

August 4, 2000

A Letter to the UC Faculty from Lawrence B. Coleman,
Chair of the Universitywide Senate, University of California

Dear Colleague:

There is an academic year and then there is an "Academic Senate year," and they are not the same thing. While the academic year concludes with the end of classes, the universitywide Academic Senate year is tied to such events as the signing of the state budget. As the ink on the budget is now dry, I have an opportunity to communicate with you as one UC faculty member to another.

I sent the first of these chair's letters to you in January, apprising you of issues the Senate was taking up this year. In May, I sent a brief message to you, informing you of the agreement the University had signed with the labor union representing UC's teaching assistants. I write now to give you some idea of how Senate issues progressed through the balance of the year and to give you a "heads up" about a couple of issues that may impact you directly.

Heads Up

Summer Salary DCP Contributions

One of the heads-up items concerns a new faculty benefit at UC. Pending approval by the Regents, UC faculty who earn summer salary will start making contributions to UC's Defined Contribution Plan (DCP) on July 1, 2001. Heretofore, academic-year appointees could make pre-tax retirement contributions from summer salary only through use of UC's 403(b) program, which has a ceiling on annual contributions. This program will add DCP contributions to whatever 403(b) contributions a faculty member may be making. In addition, it will add an employer DCP contribution. Put together, these contributions will amount to 7 percent of summer salary -- 3.5 percent from faculty and 3.5 percent from the employer.

I say the "employer," rather than UC because faculty working on grants in the summer use these grants as their salary funding source -- in effect, as their employer. And therein lies the heads up: Faculty on grants need to prepare for a 3.5-percent pre-tax deduction from their summer paychecks and for an additional expense charged to their grants equivalent to 3.5 percent of their compensation, beginning next July.

Thousands of UC faculty work in the summer, whether on grants, in teaching, or in summer administrative service. This new benefit will allow them to put away money for retirement in connection with their summer labor. Grants will take a hit in the process, but I think most faculty would agree that the benefit is worth the cost in this case. The Senate's University Committee on Faculty Welfare (UCFW) first proposed and then worked with the administration on the addition of this benefit.

TA Labor Contract

The other heads-up I wanted to give you concerns the labor agreement the University reached last year with its teaching assistants. UC now has a set of contracts with the TAs' bargaining agent, the United Auto Workers, and these contracts take effect on all eight general campuses starting with the fall term. Through most of this past academic year, I served as an advisor to UC's negotiators as they bargained with the UAW. My role was to provide a faculty perspective on what issues could be bargained over, as opposed to matters that needed to remain strictly under faculty control. Having pored over the details of the contracts, the essential message I have for you about them is two-fold. First, they do nothing to alter faculty and departmental control over two critical issues: curriculum and selection of TAs. Second, they *will* bring about significant changes in other areas, such as workload and job posting.

To help faculty understand what is changing and what is not, the statewide Senate has prepared a Q&A for faculty on this issue. At the bottom of this letter, you will find three questions and answers taken from this Q&A, which runs to 26 questions in its full version. The full set can be found on the web at: <http://www.ucop.edu/senate/contract.html>.

The Year in Review

So, how did the Senate deal with the issues it faced this year? Here is a partial accounting.

Community Service Graduation Requirement

You may recall that, last year, California Gov. Davis proposed that community service be made a graduation requirement at UC, CSU, and the California Community Colleges. Since it is the faculty at UC who set graduation requirements, the UC Regents asked the Senate to take the lead in analyzing the governor's proposal. The Senate did so through much of this academic year, with the Academic Council organizing the effort. Campus Senate divisions were asked whether such a goal was desirable and, if so, how it might be achieved.

Synthesizing the input the Council received, I wrote to President Atkinson in April, noting that ". . . when community service is a requirement for a university degree, the service must include a significant learning component; it must enhance the learning that is central to the University's mission. Such programs would be quite difficult to institute for every student. Quality placements in large numbers would be required and the programs would consume huge amounts of campus resources." For this reason and others, I wrote, the Senate did not support the idea of a universal community service requirement. Nevertheless, the Senate did support increasing the involvement of UC students in community service. To that end, the statewide Senate collected a list of 22 strategies, suggested by the campuses, for increasing community service at UC. Senate and administration will now work together to see which of these ideas can be implemented.

Year-Round Instruction

This issue likewise came to us from Sacramento. Last year the state's Legislative Analyst's office proposed that UC regard its summer sessions as a regular academic term; in the Analyst's view, this would save the state money and, in the bargain, educate more UC students in the same amount of time. All parties are now agreed that, while increased summer instruction cannot save the state money, it can increase the number of students UC educates each year. This is a matter of some importance, as UC is facing a tremendous enrollment surge in the coming decade.

