

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

ACADEMIC COUNCIL

Minutes of Meeting

April 25, 2007

**I. Chair's and Vice Chair's Announcements**

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

Academic Council Chair Oakley

Council Chair Oakley welcomed members to the meeting and reviewed the agenda. He announced that Council members have been invited to The Regents' dinner on May 16th in San Francisco. Next, Council Chair Oakley reviewed the agenda distributions, including the resolution in honor of Professor Donald Tuzin. UC San Diego Division Chair Powell stated that the UC San Diego Department of Anthropology will host a celebration of Professor Tuzin's life and contributions in October. Lastly, Council Chair Oakley reported on UCOP's new Policy Review Project that responds to The Regents' directive to identify and resolve conflicts in UC compensation policies, such as those identified by the compensation audits conducted last year. Mercer Consulting was awarded a contract to design and coordinate the project, which began earlier this year. Two work teams have been formed. Council Chair Oakley and Vice Chair Brown are each members of one of the first two work teams formed to date, on Governance (Oakley) and Policy Content (Brown). The Regents' May agenda will include a brief discussion item on this matter. Chair Oakley will provide a further briefing to the Council in May.

**II. Approval of the Agenda**

**ACTION: Council approved the agenda as noticed, adopting by unanimous consent the following change requested by Chair Oakley: Item IX: BOARS Report, will be addressed immediately following Item VII: Consultation with the Office of the President – Senior Management, so that President Dynes can hear the BOARS Report.**

**III. Consent Calendar**

1. Minutes of the March 28, 2007, and April 18, 2007 Council meetings
2. Proposed Amendment to Senate Bylaw 337 (Privilege and Tenure: Divisional Committees – Early Termination Cases)
3. Proposed New Academic Personnel Policy and Proposed Revisions to Six Present Academic Personnel Policies
4. California Institute for Quantitative Biomedical Research (QB3) – Nominees for Service on the Review Panel, and Changes in the Draft Charge to the Review Panel
5. Mathematics ('c') and Laboratory Science ('d') Requirements Task Force Nominations
6. Approval of Additional Item to be Included in the Notice of Meeting of the Assembly on May 9, 2007
7. Resolution for Professor Donald Tuzin (UCSD)

**ACTION:** Council partially approved the consent calendar. The following items were pulled from the consent calendar:

- **Item 1 – Action:** Both sets of minutes have been revised since distributed with the agenda for today’s meeting. The revised drafts will be distributed via email to Council members for their approval.
- **Item 3 – Action:** This item will be addressed during Item XX: New Business.
- **Item 5 – Action:** This item will be addressed during Item IX: BOARS Report.

**IV. Resolution of the Intersegmental Committee of Academic Senates (ICAS) for the Proper Use of the California High School Exit Exam (CAHSEE)**

- **Michael Brown, ICAS Chair**

**REPORT:** Council Vice Chair Brown provided a brief background report on ICAS and the events leading up to the proposed CAHSEE resolution. He noted that ICAS is an organization consisting of representatives from the three segments of public higher education in California. The UC Academic Senate is represented by Academic Council Chair John Oakley, Academic Council Vice Chair Michael Brown, BOARS Chair Mark Rashid, UCEP Chair Richard Weiss, and UCOPE Chair John Eggers. The Chair of ICAS rotates among the three segments; this year is UC’s turn. At the request of Council Chair Oakley, Council Vice Chair Brown is serving as this year’s ICAS Chair. ICAS deals with a variety of issues of mutual concern such as the Master Plan for Higher Education, transfer, articulation, general education, and educational quality and standards. At its April 10, 2007, meeting, ICAS considered a resolution proposed by Council Vice Chair Brown on the proper use of the California High School Exit Exam (CAHSEE). Council Vice Chair Brown explained that the proposed resolution examines what factors should determine a student’s ability to graduate high school, and how that decision should be reached. The proposed resolution does not, however, question whether the CAHSEE is appropriate, nor does it suggest that the CAHSEE should not be used. He reported that the CAHSEE is a high stakes, single-score exam currently used for the sole decision of whether a student graduates from high school or not, and the proposed resolution is an opportunity for the three higher education segments of California to opine on its proper use. ICAS decided at its April 10 meeting that the proposed resolution should be sent out for review by the three segments.

**DISCUSSION:** Council members expressed general agreement that the proposed resolution should go out for full systemwide review by the committees and divisions of the Senate. One member noted that some might view the resolution as controversial. Vice Chair Brown stated that when the CAHSEE was implemented, the academic community did not opine on its proper use, and that action by the Academic Council, and later ICAS, will be noticed. Some Council members discussed the proposed resolution’s potential impact on state law. Other members began proposing amendments to the resolution, but decided that the amendments should be sent forward during the systemwide review process instead. One member noted that the resolution could be widely controversial, and the systemwide review process will lend credibility and power to the final resolution.

**ACTION:** The Academic Council unanimously approved the proposed resolution to be sent out for systemwide Senate review. Committee and Division comments will be due in time for the June 27, 2007, Council meeting.

V. **University Committee on Faculty Welfare (UCFW)**

- **Susan French, UCFW Chair**

**1. UCFW Proposal to Appoint Senate Representative to Work Group on CPEC Methodology**

**ISSUE:** Language in the Governor's budget bill includes a requirement that the California Postsecondary Education Commission (CPEC) make a determination of options for a proposed new faculty salary methodology, and also recommend a new methodology. UCFW recommends that the Academic Council recommend to the administration that a Senate representative be included in the CPEC discussions as soon as possible.

**DISCUSSION:** UCFW Chair French noted that she could recommend someone to be appointed, if Council Chair Oakley made such a request. Council Chair Oakley noted his preference that UCFW make a recommendation, but not a mandate concerning a specific representative. UCFW Chair French clarified that she intended this item as a recommendation only.

