

The Regents of the University of California

**COMMITTEE ON EDUCATIONAL POLICY**

July 17, 2003

The Committee on Educational Policy met on the above date at UCSF-Laurel Heights, San Francisco.

Members present: Regents Atkinson, Bodine, Davies, Hopkinson, Johnson, Kozberg, Lansing, Marcus, Moores, Murray, and Sayles; Advisory member Binion

In attendance: Regents Blum, Lee, Montoya, Parsky, Patiz, and Seigler, Regents-designate Novack and Ornellas, Faculty Representative Pitts, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost King, Senior Vice Presidents Darling and Mullinix, Vice Presidents Gomes and Hershman, Chancellors Berdahl, Bishop, Carnesale, Cicerone, Córdoba, Dynes, Greenwood, Tomlinson-Keasey, and Yang, and Recording Secretary Nietfeld

The meeting convened at 10:15 a.m. with Committee Chair Kozberg presiding.

1. **ADOPTION OF ACADEMIC SENATE RECOMMENDATIONS REGARDING FRESHMAN ADMISSIONS TESTING**

The President recommended that changes in the requirements for freshman eligibility recommended by the Board of Admissions and Relations with Schools and adopted by the Assembly of the Academic Senate on May 28, 2003 be approved as follows:

Effective for students entering UC as freshmen for Fall 2006, each applicant for admission must submit scores on an approved core test of Mathematics, Language Arts, and Writing. The applicant must also submit scores on approved supplementary subject matter tests to be taken in two different “a-f” subject areas: History/Social Science, English, Mathematics, Laboratory Science, Language other than English, or Visual and Performing Arts. Approval of tests shall be determined by the Board of Admissions and Relations with Schools, with the concurrence of Academic Council and the Assembly of the Academic Senate. The minimum scores acceptable shall be determined by the Board of Admissions and Relations with Schools and may vary depending upon the overall grade-point record of the applicant.

President Atkinson acknowledged the outstanding contribution of the Academic Senate in formulating the recommendation. He also congratulated the College Board and the American Council on Testing for their recognition of the issues that the University of California had raised with respect to admissions testing and their positive response. The President believed that the new tests would have a major role in transforming K-12 education as students and teachers focus on writing and three years of serious mathematics.

Provost King recalled that the proposal before the Committee with respect to admissions testing had been precipitated by remarks made by President Atkinson to the American Council on Education in February 2001, when he called upon colleges and universities to re-examine the role of standardized tests in college admissions. At the same time, he asked the University's faculty to take up this question with regard to UC's eligibility and admissions processes. In response, in spring 2001, the Academic Senate's Board on Admissions and Relations with Schools (BOARS) began intensive study of the role of standardized tests in the admission process.

Faculty Representative Binion noted that the College Board was in the process of developing a new SAT I examination that will more closely track the high school curriculum. BOARS has recommended to the Academic Senate a realignment in the exam scores that freshman applicants will be required to submit. She stressed that the recommendations being presented for consideration had been thoroughly reviewed by campus admissions committees, the systemwide Academic Council, and the Academic Assembly. In April 2003, the Academic Council unanimously approved BOARS' recommendation for a transition plan in which, beginning with the entering freshman class of 2006, the University will accept, on an interim basis, scores on the ACT with Writing and the new SAT examinations in satisfaction of the core test requirement. These interim approvals will be in effect for two years. BOARS will complete an in-depth review of the new admissions tests and their alignment with the testing principles no later than 2008. In the intervening years, BOARS will collect data on the new tests that will enable this evaluation.

Professor Barbara Sawrey, the chair of BOARS, presented the details of the recommendation. She recalled that since 1968 the University has required that all applicants for freshman admissions take the core ACT or SAT I, plus three subject matter tests. The Senate is now proposing that, for students entering UC as freshmen in fall 2006, each applicant for admission must submit scores on an approved core test of mathematics, language arts, and writing. The applicant must also submit scores on approved supplementary subject matter tests to be taken in two different "a-f" subject areas chosen from history/social science, English, mathematics, laboratory science, a language other than English, or visual and performing arts. This requirement is referred to as the "core-plus-two" concept. Professor Sawrey explained that the Senate's recommendation referred to the "a-f" admissions requirements rather than "a-g" because the "g" requirement is elective.

