applications Stimulated by ELC Program

Applicants from Public Schools only, Fall 2001



**University of California
New California Freshmen Admit Offers
Fall 2000 and 2001**

		Underrepresented Minorities				Sub-Total Under rep	All Other Students				Sub-Total Others	Grand Total	Underrep % of Grand Total	Underrep % w/o Decl To State
		Am Indian	African Am	Chicano	Latino		Asian Am	White	Other	Decline to State				
UW	F00	255	1,328	4,373	1,380	7,336	14,306	15,968	785	3,395	34,454	41,790	17.6%	19.1%
	F01	271	1,508	5,183	1,618	8,580	15,554	17,433	826	3,737	37,550	46,130	18.6%	20.2%
	Prev Year % +/-	6.3%	13.6%	18.5%	17.2%	17.0%	8.7%	9.2%	5.2%	10.1%	9.0%	10.4%		
BK	F00	38	288	608	235	1,169	2,838	2,305	115	680	5,938	7,107	16.4%	18.2%
	F01	47	293	737	226	1,303	2,985	2,467	129	717	6,298	7,601	17.1%	18.9%
	Prev Year % +/-	23.7%	1.7%	21.2%	-3.8%	11.5%	5.2%	7.0%	12.2%	5.4%	6.1%	7.0%		
DV	F00	84	373	1,124	377	1,958	5,273	5,938	266	1,235	12,712	14,670	13.3%	14.6%
	F01	105	404	1,418	466	2,393	5,810	6,210	284	1,309	13,613	16,006	15.0%	16.3%
	Prev Year % +/-	25.0%	8.3%	26.2%	23.6%	22.2%	10.2%	4.6%	6.8%	6.0%	7.1%	9.1%		
IR	F00	58	233	1,131	372	1,794	6,289	3,454	238	960	10,941	12,735	14.1%	15.2%
	F01	79	415	1,551	511	2,556	7,314	4,743	300	1,200	13,557	16,113	15.9%	17.1%
	Prev Year % +/-	36.2%	78.1%	37.1%	37.4%	42.5%	16.3%	37.3%	26.1%	25.0%	23.9%	26.5%		
LA	F00	44	297	812	296	1,449	3,961	3,100	157	816	8,034	9,483	15.3%	16.7%
	F01	43	265	929	284	1,521	4,007	3,063	158	860	8,088	9,609	15.8%	17.4%
	Prev Year % +/-	-2.3%	-10.8%	14.4%	-4.1%	5.0%	1.2%	-1.2%	0.6%	5.4%	0.7%	1.3%		
RV	F00	52	518	1,803	428	2,801	5,348	2,724	236	736	9,044	11,845	23.6%	25.2%
	F01	61	567	2,101	560	3,289	5,734	2,933	236	789	9,692	12,981	25.3%	27.0%
	Prev Year % +/-	17.3%	9.5%	16.5%	30.8%	17.4%	7.2%	7.7%	0.0%	7.2%	7.2%	9.6%		
SD	F00	56	195	931	314	1,496	4,953	4,650	184	1,182	10,969	12,465	12.0%	13.3%
	F01	53	232	1,101	364	1,750	6,194	5,612	245	1,425	13,476	15,226	11.5%	12.7%
	Prev Year % +/-	-5.4%	19.0%	18.3%	15.9%	17.0%	25.1%	20.7%	33.2%	20.6%	22.9%	22.2%		
SB	F00	86	330	1,345	465	2,226	3,253	5,756	204	1,094	10,307	12,533	17.8%	19.5%
	F01	98	413	1,734	535	2,780	3,923	6,591	269	1,319	12,102	14,882	18.7%	20.5%
	Prev Year % +/-	14.0%	25.2%	28.9%	15.1%	24.9%	20.6%	14.5%	31.9%	20.6%	17.4%	18.7%		
SC	F00	95	301	1,273	386	2,055	2,976	5,228	252	1,122	9,578	11,633	17.7%	19.6%
	F01	104	398	1,602	560	2,664	3,599	6,404	286	1,286	11,575	14,239	18.7%	20.6%
	Prev Year % +/-	9.5%	32.2%	25.8%	45.1%	29.6%	20.9%	22.5%	13.5%	14.6%	20.8%	22.4%		

NOTES:

- (1) Data are from the Management Reports: 3/24/00 for Fall 2000 and 3/28/01 for Fall 2001
- (2) Asian Americans include Chinese, East Indian/Pakistani, Filipino, Japanese, Korean, Vietnamese and Other Asians.
- (3) Out-of-state, international and referral students are not included in this report.
- (4) Decline to state are students who did not provide information on their ethnic identity in the admission application.

SOURCE: UC Office of the President, Campus Admissions Offices, OA&SA files, March 2001 f01/preadm-Cal Fr by cm %+-

