

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

ACADEMIC COUNCIL

Minutes of Meeting
Wednesday, February 28, 2007

I. Chair's and Vice Chair's Announcements

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

Council Chair Oakley reviewed with Council members the following items:

President Dynes' March 27, 2006 Testimony: Council members received a copy of President Dynes' testimony before the Senate Budget and Fiscal Review Committee of the Senate Subcommittee on Education, to inform Council of the President's message to the Legislature.

Regents' March Agenda:

- Chair Oakley has learned that the Howard Hughes Medical Institute/Ludwig proposal for UC faculty on leave without pay has been rewritten, and will be presented to The Regents as a discussion item in March. This will allow for appropriate Senate review of the item before The Regents act in March.
- Chair Oakley will co-present an item on faculty salaries to The Regents in March, along with Provost Hume. They are still consulting on the presentation, but will most likely include information on the details such as the rank and step system, the appointment and promotion process, and the merit system.
- It is confirmed that The Regents will act on professional school fees at their March meeting. Council Chair Oakley has been informed that the Council's December 20, 2006, letter reflecting its unwillingness to endorse UCOP's professional school fees proposal at this time, will be included as an attachment to The Regents' March agenda.
- UCOP's proposal to change certain provisions of the Mortgage Origination Program (MOP) will also be a discussion item on the Regents' March agenda. Although the changes appear to be friendly to faculty interests, appropriate Senate review has not occurred and therefore has been requested. UCFW will consult with UCOP administration regarding this proposal at its March meeting, and report back to Council.

Follow-up to February 27 Meeting with the EVCs – Childcare: Council Chair Oakley reported that the President is very interested in the Senate's input concerning childcare facilities and lactation rooms at the campuses. President Dynes understand that matching funds still exist for the campuses, which have not been fully utilized. Accordingly, this item is expected to be included on the Council of Chancellors' meeting agenda next week.

Council Vice Chair Brown reminded Council members that the Assembly will need to appoint a new Senate Secretary/Parliamentarian at its May meeting. He requested that Council members submit nominations of recommended individuals as soon as possible.

II. Approval of the Agenda

ACTION: The Academic Council approved the agenda as noticed.

III. Consent Calendar

- 1. January 24, 2007 Minutes**
- 2. The Report on the “Structure, Function, Leadership, and Development Trajectory for Research Support Functions at the UC Office of the President”**
- 3. B.A. in International Studies and a M.A. of International Affairs (MIA) at UC San Diego**
- 4. Systemwide Standards for Institutional Review Boards (IRB), UCORP Report**
- 5. Proposed Policy on Stewardship of Electronic Information**
- 6. Proposed Amendment to Senate Bylaw 181: University Committee on Information Technology and Telecommunications Policy (ITTP)**
- 7. The Role of Graduate Students in University Instruction, UCEP-CCGA Report**

ACTION: The Academic Council adopted the consent calendar as noticed.

IV. University Committee on Faculty Welfare (UCFW) – Retiree Health

- **Susan French, UCFW Chair**

ISSUE: UCFW is requesting Council’s endorsement of its request that The Regents limit their consideration of retiree health matters to a discussion session at their March meeting, and withhold action until their May meeting.

DISCUSSION: UCFW Chair French reported that UCFW at its February meeting was informed of UCOP’s plan to create a trust as a means of channeling payments from the campuses to fund retiree health care, as required by new federal accounting rules. She noted that there is nothing substantively wrong with proposal, but UCFW has expressed process issues since they have not had adequate time to conduct an adequate review. Council Chair Oakley stated his belief that this item is already scheduled as a discussion-only item on the March Regents’ agenda, but that he will need to confirm this with President Dynes.

ACTION: The Academic Council unanimously adopted UCFW’s request, for communication to President Dynes to present to The Regents.

V. UC Davis Divisional Resolution Regarding W2 Data Transmitted to TALX by the Administration of the University of California

- **John Oakley, Academic Council Chair**
- **Linda Bisson, UCD Division Chair**

ISSUE: UCD Division Chair Bisson will update members on the Davis resolution concerning the transmission of W2 data to TALX, and the implications it may have for other divisions.