Professor Sawrey recalled that the BOARS recommendations on testing were discussed at length by the Committee at its March and May 2002 meetings. One issue raised at these meetings was whether the BOARS recommendation essentially mandated the creation of a "California-only" test, given that BOARS found that neither the ACT nor the SAT I was consistent with its principles. This issue was resolved in early summer 2002, when both the ACT and the College Board announced plans to revise their existing national tests in ways that bring them much closer to BOARS' recommendations. Beginning in 2005, ACT will offer an optional writing test along with its existing national test of mathematics and language arts; this test will be available to all ACT test-takers across the country.

Additionally, the College Board has announced plans to add a mandatory writing exam to its existing core test and to make substantial changes to the SAT I that move toward addressing BOARS' concerns about the scope of its mathematics content coverage, as well as its basis in the college preparatory curriculum and its ability to provide diagnostic feedback to students and schools. The College Board will begin administering this test in March 2005. The ACT exam is curriculum based and includes diagnostics. The College Board will add a mandatory writing component to the SAT and will provide diagnostic feedback to students. BOARS continues to work closely with the two testing agencies.

Turning to the supplemental, subject-matter tests, Professor Sawrey recalled that the BOARS recommendation would require that applicants submit scores on approved tests taken in two "a-f" subject areas. This requirement is in keeping with BOARS' testing principle that students show breadth across the college preparatory curriculum without imposing any additional time and cost burdens on the students. The requirement would not preclude a campus or a major from recommending that an applicant take a test in a specific subject area. Currently only the SAT II tests meet BOARS' requirements, but it is open to considering other tests that might qualify as supplemental tests.

This change is scheduled to take effect for the cohort of students who just finished their freshman year of high school and will apply to enter the University as freshmen in the fall 2006 term. Last year, University staff began alerting high schools to the possibility of a change in the testing requirement. Assuming The Regents adopts this recommendation, this fall's Counselors' Conferences will include detailed information on the new policy and how students should prepare for and approach the new testing requirement. The change will also be addressed on the University's website, in publications, and in direct communications with students, parents, teachers, and counselors.

Regent Seigler requested more information on the diagnostic component of the tests. Professor Sawrey explained that the ACT begins to work with students in the sixth grade to identify their strengths and weaknesses, based on their test results. She offered to provide Regent Seigler with the details of this program and also to inform him about a similar program being developed by the College Board once it has been finalized.

Regent Seigler inquired about the effectiveness of courses which coach students on successful strategies for taking the SAT. Professor Sawrey observed that when the tests are based more closely on the high school curricula, the best preparation for the tests will be to enroll in the appropriate classes.

Committee Chair Kozberg asked about the response of peer institutions to the BOARS recommendation for admissions testing. Professor Sawrey reported that more than 70 institutions had already indicated that they would require the new SAT. The list includes many of the University's comparison public institutions. The ACT has received a varied response to the introduction of an optional writing component, with one-third of the schools

indicating that they will require it, one-third taking a wait-and-see attitude, and a final third requiring their own writing test or essay.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

## 2. REVISION AND SIMPLIFICATION OF STANDING ORDER 103.4 AND POLICY ON SABBATICAL LEAVES

The President recommended that:

- (1) Service of notice be waived.
- (2) Revision of Standing Order 103.4, Sabbatical Leaves, be approved as shown below.

**deletions shown by ~~strikeout~~, additions by underscore**

### STANDING ORDER 103.

#### SPECIAL PROVISIONS CONCERNING OFFICERS, FACULTY MEMBERS, AND EMPLOYEES OF THE UNIVERSITY

\* \* \*

#### 103.4 Sabbatical Leaves.

~~Professors, Associate Professors, Assistant Professors, persons of equivalent rank, and Cooperative Extension Specialists, Advisors, and Agronomists shall be entitled, upon approval of the President, to the privilege of a sabbatical leave of absence from regular schedule duties, following a prescribed period of service in the University as academic appointees with the rank of Instructor or higher, or equivalent rank, or with such other titles as the Board may approve.~~

Sabbatical leaves are granted, in accordance with regulations established by the President, to enable recipients to be engaged in intensive programs of research and/or study, thus to become more effective teachers and scholars and to enhance their services to the University.

