

Meeting Call for Regular Meeting of the Santa Cruz Division
Friday, November 20, 2009 at 2:30 p.m.
Stevenson Event Center
ORDER OF BUSINESS

1. Approval of Draft Minutes
 - a. Draft Minutes of October 19, 2009, previously distributed (AS/SCM/290) p. 1
2. Announcements
 - a. Chair Kletzer
 - b. Chancellor Blumenthal
 - c. Campus Provost/Executive Vice Chancellor Kliger
3. Report of the Representative to the Assembly (none)
4. Special Orders: Annual Reports (none)
5. Reports of Special Committees (none)
6. Reports of Standing Committees
 - a. Committee on Educational Policy
 - i. Update on General Education Reform
 - b. Committee on Planning and Budget
 - i. Update on Resolution to UCOP re: Fiscal Transparency, previously distributed (AS/SCP/1612)
 - c. Committee on Rules, Jurisdiction and Elections
 - i. Report on the October 19, 2009 Senate Resolutions (AS/SCP/1630) p. 9
 - d. Senate Executive Committee
 - i. Memorial to UC President Mark G. Yudof (AS/SCP/1628) p.16
 - ii. Resolution on Child Care (AS/SCP/131) p. 21
7. Report of the Student Union Assembly Chair
8. Report of the Graduate Student Association President
9. Petitions of Students (none)
10. Unfinished Business (none)
11. University and Faculty Welfare
12. New Business

November 13, 2009

Members of the Academic Senate
Santa Cruz Division

Dear Colleagues:

Next week brings our third Senate meeting for the Fall quarter. Please confirm this previously-announced date in your calendars: **Friday, November 20 at 2:30pm in the Stevenson Event Center** ([click here for agenda](#)). We have a full agenda for discussion. We will hear from Chancellor Blumenthal and EVC Kliger. Our hard-working Senate committees have submitted several items: a report by the Committee on Rules, Jurisdiction and Elections (CRJE) on the resolutions passed at the Special Senate meeting of October 19, 2009; a resolution submitted by the Senate Executive Committee (SEC) on campus childcare; and a memorial to UC President Yudof also submitted by the SEC (a revision of the UCSB resolution tabled at our Special Senate meeting on October 19).

Our November 20 meeting will take place after the Regents meeting where fee increases are on the agenda. I encourage you to stay informed, using the UC Office of the President website (www.ucop.edu) and Regents page (<http://www.universityofcalifornia.edu/regents/welcome.html>).

Although I know the serious business is more than enough to prompt your attendance, there's more. Please take the opportunity to reconnect with friends, colleagues and acquaintances (and perhaps even meet new people) at the reception that will follow the Senate meeting, in the Cowell Provost House. Festivities at the reception will include an acknowledgement of faculty recently promoted. Please join us; the Senate meeting may provide ample starting points for conversations with folks you don't know.

I look forward to seeing you at the Senate Meeting.

Sincerely,



Lori Kletzer, Chair
Academic Senate

**PROPOSED CORRECTIONS TO THE MINUTES
of the
October 19, 2009 Special Senate Meeting**

The draft minutes from the October 19, 2009 Special Senate meeting were distributed via email on November 12, 2009 and will be presented for approval at the Senate Meeting on November 20, 2009. After being approved, these minutes will be posted on the Senate web site (<http://senate.ucsc.edu/meetings.html>).

Senators are asked to submit any proposed corrections or changes to these draft minutes to the Senate Office in advance of the next meeting, via EMAIL or in WRITING. All proposed changes will be compiled in standardized format into a single list for display at the next meeting.

This approach gives Senators an opportunity to read and review changes before being asked to vote on them, gives the Senate staff and the Secretary time to resolve any questions or inconsistencies that may arise, and minimizes time spent on routine matters during meetings. While proposed changes may be checked for consistency, they will not be altered without the proposer's approval. This approach complements, but does not limit in any way, the right of every Senator to propose further changes from the floor of the meeting.

To assist the Senate staff, proposed changes should specify:

1. The location of the proposed change (e.g. item, page, paragraph, sentence...)
2. The exact wording of existing text to be modified or deleted
3. The exact wording of replacement or additional text to be inserted
4. (Optional) The reason for the change if not obvious

Please submit all proposed changes to arrive in the Senate Office **no later than 5 p.m., Wednesday, November 18, 2009**. They should be addressed to the Secretary, c/o Academic Senate Office, 125 Kerr Hall or via email to senate@ucsc.edu.