**ACTION: The Academic Council adopted the following UCFW recommendation by unanimous consent: The Academic Council shall formally request that the Senate be represented in discussions and negotiations over CPEC's methodology for determining faculty-salary comparisons.**

**2. UCFW Proposal to Establish Senate Task Force on Faculty Compensation Determination and Comparison**

**ISSUE:** UCFW believes that the Senate should have a body to evaluate the broader compensation methodology-related questions that have come to light following the 2005 Mercer Total Remuneration Report. If approved and formed, this group would develop accurate information as which institutions UC really competes with, how the faculty compensation packages compare, and how to evaluate the CPEC methodology.

**DISCUSSION:** Council Chair Oakley requested further explanation as to why this proposed task force should be constituted by Council, instead of by UCFW. UCFW Chair French stated that the task force should include a UCAP representative, for example, to look beyond health and welfare benefits and into faculty salaries. Therefore this group would need to be more than a subgroup of UCFW. Council Chair Oakley clarified that the group would have a reporting relationship to UCFW and UCAP. Council members expressed general agreement with the UCFW recommendation, noting that a high profile task force is necessary to explore these issues. UCAP Chair Croughan stated her belief that UCAP representation on the task force would be welcomed by her committee.

**ACTION: The Academic Council adopted the following UCFW recommendation by unanimous consent: The Council shall appoint a special task force to develop a methodology for accurately measuring the value of UC compensation and comparing it to compensation offered by UC's competitors.**

**ACTION: The Academic Council will determine the charge, membership, and timeline for the task force at its May 23 meeting.**

**3. UCRP Benefit Proposal for UC Ladder Rank Faculty on Leave Without Pay at the Howard Hughes Medical Institute (HHMI) and the Ludwig Institute for Cancer Research**

**ISSUE:** UCFW has reviewed the revised HHMI proposal presented for discussion to The Regents in March. The Academic Council discussed a first draft of the HHMI proposal at its November 2006 meeting, and opposed it “on the grounds that it is unpersuasive, provides inadequate data, and presents a substantial threat to the sound fiduciary administration of UCRP...” The proposal was revised, and included, among other items, additional information from the UCRP Actuary. UCFW has endorsed the revised HHMI proposal upon the recommendation and analysis of the UCFW Task Force on Investment and Retirement (TFIR). UCFW Chair French explained that TFIR strongly supports the revised proposal following lengthy consultations with the UCRP Actuary and UCOP staff members. She noted that TFIR reviewed the HHMI investigators’ offer letters, rather than contracts, because employment contracts were not written. TFIR found that the offer letters did not elaborate any consequences of accepting the HHMI offer on UCRP benefits. TFIR also supports the proposal because it encourages free movement of faculty between the campuses and UC affiliates, and it is wise economically not to require the faculty to return to campus for three years as that would cost the campuses general fund money to pay their salaries. UCFW Chair French added that TFIR feels it has exhausted this issue, and would like to address other pressing matters currently in its portfolio, which UCFW supports. She also clarified that an investigator’s years spent at Ludwig/HHMI count towards vesting in UCRP, but not as service credit in calculating the amount of his/her retirement salary. Lastly, UCFW strongly recommends that UCOP correct the hiring and contracting process for HHMI, Ludwig and other arrangements that are likely to raise similar issues.

**DISCUSSION:** Council Chair Oakley asked about the HHMI salary-setting process, and whether it takes into account clinical revenue. UCAP Chair Croughan noted that she could find this information. One member asked about the reaction of the campuses to the proposal, to which UCFW Chair French noted that the Chancellors have all agreed to the proposal and feel strongly about improving the HHMI/Ludwig investigators’ retirement in the manner proposed. A few Council members who criticized the original HHMI proposal in November noted their approval now, stating that this is a reasonable compromise; and that they appreciate UCFW’s diligent work. Many Council members also expressed support for UCFW’s recommendation that UCOP review and correct its contracting arrangements with outside affiliates. One Council member requested assurance that the local Senate divisions will be involved in the budget discussions surrounding implementation of the proposal.

**ACTION:** By a vote of 15 in favor, 2 opposed, and 1 abstention, the Academic Council approved the revised HHMI/Ludwig proposal.

#### **4. Plan to Establish a Trust to Comply with New Governmental Accounting Standards Board (GASB) Standards Relating to Annuitant Health Benefit Obligations**

**ISSUE:** UCFW has reviewed UCOP’s plan to establish a trust to facilitate accounting requirements under GASB, and to allow, but not require, the collection and transmission of funds from all UC units to pay for retiree health care. UCFW supports the creation of the GASB trust based on presentations from UCOP staff members and the recommendation of the UCFW Task Force on Investment and Retirement (TFIR).

**DISCUSSION:** Council Chair Oakley explained that without the proposed trust, UC would have to account separately for the liability for retiree health benefits owed by each and every employment entity within the system, which UC currently does not have the capability to do. He

also clarified that the trust would allow for the aggregate reporting of UC's systemwide liability, as well as create a mechanism for future payments that might prefund that liability.

**ACTION: By unanimous consent, the Academic Council endorsed the plan to establish the GASB trust.**

#### **5. Mortgage Origination Program (MOP) – UCOP-Proposed Revisions and Modifications**

**ISSUE:** UCFW has reviewed UCOP's proposed modifications to the Mortgage Origination Program (MOP), and the Supplemental Home Loan Program (SHLP), as presented to The Regents for discussion at their March 14, 2007 meeting. UCFW supports presentation of the MOP-related proposals for action at the May Regents' meeting, but recommends that the SHLP proposals warrant further consideration. UCFW Chair French noted that UCFW believes that the MOP-related proposals will benefit the faculty who use these loans.

