

ACADEMIC COUNCIL

**Approved Minutes of Meeting
Wednesday January 24, 2006****I. Chair's and Vice Chair's Announcements**

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

Council Chair Oakley briefly outlined as priorities for today's meeting, the Council's nomination of the 2007-08 Academic Senate Vice Chair, which will be submitted to the Assembly of the Senate at its February 14th meeting, and determination of the format of the upcoming joint meeting of the Academic Council and the Council of Executive Vice Chancellors. He noted that, in the interest of devoting sufficient time to these items and to the Senate legislative matters that will go to next month's Assembly, some of the review items on today's agenda that are not time critical may be deferred to a future meeting. He then reported on the following topics:

Tobacco Funding. The Academic Senate has been asked to express an unambiguous opinion on RE-89, the Regents item that proposes a ban on accepting research funding from the tobacco industry. Discussion of how to proceed on that issue will be added as an item of new business on today's agenda.

Senate Representation.

- Professor Michael Colvin (UCM) has been appointed to serve on the LANS Science and Technology committee.
- The OP Office of Human Resources has asked for two or three Senate members to sit on the Task Force to Review and Discuss the Annual Merit Review Process for Senior Administrators. Barring any objection, Chair Oakley will ask Council Vice Chair Brown and UCPB Chair Newfield to serve on that task force, and would welcome a third Council member volunteer if anyone is interested. The group will meet several times face to face and by teleconference, and is expected to complete a report by May.

Review of DANR. The Report of the Agriculture and Natural Resources (ANR) Transition Workgroup (Distribution #1) has been submitted to President Dynes and Provost Hume. After reviewing past reports concerning DANR, the group has recommended the appointment of a new DANR Vice President, but does not recommend a thorough review of DANR as has been formally requested over the past several years in Senate reports and communications. Council should continue to urge that a review of DANR take place. If time permits, this issue will be brought up in discussion with senior management later today.

ACTION: Council Vice Chair Brown, UCPB Chair Newfield, and Santa Cruz Division Chair Crosby will be nominated to sit on the Task Force to Review and Discuss the Annual Merit Review Process for Senior Administrators.

II. Approval of the Agenda

ACTION: The agenda was approved as noticed.

III. Consent Calendar

- 1. Approval of the December 20, 2006 Minutes**
- 2. Approval of the UCPB nominee to serve as the Senate representative to the Industry University Cooperative Research Program (IUCRP) Steering Committee**
- 3. Approval of UCORP's nominee to serve as the Senate representative to the Technology Transfer Advisory Committee (TTAC)**
- 4. Approval of UCPB's nominee to serve as the Senate representative to the Systemwide Library and Scholarly Information Advisory Committee (SLASIAC).**

ACTION: The Consent Calendar was adopted, with minor changes to the minutes of the December 20, 2006 meeting.

IV. Proposed Amendment to Senate Bylaw 110

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

ISSUE: The Academic Council Subcommittee on Senate Leadership and Office Structure was established last year at the request of the Academic Council. In partial fulfillment of its charge, the subcommittee has proposed an addition to Senate Bylaw 110 that, if approved, will provide a removal clause for the Senate Chair or Vice Chair. Once approved, the proposed amendment may either be forwarded directly to the Assembly for ratification or be sent out for systemwide Senate review.

DISCUSSION: Chair Oakley reminded members that in Council's deliberations on this issue last November, the central concern was whether a majority vote set a high enough bar for suspension and removal of a Senate Chair or Vice Chair. During last fall's discussion it was also clarified that the proposed bylaw assumes that the Senate is run as a parliamentary system in which the leaders serve the will of the group, as opposed to a system run by executive leadership. In a parliamentary structure, if, in fact, half of the members of Council were to express a vote of 'no confidence' in a leader, that leader would de facto no longer be effective. The proposed bylaw has now been revised to make those points explicit, and proposes that a majority vote be sufficient for both suspension – by a vote of the Academic Council, and removal – by a vote of the Assembly.