~~A regular sabbatical leave of absence, within policies established by the Board, may be granted by the President, provided, however, that the recipient of a regular leave of absence at less than full salary may receive an additional salary such that total salary does not exceed the recipient's regular salary: (1) by appointment to the Miller Institute for Basic Research in Science, the~~

~~Institute for Creative Arts, or the Humanities Institute, or such organized research programs as the Board may approve for this purpose; or (2) for limited service on a research or teaching project in a foreign university or for work on a research project, provided such research or teaching project is administered by the University with funds from government or private grant or contract, and provided further that the terms of such grant or contract specifically authorize such usage of such funds and when the work to be performed by the recipient will promote the purpose of the leave.~~

~~A sabbatical leave of absence in residence at the University may be granted, provided that, in addition to a program of research, writing, or equivalent activity at one of the University campuses, such person will teach at a University campus one class, meeting regularly at least three hours each week, or will perform an equivalent amount of instructional service in a course or courses regarded as essential to the program of that campus. An appointee on sabbatical leave of absence in residence shall be freed from all other teaching obligations and from all committee and administrative work.~~

~~A sabbatical leave of absence may be taken at varying percentages of regular salary in accordance with regulations established by the President.~~

~~A sabbatical leave of absence shall be granted and accepted only with the understanding that the recipient, following leave of absence, will continue service at the University for a period at least equal to the period of the leave, unless specifically approved by the President.~~

- (3) Revision of the Policy on Sabbatical Leaves of Absence be approved as shown below.

**deletions shown by strikeout**

Policy on Sabbatical Leaves of Absence

The Regents of the University of California hereby reaffirms the following principles with respect to sabbatical leaves of absence:

1. ~~“The university exists for the sake of carrying on certain functions. The committee [that is, the Special Committee on Educational Policy of the Academic Senate] has already defined the aims and ends to be served by the fundamental activities of the university. It follows that the individual members of the faculty and the individual departments of the University are the instruments and servants of those ideal ends for the sake of which the university exists, such as the advancement of learning, the spread of knowledge, and the cultivation of capacities~~

for intelligent and significant living.” (University Regulation No. 3, issued February 15, 1935.)

2. ~~“Sabbatical leave of absence is a privilege accorded to qualified members of the faculty to facilitate special study, research or other creative activity. The ultimate objects are the enhancement of service to the University, and increase of the University’s distinction:~~

~~“Accordingly, sabbatical leave of absence is granted subject to the following conditions (among others):~~

~~“(a) Applications will be accompanied by a statement ... of the program which the applicant proposes to follow while on leave (which statement shall include, among other things):~~

~~“(1) A detailed description of the sabbatical project and its significance as a contribution to knowledge, art or the professions:~~

~~“(2) The present state of the project, time of commencement, progress to date, and expectation as to completion and publication:~~

~~“(3) The place where the project will be carried on, and the authorities, if any, with whom it will be conducted:~~

~~“....~~

~~“(b) Applicants will continue their services at the University after the termination of sabbatical leave, unless otherwise specifically provided by The Regents:~~

~~“(c) On return to regular duty a prescribed report on the results of sabbatical leave will be submitted ....” (University Regulation No. 24, as revised June 1, 1955.)~~

3. ~~“The Chief Campus Officer has authority to approve requests for sabbatical leave from appointees under his jurisdiction if the approval is consistent with the sabbatical leave policies and requirements established by The Regents and the President ....” (Administrative Manual, Section 171-24.)~~

From the foregoing, it is manifest that:

