

ACADEMIC COUNCIL

**Minutes of Meeting
Wednesday March 28, 2007****I. Chair's and Vice Chair's Announcements**

- **John Oakley, Academic Council Chair**
- **Michael Brown, Academic Council Vice Chair**

As an outgrowth of the systemwide academic planning effort, the Provost has compiled and submitted for Senate comment a summary of campus planning activities. A full report on academic planning is being prepared for presentation to the Regents.

The annual "UC Day" event was held in Sacramento, with participation of alumni from all campuses. That event coincided with a state budget hearing at which UCRP contributions were discussed and the Senate position on restoration of contributions was presented.

If business warrants it, and assuming the April 18th Assembly meeting will be cancelled, an Academic Council teleconference will be held on that date.

At their March meeting, the Regents adopted a relatively conservative position on professional school fees, agreed on a student fee package for next year, heard alterations to the MOP and SHLP loan programs (which were not fully reviewed by UCFW), and discussed the benefits proposal for faculty employed by HHMI /Ludwig.

There is a growing commitment on the part of the Chancellors to return graduate student non-resident tuition to academic departments, which will function as an effective substitute for a tuition waiver.

Update on Joint Task Forces:

- **University Diversity:** The various subcommittees are working on recommendations and receiving analytic input. A preliminary set of recommendations is planned for the May Regents meeting, which will be previewed by Academic Council.
- **Funding Options:** This group has been reconfigured and is a high profile effort to focus on substantive budgetary issues.
- **Faculty Salary Scales:** This group is chaired by Provost Hume and includes several Council members. A "Faculty Salaries 101" presentation was made at the March Regents meeting, which will likely be followed up with a second presentation.
- **Administrative FTE Growth:** This group is not active, and its work has been subsumed into the initiative to re-organize OP.
- **Senior Management Review Standards:** This group will be meeting soon.

Action: UCPB will submit a formal request to reactivate the administrative FTE study group.

II. Approval of the Agenda

Discussion: Members raised concerns about due dates for submitting items for the Council's agenda. Some asked that late submissions be accommodated as far as is

reasonable. It was clarified that the due date is meant to allow time for the Council Chair to review submissions and consider staff recommendations.

Action: Members unanimously agreed to move UCPB's update (Item XIV) to immediately after the ACSCONL update (Item VIII) in order to directly follow the related labs issues that will be addressed in the ACSCONL update.

Action: Due dates for Council agendas will be discussed at the April Council meeting.

Action: Director Bertero-Barcelo will, in communicating with incoming chairs of divisions and committees, highlight the review process and advise them on setting committee meeting dates that will facilitate timely submissions to Council.

III. Consent Calendar

- 1. Approval of the February 27 and 28, 2007, Minutes**
- 2. Academic Senate Role in The Regents' Study Group on University Diversity- Approval of UCAAD's request that the Academic Council discontinue the independent, in-depth Senate analysis**
- 3. Approval of 2007-08 UCOC Member-At-Large**
- 4. Approval of Senate Representatives to the Ad Hoc Committee on the Designated Suppliers Program**
- 5. Open Access Policy – approval to send out for review**
- 6. Approval of Reapportionment of Assembly Representatives**
- 7. Approval of the Assembly 2007-08 Meeting Dates**
- 8. Cancellation of the April 18, 2007 Assembly Meeting**

Action: The Consent Calendar was adopted without objection

IV. University Committee on Faculty Welfare (UCFW) Updates

- **Susan French, UCFW Chair**

1. W2-TALX

Last month, the Academic Council referred to UCFW the matter of the transmission of UC employee W2 data to TALX. UCFW's recommendations are to request that UCOP cancel the UC/TALX agreement altogether and that the Office of General Counsel review and reverse its ruling on this issue or provide a detailed explanation.

Discussion: Members agreed with the intention of the UCFW recommendation and suggested making it stronger by also calling for OP to assume the responsibility for ensuring that the employee data is purged from external data bases. A member suggested that legal problems associated with carrying out this request should be avoided for a speedy resolution. Another member noted residual concerns about how the situation developed and how early complaints from unions and other groups were ignored.