**University of California
Distribution of New California Freshmen Admit Offers
Fall 1997 through 2001**

		Underrepresented Minorities				Sub-Total Under rep	All Other Students				Sub-Total Others	Grand Total	Underrep % of Grand Total	Underrep % w/o Decl To State
		Am Indian	African Am	Chicano	Latino		Asian Am	White	Other	Decline to State				
UW	F97	307	1,435	4,061	1,433	7,236	12,771	15,527	941	1,953	31,192	38,428	18.8%	19.8%
	F98	292	1,193	3,855	1,229	6,569	12,625	13,815	595	5,618	32,653	39,222	16.7%	19.5%
	F99	275	1,331	4,227	1,380	7,213	14,358	17,162	795	3,224	35,539	42,752	16.9%	18.2%
	F00	255	1,328	4,373	1,380	7,336	14,306	15,968	785	3,395	34,454	41,790	17.6%	19.1%
	F01	271	1,508	5,183	1,618	8,580	15,554	17,433	826	3,737	37,550	46,130	18.6%	20.2%
BK	F97	59	515	1,013	191	1,778	2,477	2,191	153	424	5,245	7,023	25.3%	26.9%
	F98	23	157	393	144	717	2,542	2,150	78	1,034	5,804	6,521	11.0%	13.1%
	F99	34	256	506	194	990	2,788	2,375	131	611	5,905	6,895	14.4%	15.8%
	F00	38	288	608	235	1,169	2,838	2,305	115	680	5,938	7,107	16.4%	18.2%
	F01	47	293	737	226	1,303	2,985	2,467	129	717	6,298	7,601	17.1%	18.9%
DV	F97	112	483	1,089	458	2,142	4,110	5,326	302	678	10,416	12,558	17.1%	18.0%
	F98	95	333	947	333	1,708	4,238	4,744	180	1,831	10,993	12,701	13.4%	15.7%
	F99	96	342	916	354	1,708	4,740	5,603	236	1,056	11,635	13,343	12.8%	13.9%
	F00	84	373	1,124	377	1,958	5,273	5,938	266	1,235	12,712	14,670	13.3%	14.6%
	F01	105	404	1,418	466	2,393	5,810	6,210	284	1,309	13,613	16,006	15.0%	16.3%
IR	F97	62	287	987	377	1,713	5,536	2,794	265	417	9,012	10,725	16.0%	16.6%
	F98	56	250	974	317	1,597	5,517	2,638	166	1,371	9,692	11,289	14.1%	16.1%
	F99	70	276	1,111	367	1,824	6,257	3,331	247	822	10,657	12,481	14.6%	15.6%
	F00	58	233	1,131	372	1,794	6,289	3,454	238	960	10,941	12,735	14.1%	15.2%
	F01	79	415	1,551	511	2,556	7,314	4,743	300	1,200	13,557	16,113	15.9%	17.1%
LA	F97	79	470	1,127	334	2,010	3,788	2,945	199	525	7,457	9,467	21.2%	22.5%
	F98	42	272	715	253	1,282	3,839	2,914	117	1,358	1,358	9,510	13.5%	15.7%
	F99	35	284	733	263	1,315	3,773	2,837	162	709	7,481	8,796	14.9%	16.3%
	F00	44	297	812	296	1,449	3,961	3,100	157	816	8,034	9,483	15.3%	16.7%
	F01	43	265	929	284	1,521	4,007	3,063	158	860	8,088	9,609	15.8%	17.4%
RV	F97	28	300	889	271	1,488	3,686	1,635	187	235	5,743	7,231	20.6%	21.3%
	F98	49	337	1,172	308	1,866	3,899	1,757	129	971	6,756	8,622	21.6%	24.4%
	F99	69	516	1,597	428	2,610	5,174	3,395	240	652	9,461	12,071	21.6%	22.9%
	F00	52	518	1,803	428	2,801	5,348	2,724	236	736	9,044	11,845	23.6%	25.2%
	F01	61	567	2,101	560	3,289	5,734	2,933	236	789	9,692	12,981	25.3%	27.0%
SD	F97	114	368	1,161	263	1,906	4,741	4,820	269	718	10,548	12,454	15.3%	16.2%
	F98	60	199	678	268	1,205	4,590	4,328	180	1,814	10,912	12,117	9.9%	11.7%
	F99	55	171	812	289	1,327	4,878	4,750	191	1,050	10,869	12,196	10.9%	11.9%
	F00	56	195	931	314	1,496	4,953	4,650	184	1,182	10,969	12,465	12.0%	13.3%
	F01	53	232	1,101	364	1,750	6,194	5,612	245	1,425	13,476	15,226	11.5%	12.7%
SB	F97	142	429	1,607	606	2,784	3,050	6,953	349	689	11,041	13,825	20.1%	21.2%
	F98	104	365	1,263	384	2,116	2,729	5,558	169	1,915	10,371	12,487	16.9%	20.0%
	F99	84	322	1,273	450	2,129	2,985	6,370	249	1,112	10,716	12,845	16.6%	18.1%
	F00	86	330	1,345	465	2,226	3,253	5,756	204	1,094	10,307	12,533	17.8%	19.5%
	F01	98	413	1,734	535	2,780	3,923	6,591	269	1,319	12,102	14,882	18.7%	20.5%
SC	F97	80	258	935	348	1,621	1,873	4,300	254	510	6,937	8,558	18.9%	20.1%
	F98	92	225	948	332	1,597	2,074	3,879	165	1,544	7,662	9,259	17.2%	20.7%
	F99	82	252	989	364	1,687	2,426	4,755	207	914	8,302	9,989	16.9%	18.6%
	F00	95	301	1,273	386	2,055	2,976	5,228	252	1,122	9,578	11,633	17.7%	19.6%
	F01	104	398	1,602	560	2,664	3,599	6,404	286	1,286	11,575	14,239	18.7%	20.6%

NOTES:

- (1) Data are from the Management Reports: 4/1/98 for Fall 1998, 3/30/99 for Fall 1999, 3/24/00 for Fall 2000, and 3/28/01 for Fall 2001
- (2) Asian Americans include Chinese, East Indian/Pakistani, Filipino, Japanese, Korean, Vietnamese and Other Asians.
- (3) Out-of-state, international and referral students are not included in this report.
- (4) Decline to state are students who did not provide information on their ethnic identity in the admission application.

D. Committee on Privilege & Tenure (UCP&T)

George Blumenthal, Chair

- Approval of Revisions to Senate Bylaws Governing Privilege & Tenure Standards and Procedures (action)

The University Committee on Privilege & Tenure is recommending that Universitywide Senate Bylaws governing the standards and procedures employed by Privilege & Tenure committees be modified as set forth below. More specifically, the committee is recommending replacing current Senate Bylaw 335 with the proposed Senate Bylaws 334-337, and modifying Senate Bylaw 195, which governs the membership of the Universitywide Committee on Privilege & Tenure. The Academic Council has approved the proposed legislation for submission to the Assembly.

The University Committee on Rules & Jurisdiction (UCR&J) remains in discussion with UCP&T regarding several points of the proposed legislation. With UCR&J's approval, the legislation is being set forth in this *Notice of Meeting* with the understanding that it may (1) be presented to the Assembly without change – that is, as set forth in this *Notice of Meeting* (2) be presented in this *Notice of Meeting* along with an addendum that specifies several modifications to the proposal (3) be presented to the Assembly in accordance with language finalized between the date this *Notice of Meeting* is mailed and the date the Assembly meets.

Proposed Change to Senate Bylaws Present Wording

335. Privilege and Tenure: Divisional Committees

[See Legislative Rulings 3.73, 12.80, 39.3.A-B, 4.94]

A. Jurisdiction. Divisional Privilege and Tenure Committees shall have jurisdiction to deal with three distinct categories of cases:

1. grievance cases,
2. disciplinary cases, and
3. early termination cases.

Such committees may also be called upon by the campus administration of their Division to render advice on campus policies or local regulations that may affect academic privileges and tenure. [See Legislative Ruling 12.80] (Am 3 Dec 80)

B. Grievance Cases

1. Any member of the Academic Senate may complain to the Divisional Privilege and Tenure Committee that the member's rights or privileges have been violated. The committee may require that the complainant shall first exhaust all appropriate administrative avenues of redress.

2. In cases of personnel review involving tenure, promotion, or reappointment, such complaints may be based only on allegations: (a) that the procedures were not in consonance with the applicable rules and requirements of the University or any of its Divisions, and/or (b) that the challenged decision was reached on the basis of impermissible criteria, including (but not limited to) race, sex, or political conviction. The committee shall be empowered to determine the validity of the complaints under (a) or (b) but shall not be empowered to reevaluate the academic qualifications or professional competence of the complainant.

C. Disciplinary Cases

In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or against other faculty members in cases where the right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents (Appendix I), proceedings shall be conducted before a Divisional Privilege and Tenure Committee. Under extraordinary circumstances and for good cause shown, on petition of any of the parties and with concurrence of the other parties, the University Privilege and Tenure Committee may constitute a Special Committee composed of Senate members from any Division to carry out the proceedings. (CC Jun 77) (Am 3 May 90)

D. Early Termination Cases

In cases of proposed termination of a Senate or non-Senate faculty member before the expiration of the faculty member's contract, the faculty member may request a hearing before a Divisional Privilege and Tenure Committee. The committee shall then conduct a hearing on the case to determine whether, in its judgment, the proposed early termination is for good cause and has been recommended in accordance with a procedure that does not violate the privileges of the faculty member. (Am 3 Dec 80)

E. Prehearing Procedure in Grievance Cases

1. For the purpose of advising a Senate member on the available relief in case of a grievance, each Division, in accordance with specifications to be determined by such Division, shall appoint an individual or committee (preferably former members of the Privilege and Tenure Committee) whose responsibility shall be to discuss the claim of violation of rights and privileges with the aggrieved Senate member and provide counsel on the appropriate procedure to be followed. Such individuals or committee members shall not serve as representatives of any complainant.