**DISCUSSION:** Council Chair Oakley added that the SHLP required further reforms and the proposed modifications are therefore not ready to be presented to The Regents in May. He understands that President Dynes and Provost Hume are aware of and in support of this plan to proceed with the MOP modifications while withholding the SHLP modifications.

**ACTION: The Academic Council endorsed by unanimous consent the proposed modifications to the Mortgage Origination Program, and requested further consultation about and possible refinement of the Supplemental Home Loan Program.**

#### **6. Other: Follow-up on UCFW Recommendations on UC's Contract with TALX**

**ISSUE:** UCFW Chair French requested a status update on Council's action at its March 28 meeting regarding UC's contract with TALX. The concern is that faculty may not be aware of the June deadline to opt-out of the W-2 reporting option.

**REPORT:** Council Chair Oakley stated that the draft letter to Provost Hume regarding this issue is on his desk, and will be finalized and distributed by the end of this week.

### **VI. The Report on the "Structure, Function, Leadership, and Development Trajectory of Research Support Functions at the UC Office of the President" and the Job Description for the Proposed Vice President for Research and Graduate Studies Position**

- **John Oakley, Academic Council Chair**
- **Wyatt R. Hume, Provost and Executive Vice President, Academic and Health Affairs**
- **Wendy Max, UCORP Chair**
- **Calvin Moore, UCPB Alternate**
- **Reen Wu, CCGA Chair**

**ISSUE:** At its February 28, 2007, meeting, the Academic Council requested that CCGA, UCORP and UCPB review the proposal to restructure the Office of Research and develop a new Vice President for Research and Graduate Studies position. The three committees have now submitted their findings to Council. At the Chair's invitation, Provost Hume joined the Council for its discussion of this item in order to consult further on his reorganization plans, and to address the concerns expressed by UCPB and UCORP.

**REPORT – Provost Hume:** Provost Hume explained his vision, and what he hopes to achieve in the restructuring of the Office of Research. He wishes to streamline administrative support at UCOP as much as possible to offer more funding to academic programs. Other consolidation efforts have already shown substantial savings for UCOP, and he hopes to continue this progress. Provost Hume has a strong view of the service model of UCOP in relation to the campuses. He has heard the advice provided by the three committees on the restructuring plans; however, he sought Council's support for the immediate creation of the Vice President position by taking the item to The Regents in May. Provost Hume explained that the Vice President position is necessary to elevate the current Vice Provost position as to both the stature of the job and the scope of its responsibilities. Leadership at a higher level is necessary because the research function is central to UC's mission. Further, the Vice President position is necessary because this officer represents the President at important advocacy functions; upgrading other executive position upgrades at UCOP, without upgrading this position, would imply that research is not a priority of UC's. This position is not cumulative to the current Vice Provost position, but instead replaces it. Provost Hume suggested that, first, he continue to work with Chair Oakley and Vice Chair Brown in refining the job description to reflect the advice of the three Senate committees; and second, that he consult further about the administrative structure of the new position and Office of Research and the implementation of the advice from the three Senate committees when the person hired as the new Vice President finalizes the restructuring of the Office of Research. Provost Hume noted that Chair Oakley and Vice Chair Brown will serve on the search committee if the new Vice President position is approved. Lastly, he added that the creation of the new position is urgent due to Provost Hume's own added budget responsibilities following the retirement of Vice President Hershman. He would like to gain approval of the position by The Regents in May to avoid whatever complications may ensue from The Regents' recent announcement of the UCOP reorganization project.

**DISCUSSION:** One Council member asked about the new Vice President's authority over campus graduate programs' budgets, funds, and resources. Provost Hume replied that he expects the new Vice President to work out how to advocate and arrange for increased support for graduate students, to reform state policies impacting out-of-state tuition, and to work with the campus Vice Chancellors of Research to accomplish these goals. Many Council members expressed support for the plan, noting that the consolidation of research and graduate studies responsibilities is long overdue. The UCPB and UCORP representatives expressed concern for the job description as they and their committees did not have the opportunity to review it. Provost Hume stated that he did not distribute the job description for wide review, as he was asking for general advice on the restructuring and how the position should be shaped. Council Vice Chair Brown offered his view that the Provost has the right to organize his office, but that it is important that the concerns expressed by the Senate be adequately addressed. UCORP Chair Max noted that she participated on the Provost's review committee to push for faculty input, and to ensure that the newly created position was centralized at UCOP. She added that UCORP did not oppose the proposal, but wanted additional information. Council members largely expressed support for the new position, but also expressed a general need for greater understanding of how the position would operate; and assurance that the incumbent would not be expected to define the position after he/she were hired. The UCPB representative pressed for assurance that the job description include clear lines of authority over the Technology Transfer and Research Administration functions at UCOP. Council members agreed with this suggestion. Lastly, a

Council member pointed out that the job description should refer to the full title of “Vice President for Research and Graduate Studies” throughout its text.

**ACTION: Council approved the creation of the proposed Vice President for Research and Graduate Studies position by a vote of 15 in favor, 1 opposed, and 2 abstentions. Council recommended to Provost Hume that he move forward in the creation of the position, with the understanding that the Senate leadership will continue to work with him in refining the job description and advising on the administrative structure of UCOP during the restructuring efforts. Council also requested assurance from Provost Hume that the Technology Transfer and Research Administration functions at UCOP will become part of the new Vice President position.**

## **VII. Consultation with the Office of the President – Senior Management**

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

### President Dynes

*Campus Safety:* The tragedy at Virginia Tech has prompted UC to pay increased attention to student mental health. We have begun to increase support for student mental health, funded by an increase in student registration fees.