Norma Klahn
Secretary, Academic Senate
Santa Cruz Division

November 13, 2009

DRAFT M I N U T E S
Special Meeting of the Santa Cruz Division
October 19, 2009

Meeting

A special meeting of the Santa Cruz Division of the Academic Senate was held Monday, October 19, 2009 at the Stevenson Event Center. With Secretary Norma Klahn present, Chair Lori Kletzer called the meeting to order at 2:30 pm.

1. Approval of Draft Minutes

Chair Kletzer asked if there were any additional changes, other than those submitted in writing, to the minutes of May 20, 2009. As there were none, the minutes were approved.

2. Special Business

Chair Kletzer introduced herself and welcomed attendees to the special Senate meeting. Chair Kletzer then provided the following framework for the resolution discussions:

- The campus is living through an extraordinary year due to the budgetary climate, which will be followed by another year of the same.
- The public institution we cherish is at stake.
- While talking and listening to each other, keep in mind our common purpose of maintaining the quality and access to our public university.

a. Resolutions (AS/SCP/1612)

There was a motion and a second to open discussion on Resolution A. Professor Craig Reinerman, Sociology, provided background on all the resolutions. He began by stating that ten professors called for the special Senate meeting because of the massive demoralization and leadership failures at the top of the University of California (UC). He stated that the intent of the resolutions was to initiate faculty discussion.

Throughout the discussion a number of friendly amendments to the Resolution were accepted.

The Senate then voted on revised Resolution A which passed by voice vote.

Whereas the excellence of the university has been well served by the core constitutional principles of shared governance; and whereas the core functions of research and teaching are properly the purview of faculty; and whereas the Academic Council voted unanimously for furlough days on days of instruction; and whereas the Provost Pitts memo of August 21st takes away from local campuses the authority to determine furlough days; and whereas that memo contravenes principles of shared governance, therefore be it resolved, that the Academic Senate of UCSC hereby informs UCOP that the UCSC Academic Senate shall determine when furlough days may be taken by UCSC faculty.

Following are points from the discussion of Resolution A.

Speaking in Favor of the Resolution	Speaking Against the Resolution	General Comments About the Resolution
Gail Hershatter	Barry Bowman	Phokion Kolaitis
Chris Connery	John Faulkner	Shelly Errington
Karen Bassi		Ronnie Gruhn,
Bettina Aptheker		Tim Duane
Ben Crow		Tracy Larrabee
Barbara Epstein		George Blumenthal
Craig Reinerman		Rebecca Braslau
		Faye Crosby
		Diane Gifford-Gonzalez

Points made in favor of the Resolution included:

- The principle of shared governance is at stake. This is not the last difficult decision that will be made, and we need to have our say.
- We need to focus on the unilateral decision that does not allow for decision making at the local level.
- The vagueness in the resolution was deliberate. The spirit is that Provost Pitts' August 21st letter relegates entirely his from office. He should not send an edict from headquarters saying when we will and will not take furlough days.
- The issue is that we are at a point where the relationship between the university and state is being questioned. It is up for grabs, and we should not let the moment pass without thinking of how to defend the university. We may not have enormous leverage, but we need to think about alternatives. It does not mean that we need to give up on hallowed principles of shared governance.
- We are at a turning point, and we do not know which direction it will go. Crucial to that question is whether or not faculty will retain the power it has. Since there is always going to be debate about how it is applied, we need to keep the larger issue in mind.

Points made in opposition to the resolution included:

- The resolution is unclear. The order says it was left to the campuses to decide. Who are the campuses? It starts to become contradictory if we say that they should follow the order as put forth, when we do not know what the order said or meant.
- One should not attempt to legislate anything this complex from the floor. The process is flawed. People should do their homework and come back with evidence and documentation. Do not make people wonder what the boundaries are of what you are proposing.

Comments about the Resolution included:

- There is no Regental Order 104, the correct number is 100.4.
- The Vice Provost Pitts letter of August 21 does not mention that there was consultation.

- President Yudof consulted with the chancellors and EVCs in addition to the system-wide Senate consultation.
- The resolution should include language about the university being well served by shared governance.
- Sometimes taking furlough days on instruction days are more trouble than they are worth.
- Cal State faculty are taking furlough days on instructions days, they are actually told to take their furlough days on instruction days.
- The resolution should include that the Academic Council voted unanimously for taking furlough days on instruction days.

There was a motion and a second to open discussion on Resolution B. Throughout the discussion a number of friendly amendments to Resolution B were accepted.

The Senate then voted on revised Resolution B which passed by voice vote.

That it is the sense of the UCSC Senate that the UCSC Administration should not require any faculty member to track, record, or otherwise surveil or police the behavior of their colleagues with respect to required furlough days or to allow said behavior with respect to furloughs to become part of any merit action or personnel review.

Following are points from the discussion of Resolution A.