2. Upon receipt of a complaint, the Privilege and Tenure Committee shall first determine whether or not the complaining Senate member has made out a *prima facie* case. A *prima facie* case shall be deemed established if the committee concludes that there is sufficient reason to believe that a right or privilege of the complainant may have been violated. Upon an appropriate showing of need by any party or on its own initiative, the committee may request files and documents under the control of the administration, including the complainant's personnel files and confidential documents contained therein. Such confidential documents shall remain confidential within the committee.
3. The complainant shall have the right to appear before the committee. The committee may also ask other persons involved in the events that gave rise to the complaint, including the department chair, to appear for an informal hearing.
4. If the committee determines that the complainant has not made out a *prima facie* case of violation of a right or privilege, it shall advise the complainant to that effect in a written communication stating the reasons for its conclusion.
5. If the committee determines that the complainant has made out a *prima facie* case of violation of a right or privilege, the committee shall make an attempt to promote a settlement of the controversy between the complainant and the administrative officer, officers, or other persons concerned. If no settlement can be reached, the committee shall conduct a formal hearing in accordance with the provisions set forth herein below under Article 335.G.

F. Prehearing Procedure in Disciplinary Cases

1. In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or termination of appointment of a member of the faculty in a case where the right to a hearing before a Senate committee is given under Section 103.9 or 103.10 of the Standing Orders of The Regents, proceedings shall be initiated by the appropriate Chancellor. The complaint shall be in writing and shall contain a full statement of the facts underlying the charges. Upon receipt of the complaint, the chair of the committee shall promptly deliver a copy to the defendant or send it by registered mail to the defendant's last known place of residence. (Am 3 May 90)

2. The defendant shall have fourteen calendar days from the date of the receipt in which to file an answer in writing with the committee. Upon receipt of a written application, the chair of the committee may grant a reasonable extension of time for filing of an answer. (Am 3 May 90)
3. The matter shall first be heard by the committee within 45 calendar days after receipt of an answer or, if no answer is received, after delivery of the complaint. The defendant shall be given, either personally or by registered mail, at least ten calendar days' notice of the time and place of the hearing. The Chancellor or Chair of the Committee may for good reason grant an extension of any of these time limits. (Am 3 May 90)

G. Hearing and Posthearing Procedures (Am 3 Dec 80)

1. The committee shall appoint a hearing committee for each case. The Hearing Committee may be the Divisional Committee on Privilege and Tenure or may be composed of at least five members selected from the membership of the Divisional Committee on Privilege and Tenure and an appointed panel of Division members (except as provided in C above). At least two of the members shall be members of the Divisional Committee on Privilege and Tenure, one of whom shall be chair. The committee may not appoint a member of the department or equivalent unit of the complainant or grievant to the Hearing Committee. A quorum for the conduct of the hearing shall consist of a majority of the Hearing Committee, including at least one member of the Divisional Committee on Privilege and Tenure. (Am 3 May 90)
2. Each party shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received and to select a representative who may act as counsel. Each party shall have the right to present its case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.
3. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. In hearings on grievances or early terminations, the

identity of sources of personnel evaluations, insofar as they are confidential, shall remain so within the Hearing Committee. The Hearing Committee may call witnesses not referred to in the complaint or answer.

4. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that notice may be taken of any judicially noticeable fact. Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to refute such matters.
5. The Divisional Committee on Privilege and Tenure may, in its discretion, request appointment of a qualified person or persons, designated by the Chair of the University Committee on Privilege and Tenure, to assist in the organization and conduct of the hearing.
6. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the proceedings shall be confidential; the Hearing Committee may, however, authorize their release with the consent of the complainant in a grievance case, with the consent of the defendant in a disciplinary case, and with the consent of the faculty member involved in an early termination case.
7. In a disciplinary proceeding, the Hearing Committee shall not have power to recommend the imposition of a sanction more severe than that proposed in the complaint.
8. The hearing shall be recorded and the parties and their representatives shall have the right to a copy of the recording. The cost of the copy shall be assumed by the requesting party. (Am 3 May 90)
9. The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision. (En 25 May 76; Am 3 Dec 80)

195. Privilege and Tenure

- A. Membership shall consist of: One member from each Division normally serving three-year staggered terms and so selected that at least one-half of the members currently serve on or have had previous service on a Divisional Committee on Privilege and Tenure.
- B. Duties.
 - 1. The committee shall advise the President, the Academic Senate and its Divisions, and the Divisional Privilege and Tenure Committees on general policies involving academic privileges and tenure [see Bylaw 335]. (Am 25 May 76)
 - 2. The Committee shall constitute special Hearing Committees as provided for in Bylaw 335.C.

Proposed Wording

334. Privilege and Tenure: Divisional Committees -- Jurisdiction

[See Legislative Rulings 3.73, 12.80, 3.93.A-B, 4.94]

- A. Divisional Privilege and Tenure Committees shall have jurisdiction to deal with three distinct categories of cases:
1. grievance cases (SBL335), **where a member of the Senate claims injury through the violation of his/her rights and privileges;**
 2. disciplinary cases (SBL 336), **where a member of the Senate is accused of having violated the Faculty Code of Conduct; and**
 3. early termination cases (SBL 337), **where a Senate or non-Senate faculty member challenges whether there is good cause for his/her early termination.**

Such committees may also be called upon by the campus administration of their Division to render advice on campus policies or local regulations that may affect academic privileges and tenure. [See Legislative Ruling 12.80] (Am 3 Dec 80)

- B. **At the end of every year, the Divisional Committee will supply a summary of its cases to the University Committee on Privilege and Tenure, to be used for statistical purposes only. This summary shall not include the name of any individual involved in a case before the Divisional Committee. For any matter held over from the previous year, the Committee shall report the final disposition of the case. The Divisional Committee shall also report any final disagreements with their Chancellor.**
- C. **Resolution of Disagreements with the Chancellor. After any formal hearing on grievance, discipline, or early termination, upon notice of the Chancellor's tentative decision to disagree with the Privilege and Tenure findings or recommendations, the Chair of the Divisional Privilege and Tenure Committee should either meet with the Chancellor or arrange for the full Divisional Privilege and Tenure Committee to meet with the Chancellor. The Committee is obliged to report the existence of agreement or disagreement with the Chancellor annually to the Division of the Senate, without divulging confidential information.**

335. Privilege and Tenure: Divisional Committees -- Grievance Cases

- A. **Scope**
1. Any member of the Academic Senate may ~~complain~~ **grieve** to the Divisional Privilege and Tenure Committee (**hereafter, the Committee**) that the member's rights or privileges have been violated. **Before considering the grievance and determining whether a formal evidentiary hearing is warranted, the committee** **Committee** may require that the complainant **grievant** shall first exhaust all appropriate administrative avenues of redress. **Administrative avenues of redress include, but are not limited to,**

presentation of the grievance along with a request for an administrative remedy to the department chair, dean, or other appropriate academic administrator with authority to investigate and offer a remedy.

2. In cases of personnel review involving tenure, promotion, or reappointment, such ~~complaints~~ **grievances** may be based only on allegations: (a) that the procedures were not in consonance with the applicable rules and requirements of the University or any of its Divisions, and/or (b) that the challenged decision was reached on the basis of impermissible criteria, including (but not limited to) race, sex, or political conviction. The committee shall be empowered to determine the validity of the ~~complaints~~ **grievances** under (a) or (b) but shall not be empowered to reevaluate the academic qualifications or professional competence of the ~~complainant~~ **grievant**.