DISCUSSION: Division Chair Bisson reported on her division’s concerns with TALX, and UC’s handling of the issue in the general. Faculty are quite upset that the option to allow the transmission of one’s W2 data to TALX was presented as an opt-out policy, as well as privacy concerns over recent revelations that TALX has been acquired by Equifax. Further, many feel that campus administrators and UCOP did not communicate clearly and openly with employees. Division Chair Bisson noted that Davis is still pushing the issue, as indicated in their resolution, and that the Office of General Counsel will be releasing a full analysis of the issues soon. Council Chair Oakley stated that both the President and the Provost believe that this matter was mishandled, that it should have been an opt-in policy, and that they were unaware of situation

and thank the Senate for bringing the issue to their attention. Many Council members noted their gratitude to the Davis Division for raising this important issue, which many were also not aware. Additional clarifying points were discussed, and Council members suggested that UCFW might wish to investigate further. One Council member renewed his request that UC offer identity theft insurance to its employees.

ACTION: The Academic Council acted to refer this issue to UCFW to investigate the sale of identities and possible misuse of information.

EXECUTIVE SESSION – Items VI, VII and VIII

Note: Minutes, aside from action items, are not prepared for this portion of the meeting.

VI. Possible Amendment to Senate Bylaw 125: Addition of UCAAD as a Standing Committee of the Academic Council

- John Oakley, Academic Council Chair
- Gibor Basri, UCAAD Chair

ACTION: The Academic Council unanimously approved the addition of the UCAAD Chair as a member of the Academic Council, and to prepare the proposal for Assembly consideration.

VII. University Committee on Faculty Welfare (UCFW) – Los Alamos National Laboratory (LANL) Pension Asset Transfer

- Susan French, UCFW Chair

ACTION: The Academic Council unanimously approved the analysis and recommendation prepared by UCFW, for communication to President Dynes to present to The Regents.

VIII. Proposed Creation of a Vice President for International Policy

- John Oakley, Academic Council Chair

ACTION: The Academic Council unanimously voted to oppose this proposal on the bases of procedure and process, and will communicate its position to Provost Hume.

END OF EXECUTIVE SESSION

IX. 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
- Lawrence Hershman, Vice President, Budget

President Dynes

Research Development and Delivery: President Dynes applauded the Berkeley campus for winning the British Petroleum competition to study alternative fuels, and place UC at the forefront of this initiative.

UC's Global Alliances: President Dynes just returned from a trip to India yesterday afternoon, where he and other UC representatives met with national and academic leaders to discuss common issues and areas for future collaboration. Of note, they are deeply worried, like UC, about education, especially implications for K-12 education on higher education. President Dynes learned that India's premier universities do not integrate research and higher education the same way UC does, and they also do not tie higher education with top careers and the economy in India. He sees substantial collaborations possible between India and UC in the areas of neglected diseases, the underpinning of science for energy independence, and telecommunications and information technology.

Science Mathematics Initiative (SMI): President Dynes is pleased with the direction that SMI is headed, as he sees a large number of dedicated people on the campuses leading the initiative, and is encouraged by the interdisciplinary collaborations among science and mathematics faculty with Schools of Education. President Dynes will testify before the House Science Committee on March 13 in Washington, D.C., to discuss how staying competitive in K-12 education is essential to the nation's success in the global market.

Provost and Executive Vice President Hume

Systemwide Academic Planning: Provost Hume has now completed his campus visits and is very pleased with the data they have collected. The next step is to validate with the Executive Vice Chancellors the information they have gathered and discuss with the Council of Vice Chancellors; the discussions with the Academic Council will occur in March concerning the process and content of planning processes. Provost Hume believes that the outcome will build trust and support among campuses. Next year, he wishes to concentrate on present and future academic focus areas, as well as gain clarity on enrollment growth plans. Provost Hume made clear that he is open to hearing other priorities. He noted that he will be making a presentation to The Regents in May on the progress of this initiative.

UCOP Reorganization: UCOP will request the creation of a new Vice President for Clinical Services position, and a new Vice President for Research position at the May Regents' meeting. In March, The Regents will consider the creation of a new Vice Provost for Academic Personnel, an upgraded title and increase in responsibilities from the current Vice President for Academic Advancement position at UCOP. Provost Hume looks forward to Senate advice on these positions, and their relation to shared governance with the Senate.

New UC Education Initiatives: Provost Hume briefly requested that the Senate begin thinking about new initiatives for UC to lead in strengthening K-12 education, beyond the SMI program. He will be consulting with the Senate on this issue at future meetings.

