

MINUTES

Regular Meeting of the Santa Cruz Division November 20, 2009

Meeting

A regular meeting of the Santa Cruz Division of the Academic Senate was held Friday, November 20, 2009 at the Stevenson Event Center. With Parliamentarian Michael Dine 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 October 19, 2009. As there were none, the minutes were approved.

2. Announcements

a. Chair Lori Kletzer

Chair Kletzer provided an update on the resolutions passed at the October 19, 2009 Special Senate meeting. There was a request for a mail ballot for resolutions A and B (AS/SCP/1612). Chair Kletzer said the ballot will go out in the coming week. Resolution C, from the October 19, 2009 Special Senate meeting, was declared invalid by the Committee on Rules, Jurisdiction and Elections and will not be included on the mail ballot. Chair Kletzer informed the Senate that due to the current occupation of Kerr Hall by student protestors, the reception planned for after the Senate meeting was cancelled. Chair Kletzer closed her remarks by saying she hopes the Senate can talk and listen to each other in an environment that is honest, clear and civil.

b. Chancellor George Blumenthal

Chancellor Blumenthal provided an update on the recent University of California (UC) Regents meeting, the UC Commission on the Future, and the Kerr Hall occupation.

At their November meeting, the UC Regents approved a 32 percent increase in undergraduate fees. The chancellor expressed concern about what the increases will mean to access and affordability. The chancellor feels that tradition may be in jeopardy, but noted that the UC Regents did approve an enhancement of the Blue and Gold opportunity plan which provides financial aid to students under a specified income level. The UC Regents also approved the re-opening of the Martin Luther King Hospital in Los Angeles. The hospital serves East Los Angeles, an underserved area, and the decision shows UC's public service commitment to California. He announced that the UC Regents approved a removal of academic deans from the senior management group, and that they will be treated more like faculty in terms of promotion. Chancellor Blumenthal said that at the end of the UC Regents meeting UC Regent George Marcus asked the UC Regents to remove their recommendation of increasing graduate student fees. While the request failed,

Chancellor Blumenthal believes the UC Regents will listen if the Academic Senate takes a strong position on the matter.

The UC Commission on the Future (Commission) membership is almost complete. Faculty members now constitute the majority in all the working groups, adding that there are UCSC faculty on every working group. The chancellor hopes to get the representatives of the working groups together with faculty and students. The Commission would like to see results from the working groups by March 21, 2010, but the chancellor believes the work will go on at least through the end of the academic year.

Chancellor Blumenthal then provided an update on the Kerr Hall occupation. The chancellor reported that there have been occupations on other campuses, and concerns by the students are real and understandable. There is no doubt the fee increase will affect access to education, but the anger needs to be directed not just at UC leaders but at Sacramento. Chancellor Blumenthal stated that the occupations are acts of civil disobedience with consequences. The loss of property and work time will lead to more costs. The chancellor would like to see the energy redirected, so that the campus can work in partnership to address these important issues.

c. Campus Provost/Executive Vice Chancellor Kliger

EVC Kliger began by summarizing the remarks he heard at the past two Fall Senate meetings:

- Distaste for furloughs;
- Concern about the impacts of salary compression on junior faculty, especially given the high cost of living in Santa Cruz;
- Frustration about the impact of these cuts on our lowest paid workers;
- Concern about the impacts that campus budget cuts are having on specific programs; and
- Disappointment that the campus can no longer keep afloat some programs that were not sustainable.

The EVC agreed that the concerns were valid, and that he shares in the frustrations with the choices everyone is being forced to make. The EVC said people's lives are affected by these decisions, and he weighs the impacts very carefully before proceeding. The EVC does not think it is useful for the Senate to pass resolutions restoring some of the budget cuts, unless the Senate advises the EVC what other cuts should be made instead.

EVC Kliger informed the Senate that, according to the latest reports, the state's budget will fall out of balance by five to seven billion dollars this fiscal year, on top of a 7.4 billion dollar gap already projected for 2010-11. The EVC looks to the Senate for concrete advice about where to cut. The EVC said being smaller does not mean that the campus is unable to fulfill its core mission, but it means the campus needs to think creatively.

The EVC stated that he is committed to working with the Senate and is assessing how to improve last year's budget process.