Speaking in Favor of the Resolution	Speaking Against the Resolution	General Comments About the Resolution
		Chris Connery
		David Draper
		Deanna Shemek
		Deborah Letourneau
		Barbara Epstein
		Shelly Errington
		Barry Bowman
		David Kliger

Comments about the Resolution included:

- We need to remove the reference to Regental Order 104, because we have determined no such order exists.
- What policy will be implemented for staff?
- Faculty may begin reporting on other faculty if this is implemented.
- Faculty Association Representative Professor Shelly Errington, reported that furloughs for staff are being negotiated with the union. The Faculty Association is the bargaining unit only for faculty. The administration says furlough days are

- not bargainable, but the association is trying to bargain on an oral instruction from the office of the president (OP) about monitoring how faculty takes furlough days.
- The campus does not track when faculty members are on campus or are not. One reading of this resolution is that the faculty can take 365 days of furlough a year, and the administration can't do anything about it. It violates the faculty code of conduct rules.
 - Furlough days are imaginary because we can't take them on days we or anyone teach.

Professor Christine Hong, Literature, stated that new faculty have drafted a resolution with regard to new hires and faculty making under \$75,000.

There was a motion and a second to open discussion on the Resolution from the floor. After discussion, there was a motion and a second to table the Resolution. The Senate then voted to table the Resolution which passed by voice vote.

***whereas* the UC Santa Cruz Joint Administrative/Senate Task Force on Faculty Salaries has shown that UCSC faculty are, on average, the lowest paid throughout the University of California system;**

***whereas* UC Berkeley Executive Vice Chancellor and Provost George W. Breslauer has committed to "make whole" all new UCB ladder-faculty recruits who began in residence July 1, 2009 or will begin January 1, 2010, in recognition of faculty arguments that "ethical, legal, and reputational risks would attend the inclusion in the furlough program of these new ladder-faculty hires who had recently been recruited in a competitive context";**

***whereas* UC Berkeley EVC Breslauer has stated that the UCB Committee on Research has a plan to allocate summer-salary supplements equivalent to the pay reduction this year to 150 of the lowest-paid ladder faculty at UCB (those with base salaries below \$85,000, disproportionately concentrated in the arts and humanities and the humanistic social sciences, including these disciplines within selected professional schools, such as Education and Social Welfare, among others);**

***therefore be it resolved* that Executive Vice Chancellor and Provost David Kliger rescind all salary reductions for 1) new hires and 2) Senate faculty at UCSC whose base salaries are below \$75,000.**

Following are points from the discussion of the Resolution from the floor about new hires.

Speaking in Favor of the Resolution	Speaking Against the Resolution	General Comments About the Resolution
Deborah Gould	Diane Gifford-Gonzalez	Dean Mathiowetz
Christine Hong	Jonathan Fox	Gail Hershatter
	Greg O'Malley	Phokion Kolaitis
		Chris Connery
		Shelly Errington
		Faye Crosby
		Karen Bassi
		Dana Frank
		Peggy Delaney

Points in made in favor of the Resolution included:

- We feel we have an issue and an opportunity to advance the struggles of junior faculty that is why we included all faculty making under \$75,000. We also thought there would be other resolutions brought to this meeting, resolutions having to do with staff under \$40,000 and tuition hikes.
- UCSC faculty is the most underpaid in the system.
- The intention was not to disaggregate. We wanted to introduce this into the conversation.

Points made in opposition of the Resolution included:

- I will not vote for this until we can support the staff. I don't want to be unfriendly to this motion because I understand the sense of betrayal new faculty feel, but we need to look at how the community and staff members will see this.
- High administrators should take a 12.5 percent pay cut, and people under \$50,000 not take any cut.
- The resolution is limited to all new hires, which includes administrators who are hired \$150,000 a year.
- I am queasy about making budget recommendations based on another campus and without having a discussion about budgeting in general. We should not do this in a vacuum.
- How are the ethical, legal and reputational risks any different for new hires, than from people who were hired in the last couple of years?
- I am uncomfortable with this unless it includes staff making less than \$75,000.

Comments about the Resolution included:

- I would like to hear more about ethical and legal risks. Other people on campus have the same monetary concerns. We want to avoid the implication that the moral and legal implications for new faculty do not extend to all faculty, also the \$75,000 rational does not seem clear.
- UC Berkeley's Committee on Research (COR) funds were not used. Their chancellor supplemented COR funds. UCSC COR funds are limited, and it should not be interpreted that we take our meager research funds and use them for this.