Executive Vice President Darling

Federal Research Budget: The Vice Chancellors for Research are meeting today and tomorrow in Washington, D.C., to focus on the President's federal research budget, and draw attention to UC's contributions and need. They are also meeting with NIH and other research leaders, as well as Speaker Pelosi and other legislative leaders to develop common objectives.

State and UC Budget: UCOP is currently analyzing the 3000 bills that were introduced to the state Legislature before the February 23 deadline. UC representatives will be meeting with all Legislators who represent UC on January 31 to discuss UC's budget, and its role in providing health care, education, and numerous other benefits to the state and people of California. On

March 6, the President's Board of Science and Innovation will meet with Legislators in Sacramento to support UC, and the annual "UC Day" will follow on March 27.

Other Legislative Hearings: On February 21, the state Senate held a hearing on UC's academic preparation programs, which went well, but reportedly did not focus on Senator Scott's desire to see how UC translates these programs into actual enrollment at UC. This was not the original intent of the programs, however. On March 21, UC will participate in a follow-up hearing on executive compensation, and what UC has done as a result of last year's audits.

Vice President Hershman

State Budget: Vice President Hershman reported that the state will experience a tough budget year due to reduced state revenues of \$1 billion since the original budget proposal. UC will continue to explore outstanding budget issues with the Department of Finance, including funding for student academic preparation and the restart of contributions to UCRP for the May revise. UC will also continue to oppose the Legislative Analyst Office's recommendations to cut UC's budget proposal, and its claims that UC's enrollment growth, marginal cost formula, COLA proposal, and student fee increases are all too high. Vice President Hershman expects a relatively difficult set of budget hearings to occur in the months leading up to the May revise. *UC Budget:* Presentations will be made to The Regents in March concerning the UC budget, including a proposal, consistent with the compact, to raise law school fees ten percent overall, and raise undergraduate fees by seven percent systemwide.

Questions and Comments

Student Fees: Vice President Hershman noted that UCOP's proposal is for a seven percent general increase for all students, including professional schools except law and business, who will receive an overall average ten percent increase in fees. This proposal is consistent with requests from the three Chancellors with campus law schools. Provost Hume added that at the March Regents' meeting, The Regents will be presented with a reasonably general set of principles on professional school fees to act on, and the Senate's views on the previous set of principles will be included in the agenda packet for The Regents' information. Further, he reported that a multi-year approach will be requested by The Regents to address student mental health issues and how student fees should be applied for this matter.

UC Education Initiative: One Council member suggested that UC focus on the arts in K-12 education, as a possible focus for a grand-scale UC education initiative in the future. Provost Hume applauded the suggestion, and Vice President Hershman noted that this suggestion would align well with some of the governor's education priorities.

UC Budget/Faculty Salaries: Vice President Hershman affirmed that the California Postsecondary Education Commission (CPEC) is looking at changing its methodology for reporting faculty salaries at UC and CSU to include benefits along with salaries. He is working to oppose this change, along with Provost Hume's staff. UCFW Chair French stated that UC needs to be careful in representing that UC's benefits help bring faculty salaries up to market level in total compensation data, as this methodology is flawed and should not be included in UC's official budget proposal. Vice President Hershman agreed, and noted UC's engagement with this issue in opposing the CPEC proposal. UCFW Chair French also reminded Vice President Hershman of her request to receive data on how faculty salary money was allocated

last year, and by whom, which Vice President Hershman said might be ready for presentation. Provost Hume also expressed interest in this information. Vice President Hershman believes that the evidence shows the campuses provided more money to salaries than what was provided to them by UCOP, but that he will need to follow-up. Another Council member requested that UCOP redouble its efforts in communicating with the faculty regarding the impact on take-home pay of the resumption of contributions to UCRP.

W2/TALX Agreement: Executive Vice President Darling affirmed that he, along with President Dynes and Provost Hume were unaware of the serious nature of this problem at the campuses, and are having their staff look into it thoroughly.

Senate Involvement with Budget Presentations to The Regents: UCPB Chair Newfield requested more information on how the Senate can assist UCOP in planning for how UC can augment additional funding to improve UC's budget future. Executive Vice President Darling suggested that the Senate work through its representatives on Regents Moores' budget task force, to prepare the information before it goes before the full Board of Regents. Vice President Hershman also invited UCPB Chair Newfield to participate on the "benchmark" presentation to The Regents along with Budget Office staff.