B. **Preliminary** Prehearing Procedure in Grievance Cases

1. For the purpose of advising a ~~Senate member~~ **Senate members** on the available relief in case of a **potential** grievance, each Division, in accordance with specifications to be determined by such Division, shall appoint an individual or ~~committee~~ **panel** (preferably former members of the Privilege and Tenure Committee, **but not current members**) whose responsibility shall be **who shall be available to each grievant** to discuss the claim of violation of rights and privileges with the aggrieved ~~Senate member~~ and **to** provide ~~counsel~~ **advice** on the appropriate procedure to be followed. Such individuals or ~~committee~~ **panel** members shall not serve as representatives of any ~~complainant~~ **grievant, and they shall maintain full confidentiality to the extent allowable by law. An aggrieved Senate member may consult with the individuals appointed under this provision with the understanding that the grievance will not be disclosed and that the consultation shall not constitute notice of the grievance to the campus or University administration.**
2. Upon receipt of a ~~complaint~~ **written grievance**, the Privilege and Tenure Committee shall first determine whether or not the ~~complainant~~ **grieving** Senate member has made out a *prima facie* case. **This determination shall be limited to a review of the written grievance only.** A *prima facie* case shall be deemed established if the Committee concludes that **the allegations as stated in the written grievance, if true, would constitute a violation of the faculty member's rights and privileges.**
3. **If it finds that there is a prima facie case, the Committee may conduct a preliminary review of the evidence to determine whether** that there is sufficient reason to believe that a right or privilege of the ~~complainant~~ **grievant** may have been violated. The ~~complainant~~ shall have the right to appear before the committee. **In the course of its preliminary review, the Committee shall provide the grievant with an opportunity to discuss his or**

her allegations with the Committee, either orally or in writing. Upon an appropriate showing of need by any party or on its own initiative, the Committee may request files and documents under the control of the administration, including the complainant's **grievant's** personnel files and confidential documents contained therein. Such confidential documents shall remain confidential within the committee **unless disclosure is required by law. At this stage, the Committee may also give the administrator with authority to offer a remedy notice of the grievance and an opportunity to respond. To further facilitate its review,** the Committee may also ask other persons involved in the events that gave rise to the complaint, **grievance,** including the department chair, to appear ~~for an informal hearing~~ **before or provide information to the Committee.**

4. If the committee determines **either** that the complainant **grievant** has not made out a *prima facie* case of violation of a right or privilege, **or that after a preliminary review, there is not sufficient reason to believe that the grievant's rights and privileges may have been violated,** it shall advise the complainant **grievant** to that effect in a written communication stating the reasons for its conclusion. **The Committee may, at its discretion, provide a copy of that communication to the administration.**
5. If the Committee determines that the complainant **grievant** has made out a *prima facie* case of violation of a right or privilege, **and that there is sufficient reason to believe that the grievant's rights and privileges may have been violated, the Committee shall advise the Chancellor's designee of the grievance and the prima facie determination.** The Committee shall make an attempt to promote a settlement **resolution** of the controversy between the complainant **grievant** and the administrative officer, officers, or other persons concerned. If no settlement **resolution** can be reached, the Committee shall conduct a formal hearing in accordance with the provisions set forth **below.** ~~herein below under Article 335.G.~~
6. **No grievance may be considered by the Committee if more than three years have passed between the time the grievant knew or should have known about the violation of his/her rights and privileges and the resulting injury therefrom, and the filing of a grievance with the Committee.**

C. Early Resolution

1. **Any party may attempt to resolve the grievance informally through negotiations. Such negotiations may proceed with the assistance of impartial third parties, including one or more members of the Committee. A negotiated resolution is permissible and appropriate at any stage of these grievance procedures. If a negotiated resolution is reached after a written grievance is**

filed, then the Privilege and Tenure Committee should be given notice that the matter has been resolved.

- 2. The grievance may also be resolved through mediation in cases where such mediation is acceptable to the administration and the grievant. With the consent of the administration and the grievant, the Committee may assist in the selection of an appropriate mediator. Other relevant parties, including members of the Committee, may participate in the mediation.**

D. Hearing and Posthearing Procedures (Am 3 Dec 80)

1. The **Privilege and Tenure Committee** committee shall appoint a Hearing Committee for each **grievance** case **that is not resolved through a negotiated resolution or mediation.** The Hearing Committee may be the Divisional Committee on Privilege and Tenure or may be composed of at least five **should consist of at least three Division members.** members selected from the membership of the Divisional Committee on Privilege and Tenure and an appointed panel of Division members (except as provided in C above). At least two of the members shall be members of the Divisional Committee on Privilege and Tenure, one of whom shall be chair **the Hearing Committee.** The committee may not appoint a member of the department or equivalent **administrative** unit of the complainant or grievant **any of the parties** to the Hearing Committee. **Hearing committee members shall disclose to the hearing committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate.** A quorum for the conduct of the hearing shall consist of a majority **at least half but not less than three members** of the Hearing Committee, including at least one member of the Divisional Committee on Privilege and Tenure. (Am 3 May 90)
2. **Prior to the formal hearing, the chair of the Hearing Committee shall schedule a conference with the parties and/or their representatives. This conference should attempt to:**
 - a. Determine the facts about which there is no dispute. At the hearing, these facts may be established by stipulation.**
 - b. Define the issues to be decided by the hearing committee.**
 - c. Set a time for both sides to exchange a list of witnesses and copies of exhibits to be presented at the hearing. The Hearing Committee has the discretion to limit each party to those witnesses whose names were disclosed to the other party prior to the hearing and to otherwise limit evidence to that which is relevant to the issues before the hearing committee.**
 - d. Specify whether prehearing and post-hearing briefs will be submitted by the parties as well as the deadlines for those briefs.**

- e. **Attain agreement about whether any person other than the Chancellor, the Chancellor's designee, the grievant, and their representatives may be present during all or part of the hearing.** In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.

3. Each party **The Chancellor's designee, the grievant, and/or their representatives** shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received. ~~and to select a representative who may act as counsel.~~ Each party shall have the right **to be represented by counsel,** to present its case ~~or defense~~ by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.

4. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. ~~In hearings on grievances or early terminations, The identity of sources of personnel evaluations, insofar as they are confidential,~~ **All confidential information introduced into evidence, including the identity of confidential sources of personnel evaluations,** shall remain so within the Hearing Committee. The Hearing Committee may call witnesses **or make evidentiary requests on its own volition.** ~~not referred to in the complaint or answer.~~ **The Hearing Committee also has the discretion to require that all witnesses affirm the veracity of their testimony.**

5. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that notice may be taken ~~the Hearing Committee may take notice~~ of any judicially noticeable facts **that are commonly known.** Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to ~~refute such matters~~ **object to the Hearing Committee's notice of such matters.**

6. The Divisional Committee on Privilege and Tenure may, ~~in~~ **at** its discretion, request **the** appointment of a qualified person or persons, designated by the Chair of the University Committee on Privilege and Tenure, **to provide legal advice and/or** to assist in the organization and conduct of the hearing.