*Student Loans/Financial Aid Inquiries:* To this day, UC has not been part of any official inquiries into student-loan fraud. President Dynes has launched an audit throughout the campuses concerning their student-loan practices. So far there is no evidence of bad practices in the UC system.

*Systemwide Academic Planning:* From President Dynes’ perspective, the planning process has been an extremely positive exercise. He is encouraged to see the campuses talk to each other about academic planning, and as a result, strengthen the UC system as a whole.

*Campus Visits:* President Dynes’ visits to the campuses have been delayed by other urgent matters, but he is still committed to talking with faculty and the campuses about their perspectives regarding the “Power of Ten” concept. The visits will restart next month, beginning with UC Riverside.

*Organizational Review of UCOP:* A letter on behalf of President Dynes and Regent Blum was recently distributed that describes the organizational review, which will evaluate the UCOP structure for the first time since the Eisenhower era. President Dynes understands that the review’s focus will be on the roles and responsibilities of The Regents, UCOP, and the campuses. The three goals of the project are to define their relationships and roles; to create better operational efficiencies and opportunities by helping UCOP understand how to better assist campuses in doing their jobs; and by eliminating duplication and improving efficiencies, to realize cost savings that can be put back into academic priorities, especially faculty salaries. The process moving forward will be to consult with each campus, and to speak to the Chancellors

and EVCs, as well as faculty in the data gathering process. President Dynes expressed confidence in the plans, as well as the outside consultant hired to conduct the review, Monitor Group.

*Environmental Achievement Award:* UC received an award last week from the Environmental Protection Agency, praising UC's environmentally friendly purchasing standards, green building practices, and other activities that are friendly to the earth.

Provost and Executive Vice President Hume

*Systemwide Academic Planning:* Provost Hume explained that the campuses have disclosed their plans to each other in an extremely beneficial exercise for all participants. He will report to The Regents in May on the process and its purpose. Provost Hume noted that his goal for the first year of the process was to build trust among the campuses, which he feels has been accomplished. Provost Hume looks forward to feedback from the Senate on the process and its purpose as well. Next year, the planning process will focus on discussions about enrollment planning through 2020, and outcomes of the Diversity Study Group.

*Regents' May Meeting:* Provost Hume will report to The Regents on progress with graduate student support; a presentation on the Humanities; and an interim report on the Informational Technology Guidance Committee.

*Education Abroad Program (EAP) Review:* The augmented review committee has met, and Provost Hume feels that there was good progress in integrating the new committee members. The committee's charge has been revised to include implementation of a priority identified in the first phase of the review committee's work: to foster and support campus-based programs rather than administer an exclusively systemwide program.

*Educational Imperative:* Provost Hume wishes to look into what UC can contribute to upgrading P-16 education in California and elsewhere. He was at a meeting yesterday with the Governor's Committee on P-16 education, where they discussed a national report on redrawing the concept of P-16 education, with an emphasis on early childhood education and rigorous testing up to the grade 10 level. UC is now focusing on its contributions to the initiative, include the Science Mathematics Initiative.

*Faculty Salary Scales:* The process of looking into adjusting faculty salary scales to recapture most of those faculty who are off-scale, and redrawing scales where appropriate, is continuing. Provost Hume noted that he worked with Council Chair Oakley on a communiqué that was sent to the Council, which Council members are free to distribute amongst their colleagues.

Executive Vice President Darling

*Student Financial Aid Inquiry:* EVP Darling noted that once UC heard of the reports at Columbia and USC, they convened a group to look at UC practices, in order to determine if any student financial aid employees were receiving personal benefits or had accepted travel by loan companies, and whether there were any other financial ties with student-loan companies, and if

so, what were their nature. Following this inquiry, the group will then look at the need to change any policies or practices.

*Virginia Tech Tragedy:* A task force has been assembled with student-affairs officials and campus police to evaluate campus communications and how campuses are equipped to respond to similar emergencies. EVP Darling reported that campus police have had plans in place for many years, including similar circumstances and scenarios to the Virginia Tech tragedy. The task force will evaluate what UC can learn, what else it can do for the future to strengthen its practices and policies.

*HHMI/Ludwig Proposal:* EVP Darling expressed his belief that the revised HHMI proposal addresses both of the Academic Council's stated concerns following its review of the original proposal in November. He added that the campuses have agreed to pay for the implementation costs.

*UC Budget:* UC has launched a major effort to garner support for the UC budget with the Legislature. This effort includes members of the Board of Regents, CEOs of biotech, technology and financial firms, and the Council of Chancellors.

*CPEC Methodology:* UC had significant concerns about proposed changes to the long-standing CPEC faculty salary methodology, and is advocating strongly against any changes that would include data on total compensation and/or remove the private institutions from the Comp Eight.

*Ethics Training:* The Regents have requested a report at their May meeting on the number and category of UC employees who have completed the required online ethics training. EVP Darling encouraged Council members to complete the training if they have not already.

#### Vice President Hershman

*May Budget Revision:* UC is quite concerned about the state's revenue situation and its potential impact on UC's budget should projections not live up to expectations in the January budget. Vice President Hershman believes that the Governor and the Department of Finance will honor the Compact if at all possible, but that there will be very little additional funding left over for other UC projects. He expressed guarded optimism that the May revised budget would include a commitment for funding of UCRP contributions identical to CalPERS (11% employer, and 5% employee contributions).

*Legislative Hearings:* Most of the hearings so far have focused on the different analyses and visions of UC's budget by the Legislative Analyst and by UC itself. Hearings next week will be held on UC capital outlay issues, including the telemedicine budget, the Helios and BP projects, and long range development plans, particularly UCSC concerns; and the UC academic preparation budget.