UC's Public Message/Position on Student Fees: Vice Chair Brown clarified his belief that UC was supposed to remain neutral on student fee increases, but according to a UC talking points memo to the campuses, UC advocates for fee increases. Vice President Hershman stated that the talking points were intended to respond to the LAO report, and noted that the proposed student fee increases are part of a March Regents' item.

Campus Childcare/Lactation Facilities: Executive Vice President Darling confirmed that this issue will be on the Council of Chancellors' meeting agenda next week to assess the situation, and determine how much funding is still available to the campuses. President Dynes agreed that more efforts need to be made to encourage the Chancellors to utilize the matching funds program, which originally made available approximately \$1 million per campus. A Council members then reminded senior management of broader issues besides the matching funds program that are necessary to assist junior faculty, such as building policies that require childcare facilities, and alternative funding sources. President Dynes affirmed his commitment to these issues, and requested Council members' assistance as well in pressing their divisions.

HHMI/Ludwig Proposal: One Council member suggested that it would be helpful for Council to review a sample of redacted contracts from the campuses of HHMI or Ludwig investigators to affirm or deny statements concerning their original agreements on salary and retirement issues. Executive Vice President Darling agreed, noting this was a good suggestion.

X. General Discussion

[None]

XI. The Status of the Chancellor Review Process (UCD)

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

ISSUE: In accordance with the process for the “Review of Chancellors,” once a review is complete, the Academic Council is to receive an update on the effectiveness of the review procedure. This update concerns the UC Davis Chancellor.

REPORT: Council Vice Chair Brown explained that this is a required update to the Council, in response to the routine review of the campus chancellors, which normally occurs at the chancellor’s five-year anniversary. The UCD Chancellor’s review was delayed, however, and should have commenced in 2002-03. As a result, the review committee is requesting that the UCD Chancellor be reviewed again in 2008-09, according to the review procedure. Also, Vice Chair Brown reported that the ad hoc review committee performed very well, as did the faculty who participated in the review. He noted that problems arose concerning the faculty participation rate and timeliness of response. Lastly, Vice Chair Brown stated his wish that the 2007-08 Council conduct a review of the Chancellorial Review process.

DISCUSSION: One Council member asked about the confidential nature of faculty input on the chancellor when they are submitted by letter, and whether interviews are conducted in-person. Vice Chair Brown reported that confidentiality is maintained at the highest levels, and although interviews are not part of the current review process, the Council should consider adding them to the process when it is reviewed next year. Another Council member requested that diversity considerations be added to Council’s list of considerations for next year.

ACTION: None

XII. Follow-up to the February 14, 2007 Meeting of the Assembly

- **John Oakley, Academic Council Chair**

1. Regents’ Item RE-89: Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry

ISSUE: At the February 14 Assembly meeting, Chair Oakley announced that RE-89 would go out for systemwide Senate review with responses due back to Council no later than April 13.

DISCUSSION: Chair Oakley informed Council members that he is committed to including all committee and division responses in the May Assembly bluebook, but not include any attachments or enclosures. He also announced that the April 13 deadline is firm, and that he reserves the right not to accept responses after that deadline.

ACTION: None.

2. Regent Moores’ January 23, 2007 Letter to Chair Oakley

ISSUE: At the February 14 Assembly meeting, Chair Oakley announced that he would ask the Council to assume the task of responding to Regent Moores’ January 23, 2007, letter in which he requests of Chair Oakley to respond to five questions concerning the faculty position on the proposed RE-89. This task is to be completed by the April 25 Council meeting to determine if the response to Regent Moores needs to be considered by the Assembly in May.

DISCUSSION: Chair Oakley stated that the Chair of the Board of Regents has requested a reply to Regent Moores’ letter, which might efficiently be carried out by a subcommittee of the Council. Some Council members stated their preference that a response to the Moores letter be completed as soon as possible, and sent out to the

committees and divisions in order to inform their separate deliberations concerning RE-89. Many Council members expressed support to establish a Council subcommittee to answer Regents Moores' letter, noting that it will be important, and possible, to report thorough responses to these questions. A motion was then considered to appoint a Council workgroup composed of members within and outside of Council with expertise on the subjects addressed in Regent Moores' letter, with views on both sides of the issue, to write a response to the letter with a three-week deadline. Some Council members expressed opposition to the motion, stating their view that the issues raised in the letter are overly narrow, and that the Council should steer its own debate on the broader academic freedom issues involved. Other Council members supported the motion, noting the importance of clearly responding to the Regents on these issues, something they felt the Senate has not effectively done in the past, and noting the Senate's inherent ability to perform this action in an academic and factual manner. Upon voting, the motion failed.