- (1) Research and scholarly endeavor are and have long been recognized as essential to the furtherance of the educational purposes for which the University of California exists;
- (2) The University can succeed in accomplishing such purposes only if it can maintain an able and proficient faculty;
- (3) Ability and proficiency in university teaching and scholarly endeavor require that present knowledge and skills be supplemented by continuing research, deliberation, and experimentation;
- (4) At the University of California sabbatical leaves of absence are not and have not been granted as a matter of individual right; rather they are and have been accorded to qualified members of the academic staff to enable them to enhance their service to the University and thereby increase its distinction;
- (5) At the University of California sabbatical leaves are granted and in the past have been granted to permit faculty members to maintain and improve teaching skills and scholarly ability and proficiency by engaging in periodic and intensive programs of research and study;
- (6) Sabbatical leaves of absence have been and continue to be granted in recognition of the fact that they are appropriate, helpful, and necessary to enable faculty members to fulfill their professional obligations to the University; and
- (7) Research or other academic accomplishment is and has long been expected of those members of the academic staff of the University of California who are given sabbatical leaves of absence.

Provost King explained that the amendment of Standing Order 103.4 would affirm the President's authority to establish implementing regulations governing sabbatical leaves. Revision of the Policy on Sabbatical Leaves of Absence would retain a set of general principles which would continue to govern sabbatical leaves.

Standing Order 103.4 addresses Regental policy on sabbatical leaves, which is implemented in Section 740 of the Academic Personnel Manual issued by the President. This year the University has completed a review of the sabbatical policy which was adopted by The Regents in 1962. It is proposed that the policy be simplified into a set of general principles that will continue to govern sabbatical leaves. All of the proposed deletions from this policy will be codified in the Academic Personnel Manual.

Under the revised provisions, recipients of a sabbatical leave at less than full salary would be allowed to receive additional compensation for research from another university. The research must promote the purpose of the leave and the additional salary must be approved as part of the sabbatical leave application. In addition, the combined sabbatical leave pay and additional salary must not exceed the recipient's regular salary, and the ability of the recipient to meet his or her obligations under University intellectual property policies must be preserved. Under the current provisions of Standing Order 103.4 and Academic Personnel Manual Section 740, recipients may receive additional compensation only from a foreign university or from the University of California. The proposed change would increase the possibilities of research during a sabbatical and thus facilitate faculty productivity.

Faculty members who hold a full-time administrative position for five years or more would be allowed to take a sabbatical immediately after that service based on the pay rate of the administrative position so that they might devote full time to scholarly activities and to catch up on their research before returning to the classroom. Current policy allows individuals to take a sabbatical at an administrative pay rate only when the individual will return to the administrative position for at least one year. The proposed new policy would encourage faculty members in administrative positions such as deans to delay their sabbatical leaves and thus not interrupt the administrative service. Currently, by an exception to policy, campuses pay the administrative rate for many of these faculty who delay their sabbaticals. The proposed change would regularize this practice and would treat all faculty administrators equitably.

Also under Standing Order 103.4 and Academic Personnel Manual Section 740, a sabbatical leave in residence is granted to a faculty member who is eligible for a regular sabbatical and who, in addition to a program of research and/or study, will remain on campus and teach at least three hours each week during each term of the sabbatical period. The proposed change would acknowledge the importance of service as well as teaching in the University by allowing campuses to approve a substitution of significant University service for some or all of the teaching requirement for a sabbatical in residence.

Regent Montoya was concerned by the provision that would pay faculty administrators their administrative salary during a sabbatical leave and wondered which administrators would fall under it. She questioned why there was no specific requirement that such administrators return to teaching at the end of the leave. She asked why, during a budget crisis, they should receive the higher salaries that are paid to administrators rather than their salary as a faculty member, noting that deans typically earn more than \$175,000 per year and vice chancellors make \$200,000 and above. Regent Montoya also disagreed with granting the authority for sabbatical leaves to the administration, with The Regents remaining the neutral arbitrator of this issue.

Provost King responded that the provision would not extend to department chairs but only to those faculty who are paid a different salary in their role as an administrator. The need to return to service on the faculty is spelled out in the Academic Personnel Manual.

Regent Hopkinson spoke in favor of permitting faculty administrators to postpone their sabbatical leaves until the end of their administrative service.