Members then discussed the question of whether the vote in the Assembly should require a 2/3 majority for removal, since a majority vote in both bodies may make it too easy to bring an officer under attack. In response, it was argued that the two-part suspension-removal process as well as the size of the Assembly would mitigate against a small group being able to unseat an officer. Also, the procedure should be structured to avoid the possibility of retaining a Chair who had received a vote of no confidence but who was not subsequently removed by the Assembly, since that would likely result in a dysfunctional Council. Based on the above reasons, members generally agreed to support the proposed majority vote in both the Council and the Assembly as appropriate and sufficient to effect removal. Two further clarifications were made: 1) that in the case of a chair's being incapacitated, parliamentary procedure, as defined in "Sturgis", would apply; and 2) that the Senate Chair does not have control of the agenda for an emergency

meeting of the Assembly. Members also agreed to several language changes in the proposal that will better define terms and clarify the voting process.

ACTION: In a vote of 17 in favor, one opposed, the proposed amendment to SBL 110 was endorsed as amended on the floor, and will be sent to the Assembly of the Senate for ratification at its February 14, 2007 meeting,

V. Proposed New Senate Bylaw 16

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

ISSUE: The proposed new Senate Bylaw 16, which would make the systemwide Academic Senate Executive Director a non-Senate officer of the Academic Senate, has been reviewed by the divisions and systemwide standing committees. In light of comments received, a slightly revised version of the proposed bylaw (Distribution #2) is being submitted to Council for endorsement. If approved, the proposed new bylaw will be sent to the Assembly for ratification.

DISCUSSION: The main objection raised in the review of the proposal was to the UC President having authority over an officer of the Senate. In response to this objection, it was clarified that the Executive Director and the Senate staff are employees of the Office of the President. This revision of the proposed bylaw, however, makes it explicit that while OP would have the responsibility over the terms and conditions of the Director's employment, he or she would report to and receive direction from the Senate Chair with respect to duties. It also should be borne in mind that the President is a Senate member and serves ex officio as President of the Assembly.

In the course of discussion, these further clarifications were made:

- To effect removal, the Academic Council would engage existing processes of the Office of the President Human Resources department; however, this is not made explicit in the proposed bylaw.
- The Assembly Chair is an agent of the Senate and so, his or her actions with regard to the Director would, in the event of serious problems, be guided by the Academic Council.
- Some of the language of the bylaw is modeled on the designation of the Secretary of the Regents and is meant to confer dignity on the position of Executive Director and to strengthen interactions between that individual and UC management.

ACTION: The proposed Senate Bylaw 16 was unanimously endorsed, and will be sent to the Assembly of the Senate for ratification at its February 14, 2007 meeting.

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

- **Robert C. Dynes, President**
- **Rory Hume, Provost (by telephone)**
- **Bruce Darling, Executive Vice President, University**
- **Lawrence Hershman, Vice President, Budget**