So, how do you get more students to enroll in the summer? The general answer is: make the summer term equivalent to a regular-year academic term in as many ways as possible. One of the things that needs to change is student fees. On a per-credit basis, summer session has traditionally cost much more than regular session. That will end this coming year, as the state has provided \$13.8 million to reduce summer fees on all campuses. (This does not mean that campuses will get more money; it means that students will pay less and the state will make up the difference.) This fee change is but a first step, however, in the process of making summer term a regular term at the University. Other steps will include seeing to it that summer course offerings are increased, and providing more financial aid to students who enroll in summer. All this will take more money, and UC is asking the state to provide it. At present, the plan is to phase in this additional summer funding by campus. Those campuses that are closest to their long-range development plan limits -- Berkeley, Los Angeles, and Santa Barbara -- probably will be first in line for enhanced funding in exchange for increases in summer enrollment.

For rank-and-file faculty, this move to full summer instruction may have several

practical consequences. One is that UC hopes to have more of its ladder-rank faculty teaching in the summer. Another is that departments are going to have to make decisions about what kinds of additional courses they will be offering in the summer. Increased summer instruction is potentially a major change for all our general campuses; we need to be planning accordingly.

– Benefits

All proposals from the Senate's University Committee on Faculty Welfare (UCFW) must be approved by the Academic Council before going on to the administration, but it is UCFW that does the heavy lifting on initiation, analysis, and justification of them. As I noted earlier, UCFW brought forth the recently approved proposal for additional pre-tax retirement contributions based on summer salary. Meanwhile, one other major UCFW initiative moved forward to the implementation stage this year, and another is being considered by the administration.

--Educational Fees

The administration has approved a UCFW benefit proposal that would eliminate UC educational fees for eligible employees whose children, spouses, or domestic partners enroll at a UC campus. Thus, a University faculty or staff member who had, for example, two daughters who attended UC would either not have to pay the daughters' UC educational fees, or would get reimbursed for them, up to a specified number of "person years" of education. Some of the key elements of this benefit still are being worked out by UC attorneys and benefits personnel. At present, what we have is agreement on a concept, with details to follow.

--Domestic Partners

This year, UCFW also put forward a proposal that would complete the long-time Senate initiative regarding domestic partners. The committee proposed that opposite-sex as well as same-sex domestic partners receive benefits at UC, and that the University provide fully equivalent benefits to domestic partners, rather than limiting benefits to health insurance. The benefit inequalities that now exist, mostly concerning pensions, are not trivial. The Office of the President currently is analyzing the Senate's proposal. A UCFW report on this issue can be found at: <http://www.ucop.edu/senate/domes99.pdf>.

DANR, Health Sciences Education

The Senate dealt this year with the recommendations of two special panels it set up in previous years. One panel analyzed the Division of Agriculture and Natural Resources (DANR) and the Senate's relation to it; the other analyzed the

state of health sciences education at UC.

--DANR

Though it has a faculty presence only on three campuses -- Berkeley, Davis, and Riverside -- DANR is a behemoth within the University. It employs some 700 campus-based Agricultural Experiment Station scientists who teach as well as do research, and it employs hundreds more Cooperative Extension Specialists, some of whom are also campus-based researchers. Historically, a large portion of UC's state-funded research budget has gone to DANR. Yet DANR has traditionally had few linkages with the Academic Senate, meaning the Senate has exercised little of its shared-governance responsibility in connection with this unit. In June, the Academic Council decided this situation should change, as it voted to accept a number of recommendations from its Work Group on DANR, chaired by William Sirignano of Irvine. As a starting point, the Council requested that an MRU-style review of DANR be carried out.

--Health Sciences Education

The advent of managed care has had a major impact on UC's ability to educate doctors and dentists and nurses. Reductions in clinical income have led to a loss of FTE positions, a deterioration of laboratory facilities, and a loss of clinical teachers. In 1997, the Academic Council established a special committee, led by Leonard Zegans of UC San Francisco, to look into these issues. One of that committee's recommendations was that UC establish an Institute for Health Sciences Education that would look for ways in which health sciences units across the University could better collaborate in providing education. We will be working with Michael Drake, UC's newly appointed Vice President for Health Affairs, to strategize on ways to attract funding for such an institute and to examine other issues identified by the special committee.

UC Merced

If you want to see the Senate at work -- and I mean work -- look no further than the Senate's Task Force on UC Merced , chaired by Fred Spiess of UC San Diego. The Task Force meets year round, occasionally in Merced, and is involved in all the major elements of developing UC's tenth campus. It confers regularly with the chancellor, its members sit on the selection committees for the major administrative appointments now in process, and it will eventually approve courses and curricula for UCM (until the campus gets a working Senate). The Task Force was established by the Academic Council, which has also set up a CAP for Merced. The Council has been very pleased with Senate progress on this issue thus far. The Task Force has its own web pages at:
<http://www.ucop.edu/senate/ucmerced>.