- This resolution was drafted with the knowledge that UC Berkeley used their COR as a pass through, and there was not an assumption that we would do the same on this campus.
- How much would this cost? We already have very little money, and if we vote in favor of this resolution something else will have to be cut.
- The cost will be in the order of hundreds of thousands of dollars. Berkeley is using non state funds for their program.
- The money is not the Senate's business. It is not our job to think of money.
- We should conduct a survey of senior faculty and administrators and see if they will contribute to fund a program like this.
- Faculty feel ethically committed to make these salaries whole. We should work together to come up with a plan by this summer to enable us to provide those faculty members a summer salary to at least make whole those junior faculty salaries.
- We are not UC Berkeley. The crisis is affecting us differently. We need to raise a strong voice about the power of ten. Privatization is unacceptable.
- We should not become private donors.

Professor Michael Urban, Politics, moved that the UC Santa Cruz Senate adopt in full a recent resolution passed by UC Santa Barbara. The motion was seconded.

After discussion there was a motion and a second to table the Resolution. The Senate then voted on the motion to table the Resolution which passed by hand vote.

- 1) **UCOP has misrepresented the real nature of the University's financial situation. The options with which we were presented in June were not the only ones available, but were calculated to coerce us into accepting measures that UCOP and the Regents wanted to enact. The state cutbacks, though significant, are being used as an excuse to proceed aggressively with further steps toward transforming the University from a public resource, dedicated to the education of the people of California and the pursuit of knowledge, into a profit-making enterprise, a research facility of benefit primarily to industry and beholden primarily to commercial interests.**
- 2) **The "emergency powers" declaration, approved in July, was unnecessary, an effort to give the budget measures an air of urgency and inevitability that they do not in fact possess. The specific purpose of the emergency powers is to free UCOP's hand to undermine longstanding institutional structures, like faculty governance, and to circumvent financial obligations to faculty, staff, and students.**
- 3) **The decision of UCOP (as communicated in the memo of Provost Pitts) to override the expressed will of the Senate by demanding that faculty furloughs be taken on non-teaching days is a direct assault on the principle of faculty governance, a deliberate and offensive effort to undermine and**

degrade the institutional culture of the UC system.

- 4) President Yudof’s recent interview in the NY Times was an embarrassment. His statements showed him to be a cynical opportunist with no commitment to education. He called his own entry into the field of education an “accident;” he claimed that the “shine” had gone off education, and he likened the UC system to a cemetery. Such remarks are an insult to the UC community he is well paid to serve and lead; they are unbecoming to the president of the nation’s leading public University. They call his fitness for his position into question.**

In view of these considerations, we propose the following resolution:

The UC Santa Barbara Division of the Academic Senate censures the actions of President Yudof as well as the Regents’ support of those actions.

Following are points from the discussion of the resolution adopted by UC Santa Barbara.

Speaking in Favor of the Resolution	Speaking Against the Resolution	General Comments About the Resolution
Michael Urban	Marc Mangel	Chris Connery
		Cathy Soussloff

- The Senate has not had enough time to review it. The Senate should take its time to craft its own resolution.
- It is important to keep the text the same as other campuses.
- Faculty are getting email from undergraduates, graduate students and alumni about this issue. The Senate needs to seriously consider this resolution.
- A lot of students are concerned about this issue, but it needs to be put as a serious agenda item for the next meeting.

Professor Kirsten Griesz, Literature, introduced a new resolution attempting to help clarify the conditions of the furlough. Professor Griesz explained that at UC Berkeley there was a conversion from classroom time to reading days in their instructional calendar.

Professor Shelley Errington, Anthropology, added that she had spoken to Committee on Educational (CEP) Policy Chair Tamkun and he is amenable to CEP waiving their consideration and objections, so the Senate can move forward with the resolution.

The Senate voted on the Resolution which passed by hand vote.

The UCSC Academic Senate, constituting itself as a committee of the whole and asserting its plenary authority over curricular matters resolves that the dates proposed by the SEC in its memo of July 17, 2009 be designated as instructional days on which classes do not meet.

Following are points from the discussion of the Resolution on furlough days.

Speaking in Favor of the Resolution	Speaking Against the Resolution	General Comments About the Resolution
		Ruby Rich
		Shelly Errington
		Chancellor Blumenthal
		Deborah Letourneau
		Elizabeth Abrams
		Deanna Shemek

- It is the Faculty Association’s strong belief that this is a local issue that should be bargainable but they are not currently bargaining about this.
- Called up CEP to waive its deliberations.
- UC Berkeley brought forward their proposal for a reading period prior to the furlough policy. UC Berkeley made this change in full consultation with their Senate in the context of their educational mission.
- Is there an end date to what is proposed in the resolution.
- It is intended to be for this year, but CEP needs to be asked if it can extend to future years.
- Change the word “designated” to “permitted.”
- A Reading period used to be part of the regular calendar. During reading week new assignments cannot be proposed, the Senate needs to keep in mind the larger purpose.