*Faculty Salary/CPEC Methodology:* Vice President Hershman has asked for Senate nominees to help with the CPEC discussions. He is unclear as to whether the proposed changes to the methodology will gain any traction due to mass confusion over how to deal with salaries and

benefits in general, and the difference between the public and private institutions in the Comp Eight. However, UC has a lot at stake and will stay close to the issue.

**DISCUSSION:**

Student Mental Health/Campus Safety: The UCPB representative reported UCPB's findings that the money that will be collected from the registration fee increase will be wholly inadequate to address the severe lack of support for students, and to at least bring the number of counselors up to national averages. President Dynes noted that the VA Tech tragedy has underscored this urgent need. UCAP Chair Croughan suggested that the UCSF health sciences campus programs could be used as a model to identify and address student mental health needs. Lastly, EVP Darling reported that he will ask Council Chair Oakley for Senate nominees to the task force on campus safety at a later date.

Faculty Salaries: One member suggested that UCOP seriously consider using Short Term Investment Pool (STIP) funds to increase faculty salaries. President Dynes reported that they are looking at this strategy. The Council member then pleaded for UCOP not to charge the faculty salary increases to the campuses as an unfunded mandate. President Dynes then addressed his motivation and commitment to increasing faculty salaries, to retain and recruit the best faculty in the world. He believes that the time has come for a new, explicit plan to carry out faculty salary increases, which he is committed to implementing. Another Council member noted that the 3-5 year plan to increase salaries is still far too long, and the problem requires an immediate fix to enhance faculty morale. Provost Hume stated that he will be urging the President to act within three years, and that they need some time to adjust scales, and work out the COLA issues.

UCOP Organizational Review: Some Council members expressed strong opposition to the hiring of an outside consultant, at a total cost of around \$8 million. EVP Darling reported that all of the consulting bids came in at about the same \$8 million cost. He further elaborated on the consulting contract, its four phases, and UC's option to cancel at anytime with 30 days' notice. The first phase of the contract is the assessment phase; second, given the roles and responsibilities of UCOP, they will identify opportunities to achieve real savings in integrating administrative functions; third, consultations with the Senate and the Regents, among others; and fourth, actual implementation to gain efficiencies and savings. Senate representatives, including the Senate leadership, will be on the committee looking at the consultants' reports at each step of the contract.

One Council member inquired about Monitor Group, and President Dynes noted that they were comforted by Monitor's prior experience with Harvard. Other Council members expressed opposition to the organizational review on the grounds that bringing in outside consultants implies lack of confidence in the current administration. President Dynes replied that first, they are meeting the budget language that requires UC to bring in outsiders to look at UC efficiencies; and second, they are responding to The Regents' request. Lastly, Council Chair Oakley stated that as members of the steering committee, he and Vice Chair Brown will provide monthly status reports to the Council.

Systemwide Academic Planning: Provost Hume reported that the goal of this exercise is to establish a process for academic planning, not to prescribe a top-down plan. He wants an open planning process, and a culture of free disclosure across the campuses. Provost Hume does not

anticipate producing a bound, documented plan; instead the goal is to tap into the campus processes, and for The Regents and Chancellors to better understand academic planning for purposes of their resource-allocation decisions. He also confirmed that it will be considered later in the process whether the campuses are doing enough to make diversity an integral part of their planning review.

National Labs: EVP Darling clarified that the UC representative on the Board of Governors, Bill Frazer, indeed reports to The Regents, and is accountable to the University. Following the ACSCONL meeting last week, they have met with the general counsel regarding a clear reporting line; and reviewed the standing orders and bylaws of the Regents to reflect new realities of the LLC arrangement. Council Chair Oakley applauded this progress, noting that the Senate is gaining traction on its October 2006 Assembly resolutions. EVP Darling stated that there are many more issues that UC and ACSCONL need to work out regarding the new LLC arrangement, including the labs' role in nuclear research and development. He looks forward to continued feedback from the Senate through Chair Oakley and Vice Chair Brown to the Regents Committee on the Labs. Lastly, EVP Darling added that a succession plan is in place for the faculty on the LANS Science and Technology committees, enforcing UC's role in driving science at the labs.

#### **VIII. General Discussion**

[None. As previously resolved, the Council moved directly from Item VII to Item IX.]

#### **IX. BOARS Status Report on Eligibility Reform**

- **Mark Rashid, BOARS Chair**

**ISSUE:** BOARS Chair Rashid wished to provide a status report on BOARS' considerations and future plans with respect to Eligibility Reform. President Dynes was invited to be present during this report.

**REPORT:** BOARS Chair Rashid reviewed the summary document included in the Council agenda packet, including an explanation of the current UC eligibility construct, the Comprehensive Review process, and what BOARS views as problems associated with the eligibility policy. He anticipated that BOARS' full proposal will be presented and discussed at the May Council meeting, where he will seek Council's approval of the document for eventual distribution for systemwide Senate review.

**DISCUSSION:** Council members did not discuss BOARS Chair Rashid's report since the report was intended only as an information item this month. President Dynes thanked BOARS Chair Rashid, however, and remarked that the information on BOARS' intentions is very useful in relation to how he characterizes the UC "guarantee" in discussions with parents and students.

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[Consent Calendar, Item 5, moved for discussion and action as part of Agenda Item IX]

**ISSUE – Mathematics ('c') and Laboratory Science ('d') Requirements Task Force Nominations:** BOARS Chair Rashid explained that the Academic Council had requested that the divisions forward nominations to the 'c' and 'd' requirements task force to BOARS, intending for BOARS then to make recommendations to the Academic Council. BOARS has a list of

names, but now requests that the Academic Council (1) allow BOARS to add additional names to the list on its own; and (2) allow BOARS to made recommendations for the chair of the ‘c’ and ‘d’ requirements task force.