This involves:

- Figuring out how to ask better questions at the beginning of the process that would let us more effectively understand the impacts of cuts to each unit;
- Developing a process to enable earlier consultation with the Senate as well as with staff and students;
- Finding a way to assess campus impacts that might not be apparent if we just gathered information from individual campus units; and
- Creating a strategy for more effective campus communication as we go through the process.

The EVC said that with the huge cuts the campus has endured over the last two years there are simply no more easy cuts to be made. New cuts will continue to cause real pain, weakening of programs, and difficulties at every level of campus. The EVC hopes the campus can approach this task with the understanding that together decisions that support the primary research and teaching missions of the campus can be made.

EVC Klinger then discussed the Kerr Hall occupation which required the evacuation of more than 150 employees. The EVC engaged the occupiers and received their list of demands. At the time, he said, the occupiers appeared to be peaceful. In the course of discussions, the EVC and occupiers agreed that if their behavior did not escalate and the occupiers addressed the EVC's safety concerns, the EVC would meet with the occupier's designees the next morning. EVC Klinger then said he had learned that the occupiers broke the agreement, and decided not meet with them. The occupiers barricaded doors they had, agreed would not be obstructed, he continued, and some interior areas within the building were broken into. The EVC went on to say that the individuals occupying Kerr Hall are trespassing and will be subject to law enforcement and campus sanctions. The administration will continue to monitor the situation and keep Senate leadership involved in discussions as the situation evolves.

Professor Tim Duane (Environmental Studies) asked the EVC to list the occupier's demands. The EVC responded that the list had been posted on the Occupy California web site.

Professor Gail Hershatter (History) said she went to a faculty walk through of Kerr Hall, and found the building in remarkably good order. She also stated that the occupiers had created a democratic process for putting together their demands.

Professor Craig Reinerman (Sociology) asked the EVC about the phrase "appeared to be students." Professor Reinerman feels the phrase implies that there are outside

agitators and asked the EVC to provide evidence of such. Also, Professor Reinerman stated that he was in the building when the occupation started and did not feel threatened or unsafe.

The EVC responded that the administration knows that some of the people in Kerr Hall are not students. The safety concern is that all buildings need to have accessible fire exits and while the EVC is glad to hear the professor did not feel threatened, many people in Kerr Hall have said they did.

Professor Triloki Pandey (Anthropology) said everyone was suffering because of the budget situation and asked the EVC about using stimulus funds to offset the budget gap. Professor Pandey also said that civil disobedience is a tool for powerless people. He recommended patience. With patience, he said, things will work out.

The EVC responded that the campus has received stimulus funds and is currently using them to offset the gap, without the funds the budget cuts would be even bigger.

Matthew Palm (Student Union Association [SUA]) addressed the students in the audience who were booing and hissing. He reminded the students that this was the faculty's space, and their main mechanism to express concerns to the administration asking the students to show restraint and respect.

Chancellor Blumenthal added that UC is an outstanding public research institution, and there should not be financial barriers adding that the state, however, is not investing in higher education. He added that education should be a right and not a privilege.

Professor Shelley Errington (Anthropology) stated that she was pleased the administration had shown restraint at both the Kerr Hall and library occupations and that she hoped it would continue. Students at the occupation, she continued, are interested in speaking to the faculty and learning more. They are doing what students can do and the campus should embrace them and work together with them.

The EVC responded that he agreed with Professor Errington's comments, but that occupations are not useful because they prevent workers from doing their jobs.

Robert Singelton (Committee on Admissions and Financial Aid [CAFA] student rep) asked the EVC why he refused to put in writing what he agreed to with the occupiers.

The EVC responded that he did not think it was appropriate or productive to enter into legalistic written statements with the occupiers.

Professor Bettina Aptheker (Feminist Studies) said it had been a productive day so far. Professor Aptheker said that she appreciated the students coming to hear the discussion and had never really understood why people were afraid of students. By and large students are committed to non-violence. There is a choice and a fear on the part of some staff that is not necessary. Professor Aptheker said she would try to help to resolve the current situation with the occupation. She also added that the California state budget was out of balance, and there needed to be a shift in the state's paradigm.