Chair Kletzer informed the Senate that the remaining two resolutions (AS/SCP/1612) will appear at the next Senate meeting.

2. Other Business (none)

Adjournment: 5:15 pm.

ATTEST:

Norma Klahn
Secretary
November 10, 2009

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS
Report on the October 19, 2009 Senate Resolutions

To the Academic Senate, Santa Cruz Division:

The Committee on Rules, Jurisdiction, and Elections (CRJE) met on October 27, 2009, to consider the three Resolutions passed at the October 19 Special Meeting of the Senate. The following report summarizes the substance of the Committee's response. We wish to draw particular attention to the conclusions regarding Resolution #3.

Resolution #1 reads as follows:

Be it resolved:

Whereas the excellence of the university has been well served by the core constitutional principles of shared governance; and whereas the core functions of research and teaching are properly the purview of faculty; and whereas the Academic Council voted unanimously for furlough days on days of instruction; and whereas the Provost Pitts memo of August 21st takes away from local campuses the authority to determine furlough days; and whereas that memo contravenes principles of shared governance, therefore be it resolved, that the Academic Senate of UCSC hereby informs UCOP that the UCSC Academic Senate shall determine when furlough days may be taken by UCSC faculty.

With respect to this Resolution, CRJE had the same feedback as was given to proponents of the draft Resolutions prior to the Special Meeting. It is not clear to whom this Resolution is addressed. The reference to UCOP suggests that it is either a Memorial to the UC President or a Memorandum (to Provost Pitts?). In Appendix A is the text of Santa Cruz Bylaw (SCB) 9.1, which explains that, unless during the meeting a vote was taken in favor of foregoing the required mail ballot, a mail ballot is necessary for Memorials and Memoranda. Thus, this Resolution cannot be acted upon because it is not clear to whom is it addressed. In addition there is confusion in the last sentence between the words "inform" and "shall determine". If the Senate wants to inform, this must be done as a Memorial or Memorandum. If the Senate wants to determine, it is conflict with Regents Standing Order 100.4(qq)2, which gives the UC President the authority to implement furloughs (see appendix B).

Resolution # 2 reads as follows:

Be it resolved:

That it is the sense of the UCSC Senate that the UCSC Administration should not require any faculty member to track, record, or otherwise surveil or police the behavior of their colleagues with respect to required furlough days or to allow said behavior with respect to furloughs to become part of any merit action or personnel review.

The second Resolution is written as the "sense of the Senate." We take this to mean that the initiators of the Resolution wanted to know whether the Senate supported the idea of writing to the UCSC Administration. A sense of the Senate is not an action item. Unfortunately, it was not written clearly enough to define the next action should the mail ballot pass. Who will write the request to the administration, and to whom will it be addressed? Will it be an informal letter, or

will it come back to the Senate to be sent forward in the form of a Memorandum? If it is proposed as a Memorandum and there is also a vote to forego the required mail ballot (see SCB 9.1), then the Memorandum becomes an action item. Nonetheless, according to SCB 9.1, Senators retain the right to call a mail ballot whether or not there was a vote in the meeting to forego the required mail ballot.

Resolution #3 reads as follows:

Be it resolved:

The UCSC Academic Senate, constituting itself as a committee of the whole and asserting its plenary authority over curricular matters resolves that the dates proposed by the SEC in its memo of July 17, 2009 be designated as instructional days on which classes do not meet.

CRJE found the third Resolution to be invalid. Although the wording says that the Senate was forming itself as a Committee of the Whole, the Senate did not in fact do so. The process for a Committee on the Whole is defined in The Standard Code of Parliamentary Procedure by Alice Sturgis (pages 232-233, Appendix C). Since this did not happen, the authority over matters of undergraduate curriculum still rests with the Committee on Educational Policy (CEP) and with the Graduate Council (GC) for graduate curriculum.

By the end of our discussion, CRJE found “instructional days” to be a topic of curriculum and not of the academic calendar. If “instructional days” in Resolution 3 are curricular days, this is Senate purview, through the plenary authority of CEP and GC. Since CEP approves the format of courses and since the format of courses would change if there were a week of instructional, non-classroom days, the topic of non-teaching instructional days appears to be CEP and GC purview as it affects courses. For example, for an existing lecture course to become an on-line course, the course goes through a reapproval process with CEP in light of that change of format.

If “instructional days” in Resolution 3 are thought of as a matter of the academic calendar, then the Senate does not have the authority to approve a change from classroom instructional days to non-classroom instructional days. See the reference to Regents Standing Order 100.4.h in Appendix D, which demonstrates that the UC Regents gave the authority over the academic calendar to the UC President.