Action: The UCFW recommendation was unanimously adopted as an amended three-part request. Council will: 1) request that OP terminate the contract; 2) call for OP to assume the responsibility of purging UC employee information from the TALX data base; 3) request that the Office of General Counsel revisit and review the opinion it issued on this matter and in doing so take into consideration the University Electronic Information policy.

2. Mercer Report Update

UCFW is continuing its efforts to understand and improve the methodology Mercer uses to calculate and compare benefits. It has serious concerns over shortcomings in the Mercer approach that result in overvaluing UC benefits in comparison with those provided by other institutions. UCFW has shared those concerns with AVP of Human Resources Judith Boyette, and is working on developing alternate methodology that will provide a more accurate picture of the comparative value of UC's benefits, particularly the value of the retirement plan.

3. Communications with Senate faculty on UC benefits, retirement, etc.:

UCFW wishes to ensure that the committee's positions and messages on faculty welfare issues are getting out to faculty. Chair French asked:

- 1) Whether the Council will make public the information on the LANL asset transfer agreement, using the UCFW-TFIR analysis as the basis for preparing some kind of communication; and
- 2) Whether UCFW and the Council may communicate the Council-adopted positions UCFW took last year, which have been kept confidential due to HR&B's collective bargaining concerns; and
- 3) Whether Council should take steps to communicate with the faculty about the performance of UCRP investments.

Action: The UCFW analysis of the transfer of assets from UCRP to LANS will be posted on the Senate website.

Action: The UCFW positions of last year that were adopted by Council but kept confidential will now be made public pending further input from HR&B.

Action: UCFW, in consultation with TFIR, will draft a statement on UCRP performance that will be submitted for Council's consideration.

4. Update on Childcare and Backup Childcare Programs:

As reported at the joint meeting with the EVCs in February, a matching funds program for campus childcare facilities was set up by the President in 1999 (funded in 2001) to expand child care services at UC. One-time state funds and UC matching funds were committed, only a portion of which have been used. At that time, UCFW called for a renewed effort to carry out the policies and the various campus proposals. As a follow-up to that discussion, UCFW is working on an initiative to develop backup childcare programs at the campuses and to identify actual needs for child care and costs.

V. APM 220-18b.(4) (Advancement to Professor Step VI and Above Scale), UCAP Proposed Amendments

- **Mary Croughan, UCAP Chair**

Issue: On July 27, 2005, the Academic Council approved an amendment of APM 220-18.b(4), which was sent out for formal administrative review in December 2005. In January 2006, it was sent out for a second round of systemwide Senate review based in part on the fact that the 2005 amendment that was approved with revisions by Council in July 2005 differed slightly but materially from the UCAP version that had been sent out

for systemwide review earlier in 2005. Conflicting responses were received from this second round of systemwide Senate review, so in March 2006, the Academic Council requested withdrawal of the 2005 amendment from formal review, and resubmitted the issue of amendment of APM 220-18.b-4 to UCAP. UCAP then drafted and recommended to Council a new proposed amendment to APM 220-18.b(4) (the 2006 amendment). This was sent out for a new round of systemwide Senate review (the third round of review since 2005). In light of the responses received from that third round of review, UCAP now requests that the Council approve the revised amendment of APM 220.18.b(4) (the 2007 amendment) as submitted in today's agenda.

Report: Professor Croughan noted the 3-year history of the Senate's review of this APM. and expressed the hope that the review could be concluded with this latest revision. The main purpose of amending this APM is to have standard Step VI practice. This step has a significant effect on faculty retirement benefits, and has always been reviewed as a promotion, but the review process varies among the campuses. Some campuses treat it as a mid-career review, others as a career review from Step I. Some perceive it as barrier step, and others do not. UCAP does not see Step VI as discriminatory or as a barrier step, and feels that its current language is behind the times and practice. The new proposed language also reflects an elevated value of teaching. If adopted, it will provide needed consistency across the campuses.