**ACTION: The Academic Council approved BOARS’ request to add additional names to the nomination list itself, and approved BOARS’ request to recommend names for the chair of the ‘c’ & ‘d’ requirements task force.**

**X. Issues Related to the National Labs**

- **John Oakley, ACSCONL Chair**

**1. Academic Council Special Committee on the National Labs (ACSCONL) Items**

**a. Fee Allocation Developments**

**ISSUE:** At its March 28 meeting, the Academic Council endorsed a draft set of principles regarding the allocation of the Labs’ net fee income that was to be presented to the Fee Allocation Advisory Committee (FAAC) on behalf of the Academic Council. At the April 2, 2007, FAAC meeting, attended by Chair Oakley and ACSCONL member Professor Gregg Herken (UCM), and a subsequent drafting session involving Chair Oakley and lab-management personnel, a final draft of the FAAC recommendations was negotiated and later approved by the FAAC. At its April 17 meeting, ACSCONL endorsed the FAAC draft, subject to the interpretation presented in the memorandum to the Academic Council from ACSCONL Chair Oakley (Enclosure 17). Council is asked to endorse the ACSCONL memorandum and advise the President accordingly.

**DISCUSSION:** Council Chair Oakley provided a brief background of the issue, and reviewed the April 19, 2007, ACSCONL memorandum (Enclosure 17). He explained that Enclosure 18 – the Proposal for Appropriating Net Fee Income Received as Owner of a LLC Managing a DOE National Laboratory, dated April 5, 2007 – has already been communicated to President Dynes.

**ACTION: The Academic Council approved the April 19, 2007, ACSCONL memorandum to be communicated to President Dynes.**

**b. Proposed Charter for the Successor to ACSCONL**

**ISSUE:** As requested by the Assembly at its October 11, 2006, meeting, ACSCONL has developed a proposed charter for a successor Special Committee of the Academic Council. Council is asked to adopt the proposed charter that would end ACSCONL and establish through May 2013, the Academic Council Special Committee on Lab Issues (ACSCOLI).

**DISCUSSION:** Council Chair Oakley reviewed with Council members the proposed charter for the successor committee to ACSCONL. He recommended a two-step process: first, Council would be asked to approve the charge of the successor committee, and then it would set an end date for the present ACSCONL committee, as well as establish the successor committee’s membership. One Council member observed that the proposed acronym of the successor committee, ACSCOLI, is awkward, and should be further explored at the May meeting. Council then discussed the precise nature of the successor committee, including its role with its consultants and guests.

**ACTION: The Academic Council approved the proposed charter of the successor committee to ACSCONL, ACSCOLI, by a vote of 16 in favor, and 1 abstention. At**

**its May meeting, Council will determine the membership of ACSCOLI and the precise date it would succeed ACSCONL.**

## **2. UCPB Letter on Lab Governance**

**ISSUE:** At the Academic Council March 28 meeting, UCPB asked the Council to endorse two requests relating to advance disclosure and analysis of “the LANS and LLNL contracts” and to Senate formulation and promotion of the revised Standing Orders and Regental Policies concerning UC’s relationship with lab-management LLCs. Council requested a revision to UCPB’s proposal. UCPB has submitted a revised letter, limited to its second request in light of new developments, releasing the information sought in its first request.

**DISCUSSION:** Council Chair Oakley stated that the revised UCPB letter was just submitted to Council this morning, and therefore he has not had a chance to review it. He then relayed his understanding that the revised letter was intended by Council at its March meeting to be a compromise document, including more discussion of the faculty vote on the labs. Council Chair Oakley also stated his belief that UCPB’s main concerns in March were related to the Senate’s communication of information to faculty, which could be dealt with at Council’s May 23 meeting.

**ACTION: By unanimous consent, the Academic Council deferred this item to the May Council agenda.**

## **XI. UCORP Report on Institutional Review Boards at UC: An Inquiry Into IRB Operations and the Researcher’s Experience**

- **John Oakley, Academic Council Chair**
- **Wendy Max, UCORP Chair**

**ISSUE:** At its February 28, 2007, meeting, the Academic Council reviewed the responses received from the systemwide Senate review of UCORP’s report “Institutional Review Boards at UC: An Inquiry into IRB Operations and the Researcher’s Experience.” Based on those responses, which in principle endorsed the report, nevertheless, Council offered a number of comments for refining and strengthening its advice. Council requested that UCORP consider these suggestions and resubmit the report. Council will now decide whether to endorse the revised report.

**DISCUSSION:** After providing a brief background on the report, UCORP Chair Max acknowledged the excellent work of former UCORP Chair George Sensabaugh and Senate Analyst Brenda Foust. She noted that the report was revised to include stronger and more detailed recommendations, and also requests specific follow-up mechanisms under Provost Hume. UCORP recommends that the Council endorse the revised IRB report and adopt its recommendations. One Council member asked whether the report recommends making multicampus research units complementary with other campus units; and whether it recommends increased electronic tracking and sharing of information between the campuses. UCORP Chair Max noted that both concerns are addressed in the report. Council members applauded UCORP and the report’s authors for this excellent and useful report. Other issues were raised such as empowering local research committees to monitor IRBs on their own, and exploration of the campus IRB accreditation processes. Regarding accreditation, Council members noted that

responsibility for implementing this recommendation should be included in the portfolio of the new Vice President for Research and Graduate Studies.