In response to a question from Regent Murray, Provost King explained that under the current practice, if an administrator wishes to take a leave during his or her tenure in this role, arrangements are made to accommodate his or her absence. For the most part, campuses at present do provide administrative pay during the sabbatical leave.

Regent Kozberg acknowledged that under the new policy service will be recognized in addition to teaching during the sabbatical period.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

### 3. **REVISION OF FACULTY CODE OF CONDUCT - ACADEMIC PERSONNEL MANUAL 015: FACULTY-STUDENT RELATIONS POLICY**

The President recommended that The Regents adopt revisions to the Academic Personnel Manual Section 015, the Faculty Code of Conduct, Part II - Professional Responsibilities, Ethical Principals, and Unacceptable Faculty Conduct - Section A. Teaching and Students, as shown below, effective immediately.

#### **deletions shown by strikeout, additions by underscore**

The Faculty Code of Conduct

II.A. Teaching and Students

Ethical Principles. "As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflects each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom." (AAUP Statement, 1966; Revised, 1987) ~~In this section, the term student refers to all individuals under the academic supervision of faculty.~~

The integrity of the faculty-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.

In this section, the term student refers to all individuals under the academic supervision of faculty.

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
  - (a) arbitrary denial of access to instruction;
  - (b) significant intrusion of material unrelated to the course;
  - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
  - (d) evaluation of student work by criteria not directly reflective of course performance;
  - (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition, status as a covered veteran, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.

5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
6. Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future<sup>1</sup>, academic responsibility (instructional, evaluative, or supervisory).
7. Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.

Provost King observed that an amended footnote to paragraph 6. of the proposed revision had been distributed to the Committee and should be considered when action is taken on the President's recommendation. The revised footnote reads as follows: "A faculty member should reasonably expect to have in the future academic responsibility (instructional, evaluative, or supervisory) for (1) students whose academic program will require them to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest in an academic area within the faculty member's academic expertise, or (3) any student for whom a faculty member must have academic responsibility (instructional, evaluative, or supervisory) in the pursuit of a degree." This language is acceptable to the Academic Senate leadership and to General Counsel Holst.

Provost King informed the Committee that the proposed revision to the Academic Personnel Manual (APM) sets forth ethical principles and unacceptable conduct with regard to faculty members engaging in romantic and sexual relationships with students. Because the Academic Personnel Manual is an administrative document, revisions normally are approved by the President, with the Senate playing a consultative role in the revision process. By tradition, however, sections of the APM dealing with faculty conduct and discipline have been submitted to the Assembly for approval. The revision regarding faculty members engaging in romantic and sexual relationships with students was approved at the May 28, 2003 meeting of the Assembly of the Academic Senate. Because authority for discipline derives ultimately from The Regents, revisions to APM - 015, the Faculty Code of Conduct, also are submitted to The Regents for approval. With Regental approval, the President will issue the revised APM - 015 as University policy, as the President already has approved the revision.

The proposed revision to the Faculty Code of Conduct was adapted from the Yale University faculty handbook. It involves two parts: an addition to the ethical principles governing

---

<sup>1</sup> A faculty member 'should reasonably expect to have in the future' academic responsibility for (1) majors or graduate students in the faculty member's department who are required to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest in an academic area within the faculty member's academic expertise or (3) any student for whom a faculty member must have academic responsibility in the pursuit of a degree.

faculty behavior regarding teaching and students and the addition of two examples of unacceptable conduct regarding faculty student relationships. Faculty members who engage in types of unacceptable conduct listed in the Code are subject to disciplinary action. Disciplinary action includes six possible sanctions ranging from a letter of censure to dismissal.

The addition to the ethical principles in this proposed policy addresses the concern that personal relationships of a romantic or sexual nature between a faculty member and a student jeopardize the integrity of the educational process when a faculty member bears academic responsibility for the student, or should reasonably expect to do so in the future. It characterizes such relationships as inappropriate even if they are consensual. The two additional examples of unacceptable faculty conduct follow from the addition to the ethical principles. One of these prohibits a faculty member from entering into a romantic or sexual relationship with a student for whom the faculty member has or should reasonably expect to have in the future academic responsibility. The other prohibits a faculty member from exercising academic responsibility for any student with whom a faculty member has a romantic or sexual relationship.