Action: Council unanimously endorsed the proposed revised APM 220. It will be sent to Provost Hume for consideration.

VI. Consultation with the Office of the President – Senior Managers

- **Robert C. Dynes, President**
- **Wyatt R. Hume, Provost and Executive Vice President, Academic and Health Affairs**
- **Bruce Darling, Executive Vice President, University Affairs**

Provost Hume

- The Academic Planning Report has been distributed to the Council. It will be discussed with the Chancellors next week, and was brought to the EVCs last week. It is hoped that this information can help redefine our funding based on academic priorities and, by next year, outline enrollment out to 2020.
- The Senate's advice is welcome on the planned Vice President for Research position.
- OP is prepared to instruct chancellors to return graduate student non-resident tuition to campus sources and will report this measure to the Regents.
- A presentation on faculty salaries was made at the last Regents meeting, and an further installment is planned that will be guided by work with the compensation committee. This served to put the issue of off-scale salaries on the table.
- A presentation to the Regents on the Humanities at UC is being planned. Suggestions are requested from Council for a compelling and effective presenter.

Reviews

- The report of ad hoc committee on the review of EAP and international education is soon to be released, and will make substantive recommendations. Nonetheless, it will

be helpful to have the new ad hoc committee membership look at these issues. The report makes recommendations concerning EAP leadership and a new role for EAP, which is basically in competition with campus-based programs.

- A review of DANR will be initiated, but it should not delay progress on recruiting a DANR Vice President.

President Dynes

- The recent “UC Day” in Sacramento was an opportunity to promote and build on good relations between alumni and the Legislature. That same day, I testified before the Senate budget committees in a meeting that was both cordial and probing. It is troubling that funds for Merced and to support research initiatives are perceived as UC asking for “extra” money.
- The Regents approved the planned fee increases of 7% for undergraduates and between 7% and 10% for professional schools. Some of the fees will be targeted to student mental health services. Presentations on UC telemedicine and on stem cell research in the UC system were well received. An update on the Diversity Task Force was also given; and interim report will be prepared for the Regents in May and the final report will be ready for the July Regents meeting. A nineteen-member UC staff diversity group will be working in parallel with the Regents group.

Discussion/ Q and A:

Faculty salaries

Q: It is good to hear faculty salary issues are aired, but from internal priorities perspective, little progress made. There is concern about the continued large allocations for senior management salaries and how that distorts priorities. What is the plan to address the lag in faculty salaries?

A: There is also a steady stream of faculty increases. Faculty salary is the highest priority, and budget savings, etc., are aimed at funding it.

Q: Should senior management salary increases stop until the faculty problem is solved?

A: Senior management is just as important as faculty. Moreover, faculty salary approvals for above 200K occur often. We must maintain levels of both groups at same time.

Q: The Mercer consultants say faculty salaries are not lagging. UCFW has no confidence in Mercer’s ability to measure benefits, such as the value of a defined benefit plan. Also CPEC may be using the Mercer report for its calculations. How should this be addressed?

A: We need to first convince the Regents Committee on Compensation that a change is needed. I (Dynes) will also talk with Mercer about these concerns.

Q: The faculty salary problem seems to lack focused attention. Is there no immediate plan to fix it?

A: (Hume) We will analyze failures in recruitment and retention. We are now dealing with the problems surrounding off-scale salaries, but we do need to direct more focus to the mid-career salary sag.

A: (Dynes) We put more money into faculty salaries than is published.

Additional Council member comments:

- The faculty salary work group needs data on where campus money comes from, on the mid-career sag, and on the student-faculty ratio effect.

- The Senior Management Advisory Committee (SMAC) lacks faculty input, and is, perhaps, not operating in the best interests of shared governance.
- UC should put resources as close to the UC mission as possible, and that is often not seen in senior management compensation practices.