Alex De Arana-Lemich (CAFA student rep) asked Chancellor Blumenthal if he or UC President Yudof have reached out to the California State University (CSU) to raise funds for higher education.

The chancellor said that in terms of advocacy there was a strong connection between the presidents of UC and CSU. UC's budget submission to the legislation was done in concert with CSU.

Professor Olof Einarsdottir (Chemistry) said that faculty, students and staff were upset about layoffs and furloughs, but that the frustration were misdirected. This issue is with the state government, and everyone needs to focus their attention on Sacramento. A takeover in Kerr Hall does not work in that direction. Professor Einarsdottir informed that she was in the building at the time of the occupation, and that she was intimidated and scared.

Robert Singleton (CAFA student rep) asked how faculty plans to fight for co-governance at the UC state level.

Professor Gopal Balakrishnan (History of Consciousness) asked if it is possible to stop the fee hikes.

The chancellor responded that the UC Regents have already approved the fee hike. The only way it could be reversed was if the state or federal government stepped in.

Chris Burris (Oakes College representative) asked why the EVC is not opening discussions with the students at the Senate meeting.

The EVC said he was not sure what that comment meant, but he had an agreement with the occupiers that the occupiers violated. The EVC said he is willing to try again and will work with Professor Aptheker on the issue.

3. Report of the Representative to the Assembly (none)

4. Special Order Annual Reports (none)

5. Reports of Special Committees (none)

6. Reports of Standing Committees

a. Committee on Educational Policy

i. Update Report on General Education

Committee on Educational Policy (CEP) Chair John Tamkun provided an update on general education (GE) revision efforts. CEP has received feedback from departments on the guidelines and has made some minor revisions and clarifications. CEP has also developed an updated list of answers to frequently asked questions which will cover the most pressing concerns. The committee has received a lot of feedback on the complexity of the GE forms. CEP is looking forward to receiving GE proposals in December which the committee will review during the winter quarter.

Matt Palm (SUA rep) said that last year the SUA lobbied for the passage of the GE revisions and for the preservation of the ethnic studies requirement. Mr. Palm thanked CEP and the Senate for moving the reform forward in a timely manner.

b. Committee on Planning and Budget

i. Update on Resolution to UCOP re: Fiscal Transparency

Committee on Planning and Budget (CPB) Chair Brent Haddad informed the Senate that CPB has had some discussion on the resolution, but has not completed its work. CPB hopes to have the work done by the next Senate meeting.

c. Committee on Rules, Jurisdiction and Elections

i. Report on the October 19, 2009 Senate Resolutions

Professor Joel Yellin (Physical and Biological Sciences [PBSci] Division) stated that the resolutions contained an *ad hominem* and unprecedented attack on the UC president and this was against the rules.

Committee on Rules, Jurisdiction and Elections (CRJ&E) Chair John Jordan responded that the resolution was from the floor and CRJ&E did not have a chance to consider it prior to the October 19, 2009 Senate meeting.

Professor Yellin said proper practice was not followed at the special meeting by bringing up something the Senate was not noticed on. CRJ&E should speak up to the breaking of Senate process when such things happen.

CRJ&E Chair Jordan agreed it was improper and said he will take up the question at the next CRJ&E meeting.

Professor Tim Duane (Environmental Studies) said that while it was procedurally incorrect how the Committee of the Whole was formed at the last meeting, it was done so in the correct spirit. The mistake was something the parliamentarian

should have brought up, and it does not seem right to rule the resolution invalid because of the mistake. It seems inconsistent with the spirit of the Senate.

CRJ&E Chair Jordan said that while it was the Senate's intention to form as a Committee of the Whole, they did not do so therefore the subsequent actions simply have no standing.

Professor Duane asked if it is up to individual Senate members to know these details and CRJ&E Chair Jordan said it was up to those who were aware to speak up and monitor. Chair Kletzer interjected that as Senate chair it was ultimately her responsibility. Professor Duane suggested CRJ&E be present at Senate meetings to provide advice.

Professor Duane then said he would like to call attention to the other two resolutions since they were related to a substantive issue for today's topics. Actions were taken by the UC Regents and legal counsel said that the resolutions were invalid, and that the Senate should not accept legal counsel's claim that the resolutions were invalid.