7. **At the hearing, the grievant shall bear the burden of proving the validity of the grievance by a preponderance of the evidence.**

8. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, **the Chancellor**, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the proceedings shall be confidential **to the extent allowed by law and UC policy**. The Hearing Committee may, however, **with the consent of the grievant**, authorize their release **of the findings, conclusions, and recommendations to other individuals or entities, to the extent allowed by law**. ~~with the consent of the complainant in a grievance case, with the consent of the defendant in a disciplinary case, and with the consent of the faculty member involved in an early termination case.~~
9. The hearing shall be recorded. **The Hearing Committee has the discretion to use a certified court reporter (whose cost is borne by the administration) for this purpose**, and the parties and their representatives shall have the right to a copy of the recording **or transcript**. The cost of the copy shall be assumed by the requesting party. (Am 3 May 90)
10. The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision **and that were not reasonably discoverable at the time of the hearing**. (En 25 May 76; Am 3 Dec 80)

E. Grievance Cases Related to Disciplinary Cases

1. **There are circumstances in which the same set of facts and allegations lead to both a disciplinary matter and a grievance before the Committee. Under these circumstances, when a single hearing is held, the Committee shall make separate reports of findings, conclusions, and recommendations for the grievance and for the disciplinary matter.**
 - a. **When a grievance involves the same set of facts that are the subject of a disciplinary matter, the Committee on Privilege and Tenure may, at its discretion, hold either matter in abeyance while it proceeds with the other. Alternatively, the Committee may, with the consent of the grievant, the accused in the disciplinary matter, and the Chancellor's designee, consider both matters within a single hearing.**
 - b. **When a Senate member facing disciplinary charges files a grievance involving the same set of facts and circumstances as the disciplinary matter, the Committee on Privilege and Tenure has the discretion to consider both matters within a single hearing.**

2. **When a Senate member files a grievance which is based upon the same facts and incidents involved in a prior disciplinary hearing at which the same Senate member was accused of violating the Code of Conduct, the findings and conclusions of the prior disciplinary hearing shall be conclusive.**

336. Privilege and Tenure: Divisional Committees -- Disciplinary Cases

A. Right to a Hearing

In cases of disciplinary action commenced by the administration against a member of the Academic Senate, ~~or against other faculty members in cases where the right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents (Appendix D),~~ proceedings shall be conducted before a Divisional Privilege and Tenure Committee (**hereafter, the Committee**). Under extraordinary circumstances and for good cause shown, on petition of any of the parties and with concurrence of the other parties, the University Privilege and Tenure Committee may constitute a Special Committee composed of Senate members from any Division to carry out the proceedings. (CC Jun 77) (Am 3 May 90)

B. Prehearing Procedure in Disciplinary Cases

1. In cases of disciplinary action commenced by the administration against a member of the Academic Senate, ~~or termination of appointment of a member of the faculty in a case where the right to a hearing before a Senate committee is given under Section 103.9 or 103.10 of the Standing Orders of The Regents,~~ proceedings shall be initiated by the appropriate Chancellor **or Chancellor's designee, once probable cause has been established. Procedures regarding the establishment of probable cause are determined by APM 015/016 and Divisional policies.** The complaint **charges** shall be in writing and shall contain **notice of proposed disciplinary action and** a full statement of the facts underlying the charges. Upon receipt of the complaint **charges**, the Chair of the **Divisional Privilege and Tenure** Committee shall promptly deliver a copy to the defendant **accused faculty member** or send it by registered mail to the defendant's **accused's** last known place of residence. (Am 3 May 90)
2. The defendant **accused** shall have fourteen **twenty-one** calendar days from the date of the receipt in which to file an answer in writing with the committee. **The Committee shall provide a copy of the answer to the Chancellor or Chancellor's designee.** Upon receipt of a written application, the chair of the committee may grant a reasonable extension of time for filing of an answer. (Am 3 May 90)
3. The matter shall first be heard by the committee **The Privilege and Tenure committee shall consider the matter** within 45 **21** calendar days after receipt of an answer or, if no answer is received, after ~~delivery of the complaint~~ **the deadline for receipt of an answer. The Committee shall evaluate the case and establish time frames for all subsequent procedures. The committee may refer the case to mediation (SBL 336.C) or appoint a hearing committee (SBL 336.D). As a general guide, a prehearing conference (SBL 336.D.2) shall be**

scheduled within 30 calendar days and a hearing (SBL 336.D) shall be scheduled within 90 calendar days of the appointment of a hearing committee. The defendant **accused** shall be given, either personally or by registered mail, at least ten calendar days' notice of the time and place of the hearing. The Chancellor, **Chancellor's designee**, or Chair of the **Privilege and Tenure** Committee may for good reason grant an extension of any of these time limits. (Am 3 May 90)

4. **No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action.**

C. Early Resolution

1. **The Chancellor or Chancellor's designee and the accused may attempt to resolve the disciplinary charges informally through negotiations. Such negotiations may proceed with the assistance of impartial third parties, including one or more members of the Committee. A negotiated resolution is permissible and appropriate at any stage of these disciplinary procedures. If a negotiated resolution is reached after written charges are filed, then the Privilege and Tenure Committee should be given notice that the matter has been resolved.**
2. **The disciplinary charges may also be resolved through mediation in cases where such mediation is acceptable to the administration and the accused. With the consent of the administration and the accused, the Committee may assist in the selection of an appropriate mediator. Other relevant parties, including members of the Committee, may participate in the mediation.**
3. **Once charges have been filed with the Committee, the Chair of the Divisional Privilege and Tenure Committee should request that the Chancellor or Chancellor's designee consult with the Committee or its chair prior to the completion of any early resolution.**

D. Hearing and Posthearing Procedures (Am 3 Dec 80)

1. The **Privilege and Tenure Committee** committee shall appoint a Hearing Committee for each **disciplinary case that is not resolved through a negotiated resolution or mediation.** The Hearing Committee may be the Divisional Committee on Privilege and Tenure or may be composed of at least five **should consist of at least three Division members.** members selected from the membership of the Divisional Committee on Privilege and Tenure and an appointed panel of Division members (except as provided in C above). At least two of the members shall be members of the Divisional

Committee on Privilege and Tenure, one of whom shall be chair **the Hearing Committee**. The Committee may not appoint a member of the department or equivalent **administrative** unit of the complainant or grievant **any of the parties** to the Hearing Committee. **Hearing committee members shall disclose to the hearing committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate.** A quorum for the conduct of the hearing shall consist of a majority **at least half but not less than three members** of the Hearing Committee, including at least one member of the Divisional Committee on Privilege and Tenure. (Am 3 May 90)

- 2. Prior to the formal hearing, the chair of the Hearing Committee shall schedule a conference with the accused, the Chancellor or the Chancellor's designee, and/or their representatives. This conference should attempt to:**
 - a. Determine the facts about which there is no dispute. At the hearing, these facts may be established by stipulation.**
 - b. Define the issues to be decided by the Hearing Committee.**
 - c. Set a time for both sides to exchange a list of witnesses and copies of exhibits to be presented at the hearing. The Hearing Committee has the discretion to limit each party to those witnesses whose names were disclosed to the other party prior to the hearing and to otherwise limit evidence to that which is relevant to the issues before the Hearing Committee.**
 - d. Specify whether prehearing and post-hearing briefs will be submitted by the parties as well as the deadlines for those briefs.**
 - e. Attain agreement about whether any person other than the Chancellor, the Chancellor's designee, the accused, and their representatives may be present during all or part of the hearing.** In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.
- 3. Each party The Chancellor's designee, the accused, and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received. ~~and to select a representative who may act as counsel.~~ Each party shall have the right to be represented by counsel, to present its case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.**
- 4. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an**

appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. ~~In hearings on grievances or early terminations, The identity of sources of personnel evaluations, insofar as they are confidential,~~ **All confidential information introduced into evidence** shall remain so within the Hearing Committee. The Hearing Committee may call witnesses **or make evidentiary requests** ~~not referred to in the complaint or answer~~ **on its own volition. The Hearing Committee also has the discretion to require that all witnesses affirm the veracity of their testimony.**