The budget:

Comment: A relatively small amount of funds would provide a fix for certain areas, yet there seems to be no capacity for attaining it. UC continues to convey that it's doing all right and can raise fees to meet our needs, when what is called for is a multiyear campaign to fund needed levels. What would such a plan look like and when would it be started?

A: There is not a lot of legislative support for UC and CSU, so the plea made yesterday to alumni was for them to help by making a case for UC. Also, the funding options group is working on some solutions, and the Compact offers a floor from which we can request more. The Regents are free to set a budget to fit the time and needs.

Q: Can we plan on making the Academic Senate's budget presentation to the Regents?

A: The timing has to be right.

Comment: First things should be put first, but we see some issues, such as the HHMI discussion, disrupting process and going to the head of the line. This is an issue of operational effectiveness.

Academic planning:

Comment: The diversity contribution to the purpose and content of academic planning can be made, for example, in program evaluation and the initiation of new academic programs.

Response: Yes, the planning process provides the opportunity to encourage certain behavior. Diversity can be a component of enrollment planning as well as program planning.

HHMI/Ludwig benefits issues

Council members noted the lack of reference to contract negotiations, so it is not clear what has guided these decisions. A request was made to see the basic contract of HHMI faculty.

Action: EVP Darling will arrange to have forwarded to the Council the contracts of the HHMI and Ludwig researchers.

VII. General Discussion

[See Item VI.]

VIII. ACSCONL Update

John Oakley, ACSCONL Chair

1. **Committee to Advise the President on Annual Funding for Scientific Research from Net Fee Income.** ACSCONL has developed draft principles (see Distribution # 5) for the allocation of net fee income for discussion at the April 2, 2007, meeting of

the fee allocation committee. Input from Council members is requested, and, if consensus is reached, endorsement of the proposed principles.

Discussion: Members suggested several ways to allocate the funds, but also raised the question of whether the funding would amount to anything appreciable. It was suggested that a portion of the fee be used to support non lab-related research, e.g., the humanities. Chair Oakley noted that ACSCONL felt the allocation of funds should be expanded to research in a broader sense, although still related to the national security mission. Another suggestion was made to re-draft the language of the proposed principles to explicitly include lab employees under the rubric of graduate students. One member advised that a balance among campuses be achieved. One member proposed that fees go to the campus Committees on Research for distribution, and made the following motion:

Moved and Seconded: That the fee money resulting from LANS, LLC be distributed to each campus to be expended by their respective Committees on Research supporting the competitive research initiatives of faculty.

Discussion of motion:

- Several members felt that a discussion of funding non labs-related research cannot take place until it is known how much money will be available.
- Some members favored the motion because of the support it would offer to the humanities or other non lab-related research.

Speaking against the motion, members noted the following:

- The fees should support an intellectual connection with the labs.
- A better critical evaluation of proposals for that purpose can be done at the systemwide level.
- The research supported by the fees does need to be related in some way to the labs, and that could not happen with distribution through local CORs.

Motion withdrawn.

Action: Director Bertero-Barcelo will circulate the ACSCONL draft “Statement on Fee Allocation”. Comments are requested by Monday afternoon.

2. Professor Emeritus William R. Frazer has been appointed on an interim basis to fill the recent vacancy on the LANS Board of Governors. The search for a permanent appointee for a UC member to the Board and to serve as Chair of the Science and Technology Committee is not expected to be lengthy. Nominations for this position can come from other quarters, but ACSCONL has suggested six names (Distribution # 4) among whom four have immediate UC connections.

IX. Proposed Resolution on Stratification

Issue: After discussing at its February 28 meeting the UCI proposed resolution on stratification, the Academic Council decided to draft its own similar resolution with the intention of forwarding it to the Assembly for adoption. A Council workgroup made up

of UCI Division Chair Mecartney, UCAP Chair Croughan, UCFW Chair French, and UCPB Chair Newfield has submitted a draft resolution for Council's consideration today.