Summary:

To summarize our report, CRJE found Resolution # 1 to be poorly worded since it does not specify to whom the Resolution is addressed and to whom it should be sent. CRJE found Resolution #2 to be a “sense of the Senate”--that is, a declaration of the Senate’s endorsement of a particular position. The Resolution is unclear about what action, if any, is to be taken as a result of this declaration. CRJE found Resolution #3 to be invalid on procedural grounds. The Senate did not constitute itself as a Committee of the Whole according to the procedures specified in The Standard Code of Parliamentary Procedure. Where there is a need to constitute the Senate as a Committee of the Whole, that action must be completed prior to introduction of an associated Resolution. Therefore, in our opinion, the results of a mail ballot on Resolution #3 are irrelevant and for this reason we are recommending to Senate Secretary Klahn to remove this Resolution from the forthcoming mail ballot.

Respectfully submitted,

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

Jean E. Fox Tree

Ira Pohl

William Scott

John O. Jordan, Chair

November 3, 2009

Appendix A

Santa Cruz Bylaw (SCB) 9.1

Definition: A "Memorial to the Regents" is a declaration or petition addressed to the President of the University of California for transmission to The Regents. A "Memorial to the President" is a declaration or petition to the President not intended for transmission to The Regents. A "Memorandum" is a so-designated declaration or petition addressed to other than the President or The Regents, such as to the Chancellor of Santa Cruz or to the campus's representatives to the Assembly. [SB 90, SB 85] (CC 31 Aug 98, 31 Aug 99; EC 31 Aug 06)

The Division may submit Memorials to the President of the University of California and may initiate Memorials to The Regents on matters of Universitywide concern to be submitted to The Regents through the President. [SB 90B] (CC 31 Aug 98, 31 Aug 99)

Memorials to the Regents, Memorials to the President, and Memoranda may be sent forward only after approval in a mail ballot by a majority of members of the Division eligible to cast votes, unless the decision not to conduct a mail ballot is made by the Santa Cruz Division at a Regular or Special Meeting at which the language of the ballot proposal shall be presented. If the Division decides against holding a mail ballot, a mail ballot will nevertheless be held upon petition of 25 voting members of the Division. Such a petition must be submitted not later than 21 calendar days after the Minutes of the Divisional Senate meeting reporting such action have been placed in the mail. The mail ballot referendum will be conducted by the Committee on Rules, Jurisdiction, and Elections in accordance with Universitywide Senate procedures [SB 95]; approval of the referendum by a majority vote shall constitute direction to the Division to send the Memorial to the Regents, Memorial to the President, or Memorandum forward. [DLI 1996.10C and 1996.10E] (Am 6 Nov 91, 12 Feb 92, 31 May 95, 18 Feb 98 EI; CC 4 Aug 87, 31 Aug 98, 31 Aug 99, 31 Aug 06)

Appendix B

Regents Standing Order 100.4(qq)

2. The President of the University shall have authority, consistent with legal requirements, to implement furloughs and/or salary reductions, on terms that the President deems necessary, for some or all categories of University employees, upon Declaration of Extreme Financial Emergency, as specified below. The President further shall have the authority, during the pendency of the Declaration and consistent with applicable legal requirements, to suspend the operation of any existing Regental or University policies otherwise applicable to furloughs and/or salary reductions that are contrary to or inconsistent with the terms the President deems necessary to the proposed implementation. The authority provided herein may be exercised with regard to the University as a whole or with regard to a campus or multiple campuses. For purposes of this section, Furlough means temporary unpaid time off of work where use of accrued vacation leave, compensatory time off, or any other paid leave or compensation may not be used.

Appendix C

The Standard Code of Parliamentary Procedure, by Alice Sturgis, extracted from pp. 232-33

Committee of the Whole

The Committee of the Whole is a procedure under *Robert's Rules* in which the assembly pretends it is a large committee, in order to get around the limitations on debate that otherwise apply. (Ordinarily, under *Robert*, a member may speak only twice on a motion, with a time limit of ten minutes, unless a rule has been established to the contrary, or unless the assembly has granted special permission by a two-thirds vote or by general consent.)

When a motion is approved creating a Committee of the Whole, the presiding officer vacates the chair after appointing another member to preside over the "committee." All votes are only "committee votes," not binding on the assembly, and so they must be taken again after the committee has resolved itself back into an assembly with the original presiding officer again in the chair, and after the temporary chair has reported to the assembly what was done by the "committee."

Instead of this convoluted process, under the *Standard Code* the assembly simply votes to consider the matter informally (see page 128).