Professor John Faulkner (Astronomy and Astrophysics) said it was the duty of all Senators to familiarize themselves with rules and procedures. If Sturgis had been properly consulted so many peoples' time would not have been wasted. The resolutions were so badly rehearsed: full of errors and badly written. People should not be in a position of blaming the chair or the parliamentarian. It is, he concluded, an individual's responsibility to know.

CEP Chair Tamkun stated that he was not able to attend the meeting but CEP had discussed the resolution that was removed from the mail ballot. The committee discussed whether it would be okay for the campus to take such actions without deliberation and CEP was unanimous that it was not appropriate.

E. Senate Executive Committee

i. Memorial to UC President Mark G. Yudof (AS/SCP/1628)

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. The Senate Executive Committee (SEC) addressed the tabled resolution by reworking it, and SEC member Bettina Aptheker presented the memorial. Professor Aptheker said that the SEC did not want to censure the UC President but to send him a Memorial with specific instructions on what we expected him to do. The SEC thought this would be more effective than a censure. UC Regent Gould refused to extend the March 31 deadline for the UC Commission on the Future, even though some of the committees are not yet completely formed. Cuts are happening that are crippling the ability to deliver curriculum. This resolution, she concluded, unites us.

Following a discussion where a friendly amendment was accepted, the Senate voted on the memorial.

The memorial passed by voice vote.

**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%

Spoke in favor of the Memorial	Spoke against the Memorial	Comments about the Memorial
Brent Haddad	Joel Yellin	Shelley Errington
Matt Palm		John Faulkner
Eileen Zurbriggen		

David Smith		
Loisa Nygaard		
Elizabeth Abrams		

The following points were made in favor of the memorial:

- I was not troubled by the characterization in this memorial
- The SUA reacted with a long standing ovation. Thank you to the SEC. SUA supports its passage.
- Thank you for this resolution. It is strongly written.
- I would enjoy censuring the president, but that would not be useful. The state has a budget problem, but it is still a rich state.
- We are essentially telling our president where he has gone wrong and giving him advice.

The following point was made against the memorial:

- What is the essence of this memorial? It could be rewritten. This is not one of the positive things we might do as faculty to improve the situation.

The following comments were made about the memorial:

- Should we censure an individual by name?
- You can censure a person, not a person's comments.

Following the vote on the resolution the Senate voted for the Memorial to go forward without a mail ballot. The vote passed by voice vote.

ii. Resolution on Child Care (AS/SCP/1631)

SEC member Elizabeth Abrams presented the resolution. SEC member Abrams stated that the decision to remove funding for child care occurred without consulting the stake holders. The resolution is essentially the same resolution as the 2004 Senate resolution for a child care plan.

Following a discussion the Senate voted on the resolution on child care.

The resolution on child care passed by voice vote.

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.

Spoke in favor of the Resolution	Spoke against the Resolution	Comments about the Resolution
Kirsten Gruesz		
Maureen Callanan		
Susan Strome		

The following points were made in favor of the resolution:

- All other UC's have child care programs. Cutting child care was done over the summer without consulting the Child Care Advisory Committee. Last week the stakeholders were told they would not qualify for child care at the other UCSC facility.
- To get back to having a facility in the future we will need to waste time and money to get staff, equipment, licenses and new leases.
- I ask the chancellor and EVC to consider the opportunities and not just the barriers.

- I am in favor of restoring all child care. The children will be taken out of the care environment that they have known well. What does this say about support for parents? This will negatively impact recruitment and retention of students and faculty.

7. Report of Student Union Assembly Chair

Matt Palm (SUA Commissioner of Academic Affairs) indicated that this had been a historic week in UC. Up to this year the state paid most of this campuses' operating budget. He added that we were becoming a campus that was primarily funded by student fees and not state funds. That, he declared, was a huge shift. The UC Regents are making the students and workers pay for the operating budget. He questioned what this meant for our status as a public institution.

8. Report of the Graduate Student Association President (none)

9. Petitions of Students (none)

10. Unfinished Business (none)

11. New Business

Professor Shelly Errington (Anthropology) stated that she had a resolution on non classroom instructional days, but had decided against proposing it. She did, however read the resolution to the Senate.

Adjournment: 5:00 p.m.

ATTEST:

Norma Klahn
Secretary