President Dynes

- *UC Budget.* The Governor's budget maintains support for Compact, even while it proposes measures to eliminate the structural deficit. The Governor's research initiative includes: lease revenue bonds to fund the Helios Project; \$40 million in lease revenue bonds as added funds in the event that UC wins the British Petroleum competition for development of alternative fuels; \$20 million designated for operating funds for the Cal ISIs; and \$5 million in matching funds in the event that UC wins the NSF petascale computer competition. The budget does not include a fee buyout, but because of UC's strong financial aid program, the planned 7% increase in undergraduate fees will actually amount to no increase for low income students, and an approximate 3.5% increase for middle income students (those families earning between \$60K and \$100K per year). The end effect is that 43% of our students will not experience a fee increase. Taking financial aid, Cal Grants, and federal tax deductions all into account, low income students will actually be better off this year. On the other hand, the Governor's budget did not include:
 - Employer start-up of contributions to UCRP. An effort may be made to insert language into the budget that would offer an IOU for this funding.
 - Academic Preparation. Despite the fact that last year UC presented a convincing case for these programs, academic preparation is not being automatically funded and is likely to be used as a point of negotiation.
 - The Labor Centers. We will negotiate to have this funding reinstated.
- *Recent appointments.* In December, Gene Block was named Chancellor of UCLA. Yesterday, Steve Kang was formally introduced at UC Merced as the new chancellor of that campus. At OP, Charles Robinson has been appointed Chief General Counsel. The appointments of the UCSC chancellor and of the Chief Financial Officer and Chief Business Officer are still pending.
- According to *Undergraduate application data* that was released today, 111,000 applications were submitted; freshmen applications grew by 5.3 %, including increases in all underrepresented minorities; and community college transfers declined slightly.
- *The Regents January meeting.* The issue of tobacco funding was returned to the Academic Senate for further comment. Since this is an issue that falls squarely in the purview of the Senate and speaks to the ability of the faculty to govern themselves, it is important to look at it as thoroughly as possible and weigh in with a clear position. Provost Hume's presentation on systemwide academic planning was well received; the Regents are now well informed on how seriously we are on thinking about the future, and on the pressures we are under, the limitations of our support, and the opportunities we have for making important contributions to California and the world.
- *International relations.* UC has signed an MOU with government agencies in India to identify areas of collective interest, and negotiated commitments for support for fellowships in designated areas. Our goal is to net a flow of quality graduate students and post docs funded by the Indian government. India, like China, looks to UC as a model for their higher education structure. Development continues of programs and agreements with Mexico, China, Canada, and Africa. A meeting will be held soon with Canadian education agencies to identify common goals and interest.

Provost Hume reported on the following searches, appointment and reviews:

- Judy Sakaki has been appointed Vice President for Student Affairs. Her immediate focus will be on: 1) what can be done to streamline and otherwise improve the admissions process; and 2) outreach: how to better align and achieve synergy among the different outreach programs. Regarding the latter, the Council Chair is asked to suggest one or two faculty members who could work on that project with VP Sakaki.
- The Regents gave their approval for a new VP for Health Sciences and Services, which will bring together the two areas of clinical service and health science. A national search will be launched as soon as possible, with the goal of filling the position by summer.
- Recruitment for a VP of the Department of Agriculture and Natural Resources (DANR) will begin soon as well. The Senate asked that a review of DANR take place, preferably before hiring a new VP, but the panel established to look at transition issues indicated reasons for having someone in that position both in the interim and long-term. The report of the panel also said more emphasis is needed on improving the functional interactivity of DANR by better connecting research to the agriculture community and increasing collaborations between the academic enterprise and the research stations.

EVP Darling

- *Federal legislative update:* Congress has extended tax legislation that will benefit academic research, and has approved a tax deduction for families with a child in college. The Continuing Resolution on appropriations will likely be extended through the year, which will not allow the planned doubling of NSF funding and will put funding in question for some programs. Congress has also put an ongoing ban on earmarked funds, which, if effective, will actually be of benefit to UC since it will open up more money for peer-reviewed research. In March, President Dynes will testify before the House Science Committee on science and math education and research.
- *State legislative update:* The appointments of new committee chairs and some new members on key committees have been announced. The state prison health care system has been turned over to a receiver, and UC has been asked to aid in investigating possible alternatives that would provide better health care for inmates. In terms of UC advocacy, 300 friends of UC – about 30 per campus -- have signed on to launch an advocacy effort that begins next week with a dinner with legislators and business leaders. Education bond measures are slated for the 2008 and 2010 ballots. The '08 ballot will include a measure to lock in support for the state community colleges that would limit fees to \$15/unit and make up the loss with added funding from state general funds. UC is analyzing the measure and will decide whether to take a position on it.

