

# Statewide Senate Report

**From Lawrence B. Coleman, Chair of the Statewide Academic Senate,  
University of California**

**February 2000**

Dear Colleagues:

Welcome to the first issue of the "Statewide Senate Report," an electronic newsletter whose primary audience is UC faculty who either are active in the statewide Senate this year or who were active in it last year. Its readership may expand beyond these two groups -- any UC Senate member can request being put on its mailing list -- but in the main it is being aimed at those faculty who have recently been willing to take on Senate responsibilities. As such, it is going to all statewide committee members from this year and last, as well as to current and recent Universitywide Assembly representatives.

"Statewide Senate Report" is intended to be an informal publication in which the Chair of the Academic Council -- myself this year, my successors in the future -- will fill Senate faculty in on the larger picture of statewide Senate activity. Committee members tend to be focused on the work of their own groups, of course, which is as it should be; but the leadership of the Academic Council believes that committee and Assembly members would benefit from knowing something about the broader range of Senate activities. This prompted the creation of "Statewide Senate Report," which will be sent out six times during the academic year, in all cases via e-mail.

I hasten to add that those active in the statewide Senate are not fated to receive six or twelve issues of "Statewide Senate Report" whether they want to or not. You can remove yourself from the mailing list by sending an e-mail to [unsubscribe@ucop.edu](mailto:unsubscribe@ucop.edu). Conversely, if you believe colleagues of yours are not on our mailing list but might like to be, simply forward this e-mail to them, with a suggestion that they send an e-mail to [subscribe@ucop.edu](mailto:subscribe@ucop.edu). (For details, go to the end of this issue.)

One more thing in the way of introduction. "Statewide Senate Report" is intended to encourage two-way communication between the Senate leadership and active Senate faculty. If you would like to provide me with your views on the issues reviewed here (or any other Senate matter), send me an e-mail at: [lbcoleman@ucdavis.edu](mailto:lbcoleman@ucdavis.edu). I cannot promise you will get a speedy reply, but I can assure you that your e-mail will be read and I will try to respond as I can.

## **Issues for 1999-00**

What issues have confronted the Senate this year? Here's a partial list.

### **Collective Bargaining with Teaching Assistants**

After UC's teaching assistants voted last spring to become represented in collective bargaining, both UC and the union agreed to negotiate a systemwide "master contract." This document will set parameters for individual contracts that will be negotiated between the union and each general UC campus. Negotiations on the master contract commenced in September, with both sides hopeful that all issues might be resolved by the end of December. This did not take place, however, and at present it is unclear how long negotiations might go on. UC's labor negotiators are holding firm to the principle, articulated by the Academic Council, that matters of "academic judgment" are reserved to the UC faculty and hence are not bargainable. The Chair and Vice Chair of the Academic Council continue to sit on the panels advising UC's systemwide negotiators. In my view, members of campus graduate councils and undergraduate education committees ought to be advising campus contract negotiators and I have encouraged divisional chairs to try to bring this about.

How have the master-contract negotiations gone so far? Here are a few highlights.

-- The University provided a 2-percent salary range adjustment to academic student employees this past fall -- without a contract being in place -- as a sign of good faith. As part of collective bargaining, UC has offered a 10.5-percent increase in compensation that would be phased in over three years through a combination of salary increases and fee remissions. The union, however, is asking for a compensation increase of about 15 percent over the same period.

-- UC has agreed to extend to graduate students the right to grieve and arbitrate labor issues covered in the contract. However, it has opposed arbitration connected either to matters of academic judgment or to issues that have traditionally been reserved to management. The union, meanwhile, has asked that outside arbitrators -- meaning persons "outside the influence of the Academic Senate" -- be allowed to judge whether a given dispute between a faculty member and a TA involves academic judgment. If an arbitrator ruled that an issue did not involve academic judgment, he or she would then go on to rule on the dispute itself. As Senate Chair, I am working with the University's negotiators to be sure they understand "academic judgment" and the extent of the Senate's authority on academic matters.

-- The union is seeking to give TAs the right to strike at any time on issues not covered under the contract. This would grant them the right to engage in sympathy strikes, whether labor-related or not. (Work-stoppages might be called in connection with campus demonstrations, for example.) The University is opposed to this request, on grounds that it would diminish UC's ability to reliably deliver on its educational commitments.

UCOP has a website that provides updates on the status of the contract negotiations. Its address is: <http://www.ucop.edu/humres/labor/student.html>.

### **Faculty Welfare Issues: Domestic Partners, Child Care, and Tuition Fee Waivers**

The Senate's University Committee on Faculty Welfare (UCFW) has been busy over the past year. Two benefit-enhancement proposals it developed were endorsed in December by the Academic Council and have now been sent to the administration for consideration. Meanwhile, a third UCFW proposal, brought to the Council last summer, will undergo review by a Senate-administration task force beginning this month. Though constructed separately, the proposals all stand to have a similar effect: By making UC a more desirable place to work, they would help the University meet the challenge it faces of hiring an enormous number of faculty over the next 12 years. Here is a summary of the three proposals.