5. **Prior discipline involving the same accused faculty member may be admitted into evidence if the prior conduct for which the faculty member was disciplined is relevant to the acts alleged in the current disciplinary matter. Under these conditions, prior hearing reports are always admissible.**
6. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that ~~notice may be taken~~ **the Hearing Committee may take notice** of any judicially noticeable facts **that are commonly known.** Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to ~~refute such matters~~ **object to the Hearing Committee's notice of such matters.**
7. The Divisional Committee on Privilege and Tenure may, ~~in~~ **at** its discretion, request **the** appointment of a qualified person or persons, designated by the Chair of the University Committee on Privilege and Tenure, **to provide legal advice and/or** to assist in the organization and conduct of the hearing.
8. **At the hearing, the Chancellor or Chancellor's designee has the burden of proving the allegations by clear and convincing evidence.**
9. The Hearing Committee shall not have power to recommend the imposition of a sanction more severe than that proposed in the ~~complaint~~ **notice of proposed disciplinary action. In determining the appropriate sanction to recommend, the Hearing Committee may choose to consider previous charges against the accused if those charges led to prior sanctions either after a disciplinary hearing or pursuant to a negotiated or mediated resolution.**
10. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, **the Chancellor,** the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the

proceedings shall be confidential **to the extent allowed by law and UC policy.** The Hearing Committee may, however, **with the consent of the accused,** authorize their release **of the findings, conclusions, and recommendations to other individuals or entities, to the extent allowed by law.** ~~with the consent of the complainant in a grievance case, with the consent of the defendant in a disciplinary case, and with the consent of the faculty member involved in an early termination case.~~

11. The hearing shall be recorded. **The Hearing Committee has the discretion to use a certified court reporter (whose cost is borne by the administration) for this purpose,** and the parties and their representatives shall have the right to a copy of the recording **or transcript.** The cost of the copy shall be assumed by the requesting party. (Am 3 May 90)

12. The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision **and that were not reasonably discoverable at the time of the hearing.** (En 25 May 76; Am 3 Dec 80)

E. Relation to Prior Grievance Cases

A disciplinary Hearing Committee shall not be bound by the recommendation of another hearing body, including the findings of the Divisional Committee on Privilege and Tenure in a grievance case involving the same set of incidents. However, the Hearing Committee may accept into evidence the findings of another hearing body or investigative agency. The weight to be accorded evidence of this nature is at the discretion of the Hearing Committee and should take account of the nature of the other forum. In any case, the accused faculty member must be given full opportunity to challenge the findings of the other body.

337. Privilege and Tenure: Divisional Committees -- Early Termination Cases

A. Jurisdiction

In cases of proposed termination of a Senate or non-Senate faculty member before the expiration of the faculty member's **appointment, or in cases where a tenured faculty member faces termination for incompetent performance, or for other faculty members whose right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents (Appendix I) (hereafter collectively referred to as early termination),** the faculty member may request a hearing before a Divisional Privilege and Tenure Committee. The committee shall then conduct a hearing on the case to determine whether, in its judgment, the proposed early termination is for good cause and has been recommended in accordance with a procedure that does not violate the privileges of the faculty

member. **Resolution of the dispute, either through negotiation or mediation, is permissible and appropriate at any stage of these proceedings.** (Am 3 Dec 80)

No Senate or non-Senate faculty member may be terminated prior to the expiration of an appointment without having an opportunity for a hearing before the Divisional Privilege and Tenure Committee. If the hearing has not commenced by the end of the faculty member's term of appointment, the faculty member no longer has a right to an early termination hearing pursuant to this bylaw. Instead, the faculty member may seek a grievance hearing by grieving the non-reappointment pursuant to Senate Bylaw 335 in the case of Senate faculty or the Academic Personnel Manual in the case of non-Senate faculty.

B. Hearing and Posthearing Procedures

1. The **Privilege and Tenure Committee** committee shall appoint a Hearing Committee for each **early termination case for which a hearing is requested by a faculty member.** The Hearing Committee may be the Divisional Committee on Privilege and Tenure or may be composed of at least five **should consist of at least three Division members.** members selected from the membership of the Divisional Committee on Privilege and Tenure and an appointed panel of Division members (except as provided in C above). At least two of the members shall be members of the Divisional Committee on Privilege and Tenure, one of whom shall be chair **the Hearing Committee.** The committee may not appoint a member of the department or equivalent **administrative** unit of the complainant or grievant **the faculty member facing early termination** to the Hearing Committee. **Hearing committee members shall disclose to the hearing committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate.** A quorum for the conduct of the hearing shall consist of a majority **at least half but not less than three members** of the Hearing Committee, including at least one member of the Divisional Committee on Privilege and Tenure. (Am 3 May 90)

2. Prior to the formal hearing, the Chair of the Hearing Committee shall schedule a conference with both the faculty member and the Chancellor's designee, and/or their representatives. This conference should attempt to:

a. Determine the facts about which there is no dispute. At the hearing, these facts may be established by stipulation.

b. Define the issues to be decided by the Hearing Committee.

c. Set a time for both sides to exchange a list of witnesses and copies of exhibits to be presented at the hearing. The Hearing Committee has the discretion to limit each party to those witnesses whose names were disclosed to the other party prior to the hearing and to otherwise limit evidence to that which is relevant to the issues before the Hearing Committee.

- d. Specify whether prehearing and post-hearing briefs will be submitted by the parties as well as the deadlines for those briefs.**
- e. **Attain agreement about whether any person other than the Chancellor, the Chancellor's designee, the faculty member, and their representatives may be present during all or part of the hearing.** In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.
3. Each party **The Chancellor's designee and the faculty member and/or their representatives** shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received and to select a representative who may act as counsel. Each party shall have the right **to be represented by counsel**, to present its case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.
4. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. ~~In hearings on grievances or early terminations, The identity of sources of personnel evaluations, insofar as they are confidential,~~ **All confidential information introduced into evidence, including the identity of confidential sources of personnel evaluations,** shall remain so within the Hearing Committee. The Hearing Committee may call witnesses **or make evidentiary requests on its own volition.** ~~not referred to in the complaint or answer~~ **The Hearing Committee also has the discretion to require that all witnesses affirm the veracity of their testimony.**
5. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that notice may be taken **the Hearing Committee may take notice** of any judicially noticeable facts **that are commonly known.** Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to refute such matters **object to the Hearing Committee's notice of such matters.**
6. The Divisional Committee on Privilege and Tenure may, ~~in~~ **at** its discretion, request **the** appointment of a qualified person or persons, designated by the Chair of the University Committee on Privilege and Tenure, **to provide legal advice and/or** to assist in the organization and conduct of the hearing.