VP Hershman

State Budget: The Governor has undertaken to close the structural gap in the state budget and pay off deficit bonds early with a combination of shifts of existing funds and cuts in programs, based on a planned 7% revenue increase with 1% in expenditures. The state's \$2 billion reserve may or may not be maintained. The Governor's health initiative is much more ambitious than was expected. A letter has recently been sent out detailing the form budget proposals for the May revision must follow.

UC Budget: Funding from bond issues slated for the 2008 and 2010 ballots will be important for continued UC growth; then, when growth slows, as is expected, the funds can then be used for deferred maintenance and renewal. The state has not agreed to start its portion of UCRS

retirement contributions, which is a setback for UC. The state does not object on principle to restarting payments, but does not see this item as a priority in this year's budget because of the state's fiscal situation and because UCRP is still technically over-funded. As was mentioned earlier, the net increase in student fees is under 4%. We need to make it clear to the public what this increase means in real numbers and explain its real impact on students and their families. The Governor's budget continues one-time funding for UC Merced. Enrollments at UCM have not grown as fast as projected. The DOF has, though, agreed to subsidize UCM until 2010, similar to what was done to start-up Riverside and Santa Cruz; however, it is very important to get enrollment numbers up as soon as possible.

California Postsecondary Education Commission. CPEC is revisiting the methodology it uses to calculate UC salaries and may revise its formula to include benefits. This process will take a few months, and UC will monitor developments.

DISCUSSION: Council members discussed the following topics with President Dynes, Provost Hume, EVP Darling and VP Hershman:

Review of DANR. Referring to the "Rominger panel" report and the Academic Council's May '06 request for a review of DANR (Distribution #1), Council Chair Oakley noted that none of the points made in the Council's letter questioned the need for a Vice President. The Rominger report, though, responds as if this were the main question, and does not respond adequately to reasons why a review is warranted. Provost Hume indicated that a review of DANR can be done, and will confer directly with Council Chair Oakley about next steps.

Budget issues. A Council member suggested that since the UC budget shortfall (calculated in the budget presentation at \$500 million) was not in the actual budget request, a 'compact' should be made with the Senate to collaborate in making a request for restored funding in future years. In response, President Dynes clarified that UC has asked for what is needed and that all budget presentations start with the fact of our being under-funded. VP Hershman noted that UC's requests for a basic budget and for full funding are serious, but that funding decisions are dependent on how requests fit with the state's strategy. Eliminating the deficit will, however, be a great advantage for future budget requests.

UC Merced: Council members were pleased that UCM continues to be a funding priority, but expressed concern about low enrollments. VP Hershman agreed that a big effort has to be made to increase Merced enrollments, and clarified that the 1000 students listed as needed enrollments in the UCM budget includes graduate and transfer students.

Non-resident Tuition for Graduate Students. President Dynes clarified that the plan is to eliminate NRT or return it to its origin. Progress has been made on this issue: this is the 3rd year with no increase in NRT; as of this year, students advanced to candidacy are not charged tuition; and if a campus commits \$10 million for graduate student tuition, it will be matched by OP. At the campus level, NRT is revenue-neutral, but the funds need to be identified and tracked, which is the next step. Since faculty are technically not paid to teach non-resident students, a chancellor or EVC may argue that a higher priority for use of those funds is to cover salaries. Information on where NRT funds allocations will be available from the campuses in about a year and half from now, and will be shared with the Senate.

Faculty salaries. In response to a member's concern about CPEC's revising the methodology by which they calculate faculty salaries, VP Hershman explained the methodology is debatable and open to being changed. CPEC was working on the issue of executive compensation, and in the

course of that study, decided to re-look at faculty salaries. Their report should be ready in a few months. The faculty can help by formulating good arguments that can be presented in our response to the report.

VII. General Discussion

Regarding the *UC Budget request*, some members supported the idea of having a multiyear compact with the Senate, which would focus priorities and help keep OP accountable.

Chair Oakley asked to defer discussion of the matter of *tobacco funding* to the end of the meeting, and said his intention was to ask the Assembly for an up or down vote on the Regents item RE -89, but that Council should discuss what actions to take to prepare for that vote.