### **Domestic Partners**

In 1997, the UC Regents approved the extension of UC health benefits to the same-sex domestic partners of University employees (along with certain adult dependent relatives of University employees). While the Senate welcomed this action, it also believed that more needed to be done in this area. In December, the Academic Council voted to send to the administration a UCFW report that (a) details the inequalities that still exist in UC's treatment of domestic partners and that (b) recommends actions that would eliminate these inequalities. (The report, "Ensuring Full Equality in Benefits for UC Employees with Domestic Partners," has been posted to the web at:

<http://www.ucop.edu/senate/domes99.pdf>.) In endorsing the UCFW report, the Council recommended two overarching actions. First, it reaffirmed the Senate's longstanding position that health insurance benefits should be extended to opposite-sex domestic partners as well as same-sex partners. Second, it called for the University's pension regulations to be revised such that domestic partners of UC employees receive the same benefits as do spouses of employees. I will be working with the administration as it conducts its policy analysis of these proposals. The Council endorsed the UCFW recommendations after receiving strong support for them from the Senate divisions, which were queried about this issue last fall.

### **UC Fee Waivers for Dependents of UC Employees**

At its December meeting, the Academic Council recommended: "That the University of California implement a full waiver of the educational fee for undergraduate and graduate education at the University of California for qualified children, spouses and domestic partners of University of California employees vested and active in the University of California Retirement System, up to a maximum of 12 person years per eligible employee." Following the Council's action, I forwarded this recommendation to the administration, which now will begin its analysis of the proposal. (The recommendation is not really new to the administration, however; it consulted with UCFW all along as it worked on this idea.) Programs of this sort are offered not only by many of our competitor institutions -- MIT, Illinois, Stanford, and the University of Pennsylvania, for example -- but also by the Cal State system. Note that the proposal has to do only with educational fees, not registration or professional fees. Thus, for each eligible student, the benefit would be worth about \$2,700 per year. Though the Council unanimously endorsed the proposal, Council members raised a number of questions about its specifics. Some Council members felt, for example, that limiting eligibility to "12 person years" of

education per employee was unnecessary, while others thought that a stricter limit was in order. I will keep you posted on the progress of this issue.

### **Child Care**

Last June, the Academic Council recommended that affordable child care be made available to UC faculty on or near each UC campus. This issue was written about in the December 1999 "Notice," which you can find at <http://www.ucop.edu/senate/notice>. The "Notice" article said that an administration task force was likely to be formed soon on this issue and this has now come to pass. Senate representatives on the panel are Judith Gruber of UCFW and UC Berkeley and Carolyn Murray of UC Riverside. The group will begin its work this month and expects to be finished this summer.

### **Health Sciences Clinical Enterprise Corporate Compliance**

In its relations with defense contractors, the federal government has long employed corporate "compliance" programs that are meant to ensure that the government is not paying for more than it is getting. In these programs, contractors put into place internal cost-accounting and billing regulations that are based on guidelines issued by the federal government. Now this model is being applied to hospitals that receive federal dollars in such forms as Medicare payments. Once again the aim is to reduce fraud and abuse committed against the federal government, only now the potential abusers are not defense contractors and their employees but hospitals and their doctors. In line with this, the University has been constructing its own Corporate Compliance Program, a preliminary form of which was adopted by the UC Regents this past summer. Much remains to be decided about the final shape of UC's program, however, and to that end Senate divisions this fall provided the Academic Council with their initial analyses of the program's provisions. Important issues for the Senate are the degree of responsibility being assigned to clinical faculty in guarding against fraud and abuse, and the disciplinary procedures that are proposed to be employed in connection with faculty who violate UC's rules. The Senate and administration were far enough apart on the original compliance document that, at Senate suggestion, a joint Senate-administration work group has been set up to exchange views and try to resolve differences. Headed by UCSF Divisional Chair Larry Pitts, this group includes clinical faculty, health science administrators, lawyers, and human resources personnel. Group members got together for an all-day session in San Francisco on Saturday, February 5.

### **Proposed New Professional Schools**

The Senate has been busy analyzing proposals for two new professional schools at UC: a School of Law at UC Riverside and a School of Pharmacy at UC San Diego. The initial "prospectuses" for these schools were reviewed by the Senate late last year. The full-blown proposals have now been received from the campuses and sent to the appropriate statewide committees for review. (These committees are Planning and Budget, Educational Policy, Graduate Affairs, and Research Policy.) In addition, the University has contracted with the RAND Corporation to gather data and assess the need for a new law school in Southern California; the RAND study on this issue is due out any day.

I will communicate again with you in a couple of months with another "Statewide Senate Report." Until then, I thank you for your efforts on behalf of the Academic Senate.

Lawrence B. Coleman, Chair  
Academic Council

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