The proposed revision to the Faculty Code of Conduct applies to romantic and sexual relationships between faculty members and students that are consensual in nature. Relationships between faculty members and students that involve unwelcome conduct of a sexual nature have been and will continue to be prohibited by both the Faculty Code of Conduct and the University of California Policy on Sexual Harassment and Complaint Resolution Procedures. Students and other members of the University community may report violations of these policies by contacting the Sexual Harassment/Title IX Coordinators on each campus. The contact information for these resources is readily available through campus websites, publications, and educational materials.

The origin of the proposed revision to The Faculty Code of Conduct is a 1983 resolution passed by the Assembly of the Academic Senate recognizing that romantic relationships between faculty and students can inflict irreparable damage to the educational environment and must be regarded as a "serious breach of professional ethics and proper standards of professional behavior." The resolution included instructions from the Assembly to the University Committee on Privilege and Tenure to consider proposing legislation or an addition to The Faculty Code of Conduct in order to give force to the statement of position in the resolution. However, there is no record of such legislation or amendment to the Faculty Code of Conduct being proposed. Several campuses promulgated policies on romantic relationships between faculty and students, either as a part of the campus sexual harassment policy or as an amendment to the divisional disciplinary policies applying to faculty. In the 2002-03 academic year, the University Committee on Privilege and Tenure and the Academic Council developed this proposed revision to amend the Faculty Code of Conduct to address romantic relationships between faculty and students.

A review of policies at other universities in the United States shows a wide range of policies regarding romantic and sexual relationships between faculty and students. These policies include: (1) strictly prohibiting all romantic or sexual relationships between faculty and students; (2) prohibiting a faculty member from teaching or supervising a student with whom the faculty member has a romantic or sexual relationship; (3) requiring full disclosure when a faculty member has a romantic or sexual relationship with a student; (4) discouraging faculty members from having romantic or sexual relationship with students; or (5) no written policy governing such relationships.

In response to the formal review of the proposed revision to the Faculty Code of Conduct, several faculty members raised concerns regarding constitutional due process and privacy requirements with respect to the provision to regulate “romantic” relationships as distinct from “sexual” relationships, and the difficulty in regulating relationships where the faculty member should reasonably expect to have academic responsibility in the future. The Office of the General Counsel also identified these concerns. The Chair of the Academic Council consulted with the Office of the General Counsel and inserted the footnote into paragraph six to address the constitutional concerns. The footnote seeks to define the proscribed conduct by reference to the three examples discussed by the Senate in the Academic Council’s report of April 24, 2003, in order to provide criteria that set forth the bases upon which discipline may be sought. By using those examples provided in the Academic Council’s Report, the amendment to the policy remains faithful to the Senate’s intent in approving the proposed policy.

The proposed revision to the Faculty Code of Conduct applies only to faculty and their relationships with students. The President is developing a parallel policy addressing conflicts of interest arising out of consensual relationships applying to all University employees that will be implemented after the opportunity for review.

Regent Bodine observed that, while there was consensus about how to respond to instances of sexual harassment, the proposed policy addresses consensual relationships between adults. Any abuse of power must be dealt with under the harassment regulations, but she questioned applying similar reasoning to a romantic relationship.

Faculty Representative Binion noted that the policy was framed to address situations where a student’s work is being overseen by a faculty member. Private relationships that do not involve this degree of supervision are permitted. She stressed that the faculty had supported the policy by more than a two-to-one vote in the Academic Assembly; the main point of contention arose with respect to the prohibition against exercising academic responsibility for any student with whom a faculty member has a romantic or sexual relationship.

Regent Hopkinson commended the Senate leadership for its action and stated her pride in the University for recommending this step. At her request, General Counsel Holst stated for the record that the footnote in paragraph 6. should appear prior to the comma.

Regent Murray stated that he was unable to support the recommendation due in part to the lack of student input in the process of developing the policy. He acknowledged that students with whom he had discussed the proposal were divided as to their support. While having such a policy may not be a bad thing, there should have been broader consultation with students. Regent Murray was also concerned that the policy was too broad, particularly with respect to potential future supervisory relationships.