Appendix D

Regents Standing Order 100.4(h)

The President shall fix the calendar of the University, provided that no session of instruction shall be established or abolished except with the advice of the Academic Senate and the approval of the Board.

SENATE EXECUTIVE COMMITTEE
Follow up on the Tabled Resolution
Special Meeting of the Academic Senate on October 19, 2009

To the Academic Senate, Santa Cruz Division:

At the Special Meeting of the Academic Senate on October 19, 2009, the Senate briefly considered a resolution censuring the actions of UC President Mark Yudof that was passed by the UC Santa Barbara Academic Senate. The UCSC Senate tabled that resolution (which is attached for reference as Appendix A). The Senate Executive Committee (SEC) addressed the tabled resolution by reworking it, and offers the attached submission for consideration by the Senate.

Respectfully submitted,

SENATE EXECUTIVE COMMITTEE

Elizabeth Abrams
Bettina Apthekar
David Brundage
Maureen Callanan
Mark Carr
Sue Carter
Bruce Cooperstein
Brent Haddad
Norma Klahn
Phokion Kolaitis
Marc Mangel
Loisa Nygaard
John Tamkun
Lori Kletzer, Chair

November 6, 2009

Memorial to UC President Mark G. Yudof
Academic Senate
University of California, Santa Cruz

On the University

Whereas the University of California has for generations been considered one of the finest, if not the finest, system of public higher education in the world; and

Whereas public higher education is a driver of economic development and job creation within the State of California; and

Whereas the persistent erosion of and current drastic reductions in state funding for the University threaten its mission as a public institution, and likewise threaten the ability of faculty to carry out the University's stated mission; and

Whereas the continued imposition of higher and higher student fees for admission to the University constitutes a form of tuition in fact, if not in name, regardless of linguistic camouflage; and

Whereas tuition is explicitly forbidden by California's state Constitution in its provisions establishing the University of California; and

Whereas UC President Mark Yudof, and his designates have, since he took office, generally undermined constitutionally-mandated principles of Shared Governance with the faculty, offering the appearance of consultation but failing to heed the spirit of shared governance on such issues as Presidential Emergency Powers, the scheduling of furloughs, and the establishment of the Gould Commission on the Future of the University; and

Whereas UC President Mark Yudof has also persistently disregarded universal faculty appeals that any University employee earning less than \$40,000 a year should be exempt from the salary reduction plan; and

Whereas by enabling such trespasses, the Regents of the University of California, in their solemn responsibility to hold and preserve the University of California as a public trust, as provided for in Article 9, section 9 of the California State Constitution, have seriously compromised and jeopardized that responsibility; and

On the University of California, Santa Cruz

Whereas the University of California, Santa Cruz affirms the highest levels of commitment to undergraduate and graduate education and to the stellar quality of faculty research and scholarship; and

Whereas the series of decisions concerning student fees and admissions policies, and budget cuts more generally, threaten to reverse and cripple efforts toward appropriate, federally mandated standards of diversity for the recruitment and retention of students,

faculty and staff of underrepresented minorities in a state that has a minority population of 57.4%*, and to which UCSC has established a particular commitment; and

Whereas UCSC faculty and staff are among the lowest paid employees in the UC system despite the very high cost of living in Santa Cruz and surrounding communities and despite their demonstrated excellence in their fields,

Therefore be it resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof to fully assume his important role as spokesperson and advocate for the University of California, and further directs the President, and the Board of Regents of the University of California via the UC President to mount a vigorous, aggressive campaign to defend this great institution by educating the public, the Governor, and the State Legislature about the vital functions and contributions of the University of California; its educational mission as a center for intellectual, scientific, cultural, and scholarly research and development; and its ethical mission to sustain the state and the nation by preparing California's young people to assume the responsibilities of an enlightened citizenry in a democracy; and

be it resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof and the Board of Regents via the UC President to forcefully resist any further budgetary cuts to the University of California; and

be it resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof and the Board of Regents via the UC President to campaign vigorously and with the utmost determination to *reverse* the cuts that have been made and work in concert with the Chancellors, Presidents, and Governing Boards of the California Community Colleges and the California State Universities to form a *united* campaign to save public higher education in the State of California; and

be it resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof and the Board of Regents via the UC President to commit to *reduce* student fees gradually each year; and

be it resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof and the Board of Regents via the UC President to implement forthwith the protocols of shared governance with the faculty, in fact and not just in appearance, and to enlist the support of the faculty in its campaign to save public higher education; and

be it resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof and the Board of Regents via the UC President to give priority to the adequate and full representation of underrepresented minorities at all levels of the University of California in accord with federal mandates; and

be it resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof to immediately end all salary reduction through forced furloughs for any university employee earning less than \$40,000 a year; and

be it further resolved that the Academic Senate of the University of California, Santa Cruz, directs UC President Mark Yudof to end all salary reductions and restore all salaries for all UC employees on July 1, 2010.