One member suggested bringing the issue of *non-resident tuition for graduate students* back to the table, and getting further clarification on how that money is used on the campuses.

VIII. Executive Session – Nomination of 2007-2008 Academic Senate Vice Chair

ISSUE: In accordance with Senate Bylaw 110 A.1, the Academic Council will select a Senate Vice Chair nominee and forward that nomination to the Assembly for consideration when it meets on February 14, 2007.

ACTION: The Academic Council selected a nominee for the 2007-08 Academic Council/Assembly Vice Chair. The Council's nomination will be forwarded to the Assembly of the Senate for endorsement at its Feb. 14, 2007 meeting.

IX. Feb. 14 Assembly Meeting

ISSUE: Council will approve the agenda for the February 14, 2007 meeting of the Assembly of the Senate, and in addition determine if the agenda warrants a face-to-face or a teleconference meeting. The following list of proposed agenda items for the meeting will be added to as determined by earlier actions taken at today's meeting.

1. Election of the 2007-08 Academic Senate Vice Chair
2. Amendment to Senate Bylaw SB 185 (UCOL charge and membership)
3. UC Berkeley's Diploma Notation Request to Add a Designated Emphasis on Diplomas (Approved by the Academic Council on June 21, 2006)

ACTION: The Feb. 14, 2007 Assembly meeting will be held as a teleconference. These items will be added to the Assembly Agenda:

- Ratification of the Proposed Amendment to SBL 110
- Ratification of the Proposed New SBL 16

X. Joint Academic Council and Executive Vice Chancellors (EVC) Meeting

ISSUE: The Joint Academic Council and Executive Vice Chancellors meeting has been scheduled for February 27, from 10am to 3pm. Both groups have agreed upon these two topics:

1. Stratification of campuses under the interim "job slotting" system adopted by The Regents for senior managers, and what (if anything) to do.
2. Budget priorities (includes: faculty salary scales, graduate student support, campus childcare centers, and divisional Senate support.)

DISCUSSION: In a brief discussion, Council agreed on which members will co-facilitate - with an EVC - each of the topics. They also agreed to hold a meeting of the Council to convene from 3:00–5:30 p.m., directly after the joint meeting, and followed by dinner for those who can attend.

ACTION: UCI Division Chair Mecartney will co-facilitate discussion topic #1: SMG job slotting and the stratification of campuses. UCPB Chair Newfield will co-facilitate topic #2: budget priorities.

ACTION: Council members agreed to meet from 3 pm to 5:30 pm immediately following the joint meeting.

Items XI through XV were not addressed due to lack of time.

XI. Proposed Policy on Stewardship of Electronic Information

XII. Systemwide Standards for Institutional Review Boards (IRB), UCORP Report

XIII. The Role of Graduate Students in University Instruction, UCEP-CCGA Report

XIV. UC Merit and Promotion System, Off-Scale Salaries, UCAP Report

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

XVI. New Business – RE-89

ISSUE: At their January 18, 2007 meeting the Regents considered a proposal (RE 89) to institute a university-wide ban on the acceptance of research funding from the tobacco industry. The Regents have asked for the Senate’s formal input on this issue in time for their May meeting.

DISCUSSION: Council Chair Oakley distributed several background documents (Distributions 4-6), and suggested that the Regents item be sent out for general review accompanied by additional background material, to be determined. He added that if there is no consensus of support for the proposal, the Senate will have to offer an alternative. In a brief discussion it was mentioned that the background material should represent both sides of the debate, and the suggestion was made to have a small research group gather data to offer context on the issue, e.g., cases of prohibition, what other institutions have done.

ACTION: Council members will determine by email what additional materials to send out with the general review of RE-89, and discuss other options for preparing a timely response to the Regents.

Meeting adjourned 4:35

Attest: John Oakley, Academic Council Chair
Minutes prepared by: Brenda Foust, Senate Policy Analyst