7. **At the hearing, the Chancellor's designee has the burden of proving, by clear and convincing evidence, that there is good cause for early termination. In assessing the evidence for good cause, the Hearing Committee may consider evidence regarding whether correct procedures were followed in the case.**

8. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, **the Chancellor**, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the proceedings shall be confidential **to the extent allowed by law and UC policy.** The Hearing Committee may, however, **with the consent of the faculty member, authorize their release of the findings, conclusions, and recommendations to other individuals or entities, to the extent allowed by law.** ~~with the consent of the complainant in a grievance case, with the consent of the defendant in a disciplinary case, and with the consent of the faculty member involved in an early termination case.~~

9. The hearing shall be recorded. **The Hearing Committee has the discretion to use a certified court reporter (whose cost is borne by the administration) for this purpose,** and the parties and their representatives shall have the right to a copy of the recording **or transcript.** The cost of the copy shall be assumed by the requesting party. (Am 3 May 90)

The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision **and that were not reasonably discoverable at the time of the hearing.** (En 25 May 76; Am 3 Dec 80)

195. Privilege and Tenure

- A. Membership shall consist of: One member from each Division normally serving three-year staggered terms and so selected that at least one-half of the members currently serve on or have had previous service on a Divisional Committee on Privilege and Tenure.

- B. Duties.
 1. The committee shall advise the President, the Academic Senate and its Divisions, and the Divisional Privilege and Tenure Committees on general policies involving academic privileges and tenure [see Bylaw 335]. (Am 25 May 76)
 2. The Committee shall constitute special Hearing Committees as provided for in Bylaw 335.C.

3. **The Committee shall maintain statistical records of the grievance, disciplinary, and early termination cases taking place on each of the campuses, as specified in Bylaw 334.B.**

Justification from UCP&T Chair Blumenthal:

The Senate's University Committee on Privilege and Tenure (UCP&T) is hereby proposing, for adoption by the Assembly of the Academic Senate, a series of changes to Senate Bylaws 195 and 335. Bylaw 195 is an "establishing" Bylaw that defines the membership and duties of UCP&T. In its current form, Senate Bylaw 335 defines the duties of Divisional Privilege and Tenure (P&T) committees and spells out the procedures to be used in grievance cases, in disciplinary cases, and in early termination cases. In the accompanying legislation, UCP&T proposes to replace Bylaw 335 with Bylaws 334, 335, 336, and 337.

An earlier version of this legislation was discussed by the Academic Assembly at its February meeting. Since that time, UCP&T has received and discussed comments and suggestions from both systemwide committees and from most of the Divisions.

Accordingly, the legislation proposed here is a slightly modified version of the draft discussed by the Assembly in February. In all, UCP&T has worked on this legislation for more than two years. The Committee is also completing work on a revised version of the Faculty Code of Conduct, which is currently out for review and which UCP&T plans to submit to the Assembly for adoption next year. The legislation before you today in no way requires the adoption of an amended Code of Conduct at a later time. The two documents are complementary but not mutually dependent.

What is UCP&T proposing in the way of Bylaws modification? As noted earlier, SBL 335 describes the procedures that P&T committees must use in dealing with grievances, with early termination disputes, and with faculty discipline. Dealing with all of those issues within a single Bylaw and with a single set of procedures has led to a great deal of procedural confusion and to ambiguities regarding the difference between faculty grievances and faculty discipline.

To better understand this, it may be helpful to summarize the three kinds of matters that can come before P&T. A disciplinary action arises when a Senate faculty member is accused of having violated the Faculty Code of Conduct. Such cases must first be investigated by an appointed faculty investigator or committee, and an administrator designated by the Chancellor must determine whether the evidence provides sufficient or probable cause to believe that the accused faculty member has violated the Code of Conduct. If there is such a finding, the faculty member can exercise her/his right to a formal evidentiary hearing before P&T, which then makes a factual determination about whether the Code has been violated and (if so) a recommendation regarding the appropriate sanction.

A second type of case that comes before P&T is a grievance, which is an assertion by a Senate member that his/her rights and privileges have been violated. For example, grievances might concern a procedural error during a personnel review, the denial of some entitled benefit, or the violation of one's academic freedom. In such cases, P&T first determines whether there is prima facie evidence for a violation of rights. If that is present,

P&T then attempts to find an appropriate resolution satisfactory to both the administration and the grievant, and only if such a resolution cannot be achieved, does the P&T committee hold a formal evidentiary hearing on the grievance. In grievances, P&T does not assign fault, but rather determines what kind of equitable remedy is appropriate for an aggrieved faculty member.

Lastly, an early termination hearing may occur when a faculty member faces termination prior to the completion of their normal contractual period. P&T is mandated to hold such hearings for both Senate and non-Senate faculty by Regental Standing Orders 103.9 and 103.10. While such cases have been quite rare within the UC system, they are not unheard of. It is also worth noting that a full P&T hearing is the last formal step prior to judgment on termination under UC's new policy on incompetent performance, codified in APM-075.

The legislation being proposed by UCP&T for adoption by the Assembly includes a separate Bylaw for each of the three kinds of cases: discipline, grievance, and early termination. By placing each set of procedures in a separate Bylaw, we hope to minimize confusion and clarify the differences in procedure used in each type of situation. Admittedly, the resulting Bylaws are considerably longer (and more repetitive) than the current Bylaw 335, but this seems a small price to pay for the ensuing clarity. After all, the overwhelming majority of cases fall into just one of these categories, and any party will just need to read about the procedures relevant to that single category. However, UCP&T has also included specific language dealing with situations involving both discipline and grievance in order to give guidance to P&T committees regarding their options in dealing with such complicated situations.

The existing Bylaw 335 describes in some detail the procedures that a P&T Hearing Committee must follow in conducting a formal hearing. However, the Bylaw does not specify who has the burden of proof at such a hearing or what level of proof is required, an omission that many P&T members found astonishing. It is analogous to having a criminal trial without assigning to the district attorney the burden of proving guilt beyond a reasonable doubt. The proposed Bylaws clearly specify both the burden and the level of proof required at a hearing. In disciplinary cases against a faculty member, the administration will bear the burden of proving a violation of the Faculty Code of Conduct by clear and convincing evidence. In grievance hearings, the grievant will be required to prove a violation of her/his rights and privileges by a preponderance of the evidence. Finally, in early termination cases, the administration will be required to provide clear and convincing evidence that there is good cause for the termination. This last requirement is consistent with both Regental Standing Orders and AAUP guidelines.

Under UC's system of shared governance, Divisional P&T committees are empowered to hold hearings, but their findings and recommendations are only advisory to the Chancellor, or in certain cases, to the President or the Regents. In the vast majority of cases on the various campuses, the Chancellors' decisions have been fully in accord with the recommendations of P&T, which would otherwise be obligated to report the existence of disagreements to their Divisions. The proposed new Bylaw 334 explicitly incorporates an important new agreement reached last year between the Senate and the President's office. In the event that a Chancellor disagrees with the findings of a hearing conducted under P&T's auspices, the Chancellor will meet with the P&T chair, and at the chair's discretion,

with the whole P&T committee in order to resolve the differences prior to a final decision by the Chancellor. Language to this effect is already incorporated in the new APM-075, and UCP&T proposes to include such language in the Bylaws so that this procedure applies to all types of cases under P&T's jurisdiction.