Discussion: Members came to a general consensus in support of the resolution, and offered minor modifications to the draft.

Action: By a vote of 17 to 1, Council approved the resolution, as amended, to be forwarded to the Academic Assembly for consideration at its May 9th meeting.

X. Proposal to Increase the Minimum Annual Salary for UC's Postdoctoral Scholars

Issue: Under APM 390, the Office of the President sets minimum and maximum postdoctoral salary figures. Provost Hume is requesting Senate comment on the proposal to increase the minimum annual salary for postdoctoral scholars.

Discussion: One member saw this as an unfunded mandate from administration. Other members noted that the minimum salary proposed is consistent with national norms and that providing a higher minimum salary for postdocs is something the Senate should support. Most members had no objection to sending the proposal out for systemwide review. Members agreed, though, that the impact of unfunded mandates is an issue Council should address separately. It was felt that faculty should be informed and consulted on decisions that will affect budgets, and that interim budgetary arrangements can be set up to mitigate the impact on grants, etc.

Moved and Seconded: To send the proposal out for divisional review with a response date of May 10, 2007, and to consider those responses at the May 23rd Council meeting.

Motion failed.

Action: Motion to support the proposal carried by a vote of 11 to 5.

Action: A subgroup of UCPB Chair Newfield, and Division Chairs Mecartney, Powell, and Shetty will draft proposed recommendations for informing faculty and mitigating the budgetary impact of mandates.

XI. Proposed Amendment to Senate Bylaw 205—UCR&J

Issue: The UCR&J bylaw does not provide for a vice chair or define who should act in the absence of the chair. A proposal was submitted by the University Committee on Committees (UCOC), along with UCR&J and the Academic Senate Secretary/Parliamentarian, to amend Senate Bylaw 205 Part I.A. to provide for the appointment of a vice chair and allow the addition of two additional at-large members. The proposal was sent out for systemwide review. Responses have been received from committees and divisions, some of which express concerns about the balance of the proposed new membership, and about the need to clarify who may be appointed.

Discussion: After a brief discussion, members agreed that the proposal needed revision for consistency and clarity.

Action: Council agreed with the recommendation to return the proposal to UCOG and UCRJ for those bodies to consider the concerns raised by the Irvine and Santa Cruz divisions.

XII. CCGA Proposed Amendments to SR 694 and Proposed New Regulation SR 695

Issue: In 2005-2006, CCGA determined that due in part to the use of technology for the delivery of instruction and the development of new domestic and global educational partners, the Senate Regulations specifically dealing with (graduate) residency requirements, should be reviewed. This is the final discussion of responses from the Senate-wide review of CCGA's proposal. The review has brought to light concerns with regard to both SR 694 and SR 695 about lack of clarity and lack of consistency, both with existing policy and between the two proposals themselves.

Discussion: CCGA Chair Wu agreed with the recommendations of the review and will take the Senate's comments back to CCGA.

Action: Council unanimously agreed to return the proposal to CCGA to reconsider its proposal in light of comments received.

XIII. UCAF statement on Academic Freedom

Issue: UCAF has submitted for Council's consideration a document entitled "Academic Freedom: Its Privilege and Responsibility within the University of California." UCAF requests that: 1) the Academic Council endorse the document as a recommended educational tool; 2) a copy of the document be distributed to each divisional Senate along with a recommendation that each division post this document on various websites; 3) Division Chairs call this document to the attention of their faculty; 4) the Academic Council recommend to the divisions that this document be included in the start-up materials for new professors; and 5) this document be provided to The Regents (preferably in time for the May Regents' discussion of RE-89).

Action: Council agreed to respond to the UCAF submittal with this statement: "The Academic Council acknowledges receipt of this document and thanks the University Committee on Academic Freedom for its efforts in preparing it. After review of the substance of the document, the Academic Council has decided that its further distribution would not be useful."

XIV. UCPB Update

- **Chris Newfield, UCPB Chair**

1. Senate Effectiveness and OP Relations—UCPB's mid-year stock-taking of OP responsiveness to the Senate and of intra-Senate communication.