**ACTION: The Academic Council unanimously voted to endorse the UCORP Report on Institutional Review Boards at UC, and to adopt its recommendations.**

**XII. The Regents' Proposed RE-89: Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry**

- **John Oakley, Academic Council Chair**

**ISSUE:** At their January meeting, The Regents considered RE-89, a proposed Regental policy that would restrict the University from accepting tobacco-related research funding from the tobacco industry. The Regents' Finance Committee voted to defer action upon RE-89 until the May Regents' meeting, in order to allow time for the Academic Senate to adopt an up-or-down position in support of or opposition to the proposed policy. At the February 24 Assembly meeting, Chair Oakley announced that RE-89 would go out for systemwide Senate review with responses due back to Council by no later than April 13, 2007, and that RE-89 would be submitted to the Assembly for an up or down vote on May 9, 2007. The systemwide review process is complete, and Council is to discuss whether to formulate a Council position on RE-89, as well as what information will be included in the Notice of Meeting of the Assembly on May 9, 2007.

**DISCUSSION:** Council Chair Oakley suggested that the Council include in the Assembly agenda packet the exact materials included in the Council agenda today. UCSD Division Chair Powell raised an issue regarding allegations of scientific misconduct, and the Senate's role in such allegations. He expressed his belief that the Senate should protect the reputation of individual faculty members, and provide complete information from both sides of the matter. Council Chair Oakley expressed concern that this issue may sidetrack the main issue at hand, the Senate's consideration of RE-89. UCORP Chair Max reported that UCORP has looked into the matter, and found that there is nothing more for the Senate to do. One Council member suggested that the Council consider passing a resolution affirming proper communication protocols between the Senate and The Regents. Council members then discussed whether to recommend a position to the Assembly for consideration and action at the May 9 Assembly meeting. Multiple Council members stated their preference to communicate a clear message to the Assembly. Council Chair Oakley clarified the Council's role as an executive body that recommends positions to the Assembly. A Council member then offered a motion that the Academic Council take a vote on RE-89, and report said vote to the Assembly.

**ACTION: By a vote of 15 in favor, and 1 opposed, the Academic Council recommends that the Assembly opposed RE-89.**

**ACTION: Council unanimously voted to include in the May 9, 2007, Assembly bluebook the information included in Council agenda enclosure 23, with a link to the Senate website providing additional materials on RE-89.**

**XIII. Systemwide Academic Planning Process**

- **John Oakley, Academic Council Chair**

**ISSUE:** At its March 28, 2007, meeting, the Academic Council briefly discussed with Provost Hume the proposed systemwide academic planning process. Provost Hume provided members

with two documents: a list of planning themes that were common to all campuses; and a ‘high level’ planning summary for each campus. Provost Hume requested that Council members submit their comments by the April 25 Academic Council meeting in order to incorporate them into the May Regents’ presentation.

**DISCUSSION:** UCAAD Chair Basri began the discussion by reading UCAAD’s comments aloud, since its letter was not included in the agenda packet. Council members agreed that greater attention to diversity should be included in the second round of the systemwide academic planning initiative. Many Council members observed that the planning document is extremely general, which makes it difficult to provide concrete suggestions and comments to Provost Hume. Other Council members agreed, but pointed out that this is a first step, and campuses have never before engaged in such a process together. In finalizing the Council response, members wished to express disappointment in the vagueness of the plans, making them not particularly useful to the campuses, but noting that the Council looks forward to further refinement in and specifics in the second phase of the initiative.

**ACTION: Council Vice Chair Brown and UCAAD Chair Basri will finalize Council’s response to the systemwide academic planning process documents for communication to Provost Hume.**

**XIV. Discussion of Follow-Up Issues Raised During the April 18 Academic Council Teleconference Meeting:**

- 1. The Organization of UCOP - The Regents’ Hiring of Outside Consultants**
- 2. The Academic Council’s Presentation to The Regents Regarding the UC Budget**
- 3. The Faculty Salary Scales Workgroup**
  - **John Oakley, Academic Council Chair**

**DISCUSSION:** Council Chair Oakley stated that issues 1 and 3 had been addressed earlier in today’s meeting. Regarding issue 2, he reported that Provost Hume has suggested that the Academic Council may present its view of the UC budget to The Regents at their May meeting. Council Chair Oakley then proposed that he work with UCPB Chair Newfield on a presentation to The Regents, focusing on the Futures Report. Council members expressed widespread support and enthusiasm for this plan. UCORP Chair Max noted that UCORP is working separately with UCPB Chair Newfield on issues related to indirect cost recovery, which may later be incorporated into the Futures Report Budget Recommendations.

**ACTION: Council Chair Oakley and Vice Chair Brown will work with UCPB Chair Newfield in framing a 15-minute item for The Regents’ May meeting, presenting the Futures Report and the Senate’s view of UC’s budgetary priorities and challenges.**

**ACTION: Council Chair Oakley will place an item on the Council’s May agenda to address Senate effectiveness in UCOP relations, as a follow-up to the March 28 Council discussion on the same topic.**

**XV. Sexual Harassment Training**

- **John Oakley, Academic Council Chair**
- **Faye Crosby, UCSC Division Chair**

**ISSUE:** Division Chair Crosby has requested a discussion of how other divisions are handling issues of non-compliance with legally-mandated sexual harassment training. Members are asked

to share any instituted or proposed procedures/guidelines that address the issue of how the campuses are dealing with individuals who do not wish to comply with completion of the mandated training.

**DISCUSSION:** Most division chairs reported that they have similar problems with non-compliance, and either the deans or department chairs speak with the individuals, and imply that further action will be taken if they do not complete the training. Most reported that this plan, though time-intensive, has been successful so far. Council Chair Oakley then discussed with Council members some APM amendments that have been suggested to address similar issues with sexual harassment training. Council members emphasized that any proposed actions should be narrowly tailored. Council members also discussed the inadequacies of the online training program, noting that some portions of the training are factually and legally incorrect; and that in-person training sessions should be encouraged because they are interactive, and have proven to be successful.