A new motion was then entertained which would instruct Chair Oakley to inform Regent Moores that the questions posed in his January 23, 2007, letter are not answerable by the Academic Council, and that the up or down vote on RE-89 will speak for itself. Heated debate transpired, where some Council members noted their strong opposition a motion that implies the Senate is incapable of answering questions in a scholarly and evidentiary manner. Other members stated that such an action would place the Senate in a tenuous light with the Regents for any future consultations they might consider, and would be unbecoming of the faculty. The motion was then withdrawn, and following, the action recorded below was introduced and quickly approved.

ACTION: The Academic Council, by unanimous consent, requests that UCSD Division Chair Powell, UCSC Division Chair Crosby, BOARS Chair Rashid, UCAP Chair Croughan, and possibly UCORP Chair Max draft a plan and/or a document for the Academic Council to consider and vote on via email next week.

3. Regent Blum's January 25, 2007 Memo to President Dynes and Chair Oakley

Executive Session

Note: Minutes, aside from action items, are not prepared for this portion of the meeting. [No action]

4. March 21, 2007 Assembly Meeting

ISSUE: Council is to determine whether to hold an Assembly meeting in March, as scheduled.

DISCUSSION: Council members reviewed the current items that must be considered and acted on by the Assembly. Council determined that the items will not be ready before the May Assembly meeting, and therefore the March Assembly meeting is unnecessary.

ACTION: The Academic Council acted via consent to cancel the March 21, 2007, meeting of the Academic Assembly. The Academic Council will consider via email discussion whether to hold a teleconference meeting on that day to complete pressing business.

XIII. For Senate Review

- 1. Proposal to Increase the Minimum Annual Salary for UC's Postdoctoral Scholars**
- 2. Open Access Policy**

[These items will be considered at the next Council meeting.]

XIV. APM 220-18.b(4) – Advancement to Professor Step VI and Above Scale – University Committee on Academic Personnel (UCAP) Proposed Amendments

[This item will be considered at the next Council meeting.]

XV. ELC Math Requirement

- **Michael Brown, Academic Council Vice Chair**
- **Mark Rashid, BOARS Chair**

ISSUE: BOARS is requesting Council's endorsement of a policy change that would modify the current course pattern required for determination of Eligibility in the Local Context status at the end of the junior year of high school, to reduce the mathematics ('c') subject requirement from three to two years, effective for students entering UC as freshman for Fall 2008.

DISCUSSION: BOARS Chair Rashid introduced the issue and explained the BOARS proposal, emphasizing that students still must complete three years of mathematics before graduating high school. In effect, the proposal would allow additional students to be identified as ELC-eligible at the end of their junior year, and therefore encourage them to finish their UC-eligibility where otherwise they might not have pursued it. Council members applauded the proposal, and expressed widespread approval.

ACTION: The Academic Council unanimously approved the BOARS recommendation on the ELC Math Requirement.

XVI. Academic Senate Analysis of Inclusiveness at UC

- 1. An Update on the Progress of BOARS, UCEP, UCAAD, CCGA, UCAP and UCPB in Response to Chair Oakley's November 29, 2006 Memo**
- 2. Academic Senate Role in The Regents' Study Group on University Diversity**

[These items will be considered at the next Council meeting.]

XVII. Proposed Amendment to Senate Bylaw 205

[This item will be considered at the next Council meeting.]

XVIII. CCGA Proposed Amendments to SR 694 and Proposed New Senate Regulation 695

[This item will be considered at the next Council meeting.]

XIX. University Committee on Preparatory Education (UCOPE) Recommendation of Scholastic Aptitude Test (SAT)-related Entry Level Writing Requirement (ELWR) Exemption

[This item will be considered at the next Council meeting.]

XX. New Business

[None]

Meeting adjourned at 4:30p.m.

Attest: John Oakley, Academic Council Chair

Prepared by: Michelle Ruskofsky, Academic Council Analyst