Another of the changes being proposed deserves mention. Because discipline and grievance cases are relatively rare and always treated as confidential, P&T committees and even UCP&T do not have a good perspective on the nature or disposition of these cases. It would be useful to know how many cases there are, whether the number is increasing or decreasing, what kinds of Code of Conduct violations are being prosecuted, what sanctions are appropriate for each type of violation, and whether different campuses generate different types or numbers of cases. To help answer these questions, the proposed Bylaws require Divisional P&T committees to provide general, non-confidential information on their caseloads to UCP&T, which will maintain a database. At this time, UCP&T is attempting to clarify the exact type of information it will be requesting annually from the campuses.

In order to ensure fairness in the conduct of hearings, UCP&T is also proposing to establish a statute of limitations on the imposition of discipline and on the consideration of grievances. The proposed Bylaws constrain P&T committees to consider a notice of proposed disciplinary action only if less than three years have passed since the administration knew or should have known of the alleged violation of the Faculty Code. A similar limit is proposed for grievances.

In addition to these major changes, UCP&T has also included language involving smaller changes to the Bylaws. While it is impractical to mention them all, I shall list a number of these other changes:

- The goals and procedures of the prehearing conference are specifically set forth in the three bylaws. Similarly, in all three types of cases, we have included specific language which encourages an early resolution through negotiation or mediation.
- The references to Regental Standing Orders 103.9 and 103.10, which deal with early termination, are removed from the disciplinary bylaw and placed in Bylaw 337 dealing with early termination, where they really belong.
- Currently, a hearing may be re-opened if there are newly discovered facts or circumstances that might have affected the outcome. Because it is desirable for the University in general and for P&T in particular to have a hearing be final and conclusive, the proposed bylaws retain the option of re-opening the hearing, but only if the newly discovered facts were not reasonably discoverable at the time of the hearing.
- The early procedures in grievances are more clearly spelled out. In particular, the issue of whether there is a prima facie case (assuming the allegations are all true) is separated from the issue of whether a preliminary investigation indicates that there are reasonable grounds for believing that the allegations are true. In the interest of efficiency, at this early stage the revised bylaw does not call for an informal hearing, but rather allows the P&T committee to seek additional evidence either personally or in written form from all parties (including the grievant). Of course, in such cases, there may be a formal hearing later.

- The proposed Bylaws give the P&T Hearing Committee the right to use a certified court reporter to record a hearing. Currently, recording procedures vary among the campuses.
- In disciplinary hearings, the Bylaws include a new section allowing the introduction of evidence (and hearing transcripts) regarding previous disciplinary cases involving the faculty member if the alleged misconduct is similar to those earlier cases. Each case should be decided on its own merits, but this addition allows the Hearing Committee to consider patterns of behavior and to take account of previous Code violations in recommending a sanction.

Since the Assembly first discussed these proposed Bylaws in February, UCP&T has made a number of changes in response to the comments received by the committee. These changes include the following:

1. 335.B.5 First sentence, remove “(with authority to offer a remedy)”
2. 335.C.1 Third sentence, change “grievance was filed,” to “grievance is filed,”
3. 335.E.1. Second sentence, add comma “conclusions, and recommendations”
4. 336.B.1. First sentence, delete “in accordance with APM 015 and applicable local campus procedures.” add new second sentence: “Procedures regarding the establishment of probable cause are determined by APM 015/016 and Divisional policies.”
5. 336.C.1 Fourth sentence, change “charges were filed” to “charges are filed”
6. 337.A. Third sentence, delete “an early”. Begin sentence: “Resolution of the dispute....”
7. 337.B.7. Second sentence, delete “the appropriateness of the earlier procedures followed in the case” and replace with “whether correct procedures were followed in the case.”
8. 335.B.1 Second sentence, strike “committee” and insert “panel”
9. 336.D.1 First sentence. Insert “(SBL 336.D.1)” right after the words “hearing committee”
10. 337.A. Add new second paragraph
11. ADDITIONAL LANGUAGE TO BE INSERTED IN 335.D.1, 336.D.1, 337.B.1 (inserted just before the last sentence in the paragraphs and just after the sentence about not appointing a member of the same department): “Hearing committee members shall disclose to the hearing committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate.”
12. REVISION TO 336.B.3: The Privilege and Tenure Committee shall consider the matter within 21 calendar days after receipt of an answer or, if no answer is received, after the deadline for receipt of an answer. The Committee shall evaluate the case and establish time frames for all subsequent procedures. The Committee may refer the case to mediation (SBL 336.C) or appoint a hearing committee (SBL 336.D). As a general guide, a prehearing conference (SBL 336.D.2) shall be scheduled within 30 calendar days and a hearing (SBL 336.D) shall be scheduled within 90 calendar days of the appointment of a hearing committee. The accused shall be given, either personally or by registered mail, at least ten calendar days’ notice of the time and place of the hearing. The Chancellor, Chancellor’s designee, or Chair of the Privilege and Tenure Committee may for good reason grant an extension of any of these time limits. (Am 3 May 90).

13. REVISION TO 337.A, SECOND PARAGRAPH, FINAL SENTENCE:
“Instead, the faculty member may seek a grievance hearing by grieving the non-reappointment pursuant to Senate Bylaw 335 in the case of Senate faculty or the Academic Personnel Manual in the case of non-Senate faculty.”

Let me comment briefly on a few of these changes. Changes (10) and (13) clarify what is already in the Standing Orders of the Regents, namely that early termination cannot occur prior to a hearing, even if the hearing is unavoidably delayed. However, once a non-tenured faculty member’s term of appointment ends, it is irrelevant to hold an early termination hearing (since the termination is no longer early). In that case, the faculty member retains the right to grieve his/her non-reappointment. Change (11) places a statement in the bylaws dealing with conflicts of interest or other conflicts which might affect a Hearing Committee members ability to render an impartial judgment. Finally, change (12) attempts to incorporate a set of aspirational deadlines for the conduct of disciplinary hearings. Most such cases involve very considerable delay, and this revision establishes a non-mandatory time frame for the conduct of disciplinary cases.

These revisions are all incorporated in the legislation before you. UCP&T therefore urges the adoption of these revised Bylaws.

VII.

E. University Committee on Educational Policy (UCEP)

Manfred Kusch, Chair

- Approval of Revision of Senate Regulation 630 (action)

UCEP has recommended that Senate Regulation 630 be amended as follows.

Present Wording:

630.

- A. Except as otherwise provided in this section and SR 614, 35 (or 24 semester) of the final 45 (or 30 semester) units completed by each candidate for the Bachelor's degree must be earned in residence in the college or school of the University of California in which the degree is to be taken. Not more than 18 (or 12 semester) of the 35 (or 24 semester) units may be completed in summer session courses on the campus of residence. (Am 9 Mar 83)

Proposed Wording:

630.

- A. Except as otherwise provided in this section and SR 614, 35 (or 24 semester) of the final 45 (or 30 semester) units completed by each candidate for the Bachelor's degree must be earned in residence in the college or school of the University of California in which the degree is to be taken. ~~Not more than 18 (or 12 semester) of the 35 (or 24 semester) units may be completed in summer session courses on the campus of residence.~~ (Am 9 Mar 83)

Justification from UCEP Chair Kusch:

Since state-funded expanded summer sessions are supposed to function ultimately like any other academic term, there is no longer any reason to set a limit on the number of units a student may earn during the summer to satisfy the in-residence requirement.

VIII. Petitions of Students (none)

IX. Unfinished Business (none)

**X. University and Faculty Welfare Report
Judith Gruber, Chair, University Committee on Faculty Welfare
(oral report)**

XI. New Business (none)