**ACTION:** None

#### **XVI. Recharge of Faculty Salaries to Grants**

- **Linda Bisson, UCD Division Chair**

**ISSUE:** At the September 2006, meeting of the Academic Council, UCD Division Chair Bisson raised the issue of recharge of faculty salaries to grants and some specific and persistent problems with this policy on the Davis campus. One of the concerns is that policy language indicates that any faculty member who opts for the recharge program will have their professorial appointment reduced by the percentage that they are paid from their grant. Many are concerned about campus administration's handling of the issue, and the protection of those faculty affected.

**DISCUSSION:** UCD Division Chair Bisson provided a brief background and explanation of the issue, including UCOP's reaction that they were unaware of any concerns. UC Berkeley appears to have a policy in writing as well. Council members discussed and clarified the issue. Upon expression of heightened interest by some members, Council agreed to delegate the issue to UCPB and UCAP.

**ACTION:** Council agreed via consensus to refer this item to UCPB and UCAP. UCD Division Chair Bisson will consult with UCPB and UCAP, and provide a status report to Council in May.

#### **XVII. Position Description for the Vice President – International Affairs**

- **John Oakley, Academic Council Chair**

**ISSUE:** Provost Hume has submitted the final draft of the Vice President-International Affairs position description, for Council's review.

**DISCUSSION:** Council Chair Oakley briefly reviewed the job description, and noted that it includes certain duties not currently exercised by the Vice Provost for International Affairs. He noted that Council's consideration of the position would be premature at the moment, and suggested further discussion at the May meeting.

**ACTION:** Council agreed via consensus to consider this item at the May Council meeting.

#### **XVIII. An Academic Council Statement on Unfunded Mandates (or Interim Budgetary Arrangements)**

[Item deferred to May 23, 2007, Academic Council meeting.]

**XIX. Draft Proposal on the Relationships Between (Pharmaceutical) Vendors and Clinicians**

[Item deferred to May 23, 2007, Academic Council meeting.]

**XX. New Business**

1. Consent Calendar, Item 3: Proposed New Academic Personnel Policy and Proposed Revisions to Six Present Academic Personnel Policies

**ACTION: The Academic Council approved the proposed policies to be sent out for systemwide Senate review provided that, upon Vice Chair Brown's request, the Academic Advancement Office provide further justification and background information for the proposals.**

**Meeting adjourned at 4:30p.m.**

Attest: John Oakley, Academic Council Chair

Prepared by: Michelle Ruskofsky, Academic Council Analyst

**Attachment:** Academic Council 2006-07 Attendance

Academic Council Minutes – April 25, 2007

<b>ACADEMIC COUNCIL: 2006- 2007 Attendance</b>												
Key: X=In attendance, \=Absent, Alt=Alternate												
		9/27	10/25	11/29	12/20	1/24	2/28	3/28	4/25	5/23	6/27	7/25
<b>Officers</b>												
John Oakley, Chair		X	X	X	X	X	X	X	X			
Michael Brown, Vice Chair		X	X	X	X	X	X	X	X			
<b>Divisional Chairs</b>												
William Drummond	UCB	X	X	X	Alt	X	X	Alt	X			
Linda Bisson	UCD	X	X	X	X	X	X	X	X			
Martha Mecartney	UCI	X	X	X	X	X	X	X	X			
Vivek Shetty	UCLA	X	X	X	Alt	X	X	X	X			
Shawn Kantor	UCM	X	X	X	X	X	X	X	X			
Thomas Cogswell	UCR	X	X	X	X	X	X	X	X			
Henry Powell	UCSD	X	X	X	Alt	X	X	X	X			
Deborah Greenspan	UCSF	X	X	X	X	X	X	X	X			
Joel Michaelsen	UCSB	X	X	X	X	X	X	X	X			
Faye Crosby	UCSC	X	X	X	X	X	X	X	X			
<b>Committee Chairs</b>												
Mark Rashid	BOARS	X	X	X	X	X	X	X	X			
Reen Wu	CCGA	X	X	X	\	X	X	X	X			
Mary Croughan	UCAP	X	Alt	X	X	X	X	X	X			
Richard Weiss	UCEP	X	X	X	X	X	X	X	X			
Susan French	UCFW	X	X	X	X	X	X	X	X			
Wendy Max	UCORP	X	X	X	X	X	X	X	X			
Chris Newfield	UCPB	X	X	X	X	X	X	X	Alt			
<b>Alternates</b>												
Pauline Yahr	UCAAD		X									
Jim Hunt	UCAP		X									
Dan Melia	UCB				X							
Elizabeth Bork	UCLA				X							
James Poscani	UCSD				X							
Dan Melia	UCB							X				
Calvin Moore	UCPB								X			
<b>Guests</b>												
Maria Ledesma, Student Regent			X									
Ann Shaw, Act. Sec. of Regents			X									
Gibor Basri	UCAAD	X	Alt	X		X	X		X			
Ben Crow	UCOL	X										
<b>President &amp; Senior Management</b>												
Robert Dynes, President		X	X	X		X	X	X	X			
Rory Hume, Provost		X	X		X	T	X	X	X			
Bruce Darling, Exec. VP-UR		X	X	X		X	X	X	X			
Lawrence Hershman, VP-Budget			X	X	X	X	X		X			
<b>Council Staff</b>												
Maria Bertero-Barcelo, Director		X	X	X		X	X	X	X			
Brenda Foust, Policy Analyst		X		X		X		X				
Michelle Ruskofsky, Policy Analyst			X		X		X		X			