*This is based on 2008 statistics and the specific breakdown is:

- White – 42.3%
- Hispanic/Latino – 36.6%
- Black – 6.7%
- American Indian – 1.2%
- Native Hawaiian/ Pacific Islander - .4%
- Asian – 12.5%

APPENDIX A

10/19/09

The following resolution was tabled by hand vote.

- 1) UCOP has misrepresented the real nature of the University's financial situation. The options with which we were presented in June were not the only ones available, but were calculated to coerce us into accepting measures that UCOP and the Regents wanted to enact. The state cutbacks, though significant, are being used as an excuse to proceed aggressively with further steps toward transforming the University from a public resource, dedicated to the education of the people of California and the pursuit of knowledge, into a profit-making enterprise, a research facility of benefit primarily to industry and beholden primarily to commercial interests.
- 2) The "emergency powers" declaration, approved in July, was unnecessary, an effort to give the budget measures an air of urgency and inevitability that they do not in fact possess. The specific purpose of the emergency powers is to free UCOP's hand to undermine longstanding institutional structures, like faculty governance, and to circumvent financial obligations to faculty, staff, and students.
- 3) The decision of UCOP (as communicated in the memo of Provost Pitts) to override the expressed will of the Senate by demanding that faculty furloughs be taken on non-teaching days is a direct assault on the principle of faculty governance, a deliberate and offensive effort to undermine and degrade the institutional culture of the UC system.
- 4) President Yudof's recent interview in the NY Times was an embarrassment. His statements showed him to be a cynical opportunist with no commitment to education. He called his own entry into the field of education an "accident;" he claimed that the "shine" had gone off education, and he likened the UC system to a cemetery. Such remarks are an insult to the UC community he is well paid to serve and lead; they are unbecoming to the president of the nation's leading public University. They call his fitness for his position into question.

In view of these considerations, we propose the following resolution:

The UC Santa Barbara Division of the Academic Senate censures the actions of President Yudof as well as the Regents' support of those actions.

SENATE EXECUTIVE COMMITTEE
Resolution on Child Care

To the Academic Senate, Santa Cruz Division:

The Senate Executive Committee (SEC), responding to the announcement of the closure of child care for children of faculty and staff, and to the CP/EVC's subsequent handling of an independent proposal for a non-profit child care center offered by a group of faculty and staff parents, has renewed and reworked a resolution on child care passed unanimously by the Senate in May 2004 and offers the attached submission for consideration by the Senate.

To see the original resolution go to:

<http://senate.ucsc.edu/cfw/Resolution%20on%20Child%20Care%20052104.pdf>

To see the CFW report of May 2004 go to:

<http://senate.ucsc.edu/cfw/child.1428.pdf>

Respectfully submitted,

SENATE EXECUTIVE COMMITTEE

Elizabeth Abrams
Bettina Aptheker
David Brundage
Maureen Callanan
Mark Carr
Sue Carter
Bruce Cooperstein
Brent Haddad
Norma Klahn
Phokion Kolaitis
Marc Mangel
Loisa Nygaard
John Tamkun
Lori Kletzer, Chair

November 6, 2009

RESOLUTION ON CHILD CARE:

Whereas high quality, affordable child care is critical to faculty and staff parents and should be a cornerstone of a healthy campus community,

Whereas child care is recognized as crucial for faculty and staff recruitment and retention, even by those faculty and staff who do not currently need it themselves, as well as for faculty and staff morale,

Whereas the availability of affordable, accessible child care is especially important to women and underrepresented minorities, to whose support the campus has made a particular commitment in its statements on diversity,

Whereas accessible child care enables the productivity and effective performance of faculty and staff parents,

Whereas the number of child care spaces on campus has always been inadequate to the needs of our faculty and staff,

Whereas faculty and staff will be barred from access to campus child care as of January 1, 2010,

Whereas there is limited availability of affordable, high quality, full-time child care in the larger Santa Cruz community, and in particular of such child care in reasonable proximity to the UCSC campus,

Whereas the campus administration has shown a lack of leadership on this issue by its inability to offer alternatives to denying faculty and staff child care,

Whereas UCSC will thus become the only UC campus with no provision for child care benefits for faculty or staff,

Therefore be it resolved that we direct the UCSC administration to heed the Senate's repeated calls for adequate child care services and to speedily develop a plan to provide for affordable, high quality child care for the full campus community, and in particular for the families of faculty and staff.