Other Issues, and Year's End

My year-end review is highly arbitrary, in that there are half-a-dozen other issues of equal importance that I could have mentioned. I would note here briefly that the statewide Senate has been greatly concerned this year with the coming wave of faculty hiring, with getting enough graduate students at all UC's campuses in coming years, and with two campus proposals for new professional schools -- a pharmacy school at San Diego and a law school at Riverside.

Also, who says the Senate and administration never come to closure on any issue? After only 10 years or so of deliberation, the administration this year issued Academic Personnel Manual Section 075 (APM-075) on dismissal of faculty for incompetent performance. Though it was a long time in the making, APM-075 is a policy that protects faculty rights, while ensuring that the University does not have to provide lifetime employment to tenured faculty regardless of their performance. APM-075 can be found on the web at: <http://www.ucop.edu/acadadv/acadpers/apm/s1-075.html>.

Finally, I would note that August is the end of the Academic Senate year in more ways than one. Academic Council Chairs serve one-year terms, and mine will be up on September 1. I leave the Senate in the capable hands of Academic Council Vice Chair Michael Cowan of UC Santa Cruz and of Senate Vice Chair-elect Chand Viswanathan of UCLA. In a few months, Michael probably will be sending you a letter similar to this one.

Serving the faculty this year as Senate Chair has been a privilege. One sees the University from an entirely different vantage point in this position, but gains a fresh perspective on the high quality of the University of California.

Sincerely,

Lawrence B. Coleman, Chair
Academic Council

Questions & Answers for UC Faculty
Regarding UC's Labor Contract
With Its Teaching Assistants

The Academic Senate has prepared a set of 26 questions and answers aimed at helping UC faculty understand how working relationships with TAs stand to change with the advent of union representation for them. Three of these questions and answers appear below. The full set can be found at: <http://www.ucop.edu/senate/contract.html>.

Q. Will provisions in the contract require any major changes in the way faculty interact with TAs and other academic student employees (ASEs)?

A. Despite some significant changes, much that is important to faculty remains the same. Decisions about the content of courses, who teaches them, and how they are taught remain solely under the control of the faculty. With respect to selection of ASEs, the University retains discretion over who is selected for a given position, how that ASE is selected, and who the ASE's faculty member or supervisor is. Campuses may continue to select TAs, Readers, and Tutors on the basis of academic needs. Neither ASEs nor the union have any rights under the contract to participate in or otherwise affect such decisions.

Though these elements of the working relationship remain the same, other aspects of the relationship will change. There will be changes at most campuses in areas such as appointment notification, job posting, training, and workload. [The questions and answers in the full Senate Q&A address issues in a number of these areas.]

Q. Why should most faculty care about this contract? Faculty and TAs often work together informally. Is it likely that student employees will now start instigating formal actions, such as grievance or arbitration procedures?

A. The administration and Academic Senate hope that collegiality will remain at the center of the working relationship between faculty and TAs. The terms of the contract must be adhered to, however, and, setting aside workload issues, the contract allows the union to file grievance actions in a number of areas with or without the participation of individual ASEs. The grievance process may require department chairs to undertake an investigation of the issue at hand; if the grievance is not satisfactorily resolved through this investigation, higher-level university administrators then may become involved. The last step in the process is arbitration, with an outside arbitrator having subpoena powers that can require faculty to participate and provide information as requested.

In general, disagreements over issues covered in the contract can be grieved and arbitrated, meaning that either an ASE, a group of ASEs, or the union may file a grievance. However, the operative phrase here is issues "covered in the contract." There are no articles of the contract covering faculty prerogatives regarding the content of courses, who teaches them, and how they are taught. This same thing is true of the process by which students are selected for ASE positions. Even

within the contract, there are sections that are not grievable and arbitrable. Complaints relating to ASE workload go through a complaint resolution process in which the ultimate decision is made by members of the Academic Senate rather than by an outside arbitrator.

Q. Workload assignments usually are made before the academic term begins. Is this an issue faculty should be looking at carefully because of the new contract?

A. Yes. Faculty who will be supervising teaching assistants should evaluate the workload the TAs will be assigned over the course of a term. Under the contract, workload is measured in work assigned -- that is, how many hours UC can reasonably expect it will take a TA to complete an assignment. A 50-percent TA should be assigned a workload of no more than 220 hours per quarter (or 340 hours per semester). The workload assigned for any one week should not exceed 40 hours and the number of hours that a TA can be assigned over 20 hours per week cannot exceed 50 hours in a quarter. If a TA is assigned a workload of more than 20 hours in one week, then another week must have a lighter load so that the total does not exceed the 220- or 340-hour limit. Faculty should review their syllabi and map out the expected requirements for the term until they are personally satisfied that the workload they are assigning will fit within these parameters. These workload provisions do not apply to an ASE who is the instructor of record for a course; in such a case one course generally is equivalent to a 50 percent-time position.