UCPB recently considered the status of some current issues, noting a number of cases where a lack of OP responsiveness and access to timely and accurate data had neutralized or hampered progress. In addition, UCPB considered current high-level joint task forces

and Senate special committees that on the one hand may be an effective means of action, and on the other hand, may represent a para-Senate that may function as a buffer from the standing committees and divisions. Council may wish to evaluate and discuss the structure and processes of shared governance and also assess how well Senate agencies are communicating among themselves.

Discussion: In a brief discussion, members generally agreed that this was a relevant and timely topic.

Action: To allow members time for fuller discussion and possible action, this issue will be an item on the April Council meeting agenda.

2. Labs Issues

UCPB recently discussed the history of the Senate's positions on UC-labs relations. The committee also has consulted with University Counsel and with AVP Boyette on the transfer of UCRP assets to LANS and LANS governance issues. There is at present no reporting line for the LANS Board of Governors and there is no obvious relationship between scientific personnel at the lab and UC PIs or UC administration. UCPB has considered the results of the 2004 faculty poll on UC-Lab relations and how the actual lab contract(s) align with those opinions. UCPB is recommending: 1) that, if UC wins the LLNL contract, the Academic Council Chair send out an informational memo to Senate faculty explaining the terms of the LLNS and LANS contracts as soon as the new contract is awarded; and 2) that the Senate formulate and promote university policies governing UC-Labs relations that accord with faculty principles.

Discussion: Chair Oakley reported that ACSCONL did not have the lab contracts but can request them. Other members concurred with UCPB's request to establish communication on labs issues from senate leadership, and it was suggested that the Senate newsletter could be used to that effect. Another suggestion was to compare in the UCPB memo the opinion of faculty when polled in the 90s and in 2004. UCPB Chair Newfield said he would revise the memo in view of today's discussion, and requested that it be acted upon as soon as possible, given the urgent nature of the recommendations. Chair Oakley asked for the Council's leeway in gathering and communicating the requested information, which would require the assistance of OP personnel familiar with the contracts.

3. EAP issues

The UO EAP office has for a decade had essentially no budget, and last year was found to be carrying a \$5 million deficit. As part of a plan to address the problem UO EAP management proposed program cuts and changes to the funding formula, but these were not accepted by OP, and instead a consultant was brought in. There seems to have been little or no communication between the consultant and the EAP office since this decision was made last fall. Neither does there seem to be good communication between OP and the central EAP office. EAP has been floating its budget with pass-through funds, and cannot institute changes. It is presumed by UO EAP that definitive action to relieve the

budget situation is on hold until the report of the ad hoc committee on international education is released; however, that group specifically did not address budgetary matters.

XV. California Institute for Quantitative Biomedical Research (QB3)—Review Panel Charge and Membership

Due to lack of time this item was not addressed.

XVI. Draft Proposal on the Relationships Between (Pharmaceutical) Vendors and Clinicians: Clarification of the Scope and Timeline of the Review

Due to lack of time this item was not addressed.

XVI. Student Freedom-of-Scholarly-Inquiry Principles

Due to lack of time this item was not addressed.

XVII. New Business—None

Attest: John Oakley, Academic Council Chair

Minutes prepared by: Brenda Foust, Policy Analyst

Distributions:

1. 5/23/05/7 email Enstrom/Oakley re: Hume letter to Seffrin (encl. 5/22/07 ltr. Hume/Seffrin).
2. Position Description for Vice Provost-Academic Personnel
3. email string Theiss/Oakley re: UCAF response to RE-89
4. 3/26/07 ltr. Oakley/Stamman re: nominees for LANS Board of Governors
5. Draft ACSCONL Statement on Fee Allocation
6. 5/26/07 ltr. Hume/Oakley re: Academic Planning - themes and summaries (encl. Summary of Campus Planning Activities, Strategies and Directions).
7. UCPB draft status of current issues (table).