Faculty Representative Binion responded that the committees of the Academic Senate have student representatives who are chosen by the University of California Students Association, typically an undergraduate and a graduate student, who are active participants. The Senate assumes that these representatives consult more broadly with students through their own mechanisms. She continued that the vast majority of the faculty were surprised to learn that the University did not have such a policy on faculty-student relations. She noted that the Committee on Privilege and Tenure, which will be charged with enforcing the policy, looks at two things when faced with the violation of an ethical principle. The first is whether there has been an actual ethical violation, as opposed to a misunderstanding, and the second issue is whether the action was harmful to the University. The evidence must be clear and convincing, as the Senate takes the protection of faculty seriously. Professor Binion stressed that the faculty leadership would monitor implementation of the policy.

Regent Lansing commended the Academic Senate for having obtained a unified response to a controversial issue. She stressed that the Senate had developed guidelines to define the types of appropriate relationships between faculty and their students, which she believed would be taken seriously.

Regent Davies shared the reservations expressed by Regent Bodine because he believed that the policy would be difficult to enforce. Regent Montoya agreed, noting that it would be difficult to prove that a faculty member was aware of a student's academic interest in an area within the faculty member's expertise.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board, Regents Bodine, Moores, and Murray voting "No."

4. **ESTABLISHMENT OF THE SCHOOL OF ENGINEERING; SCHOOL OF NATURAL SCIENCES; SCHOOL OF SOCIAL SCIENCES, HUMANITIES, AND ARTS; GRADUATE DIVISION; AND COLLEGE ONE, MERCED CAMPUS**

The President recommended that effective immediately, Section 14(a) of The Regents' provisions as covered under Standing Order 110.1—Academic Units and Functions, Affiliated Institutions, and Related Activities of the University, be amended as follows:

**additions shown by underscore**

\*\*\*

[new]14. Academic Schools and College at Merced

There are established at Merced three (3) academic schools and one (1) undergraduate college, in each of which there is an undergraduate curriculum, as follows:

- School of Engineering, leading to the degree of Bachelor of Science.
- School of Natural Sciences, leading to the degrees of Bachelor of Arts and Bachelor of Science.
- School of Social Sciences, Humanities, and Arts, leading to the degrees of Bachelor of Arts and Bachelor of Science.
- College One, leading to the degrees of Bachelor of Arts and Bachelor of Science.

[subsequent provisions to be renumbered]

[15.] Graduate Divisions

- (a) There are established the following Graduate Divisions with curricula leading to the degrees: Master of Arts, Master of Sciences, Candidate in Philosophy, and Doctor of Philosophy:

\*\*\*

Graduate Division, Merced

- (b) There are established, in the hereinafter designated graduate divisions, additional curricula leading to the following degrees:

\*\*\*

Graduate Division, Merced -- Master of Engineering, Doctor of Engineering.

\*\*\*

**Guiding Principles for Academic Planning at UC Merced:** The guiding principles for the UC Merced academic plan include fulfilling the University of California's mission through excellent teaching, research, and public service; creating strong graduate and undergraduate programs; building an educational network in the San Joaquin Valley; linking the campus technologically to the world; cooperating with UC campuses and national laboratories and the California State University, the California Community Colleges, and the K-12 schools; integrating the University and community; and reflecting the poetry of the San Joaquin Valley.

**Academic Structure:** UC Merced's initial academic degree programs will be offered through three academic Schools: Engineering; Natural Sciences; and Social Sciences, Humanities, and Arts. UC Merced will also open with a Division of Graduate Studies with the responsibility to coordinate graduate program development in both innovative and traditional areas. A key academic principle in curriculum design will be to emphasize links among disciplines and keep the barriers between academic areas as low as possible. As a result, within the constraints of the Standing Orders and Senate Bylaws, a single faculty concept is established to achieve this goal. Undergraduate and graduate degree programs will be built around core and cross-cutting fields, encouraging collaboration across traditional disciplinary lines and emphasizing both breadth and the connections between disciplines.

The initial three academic schools are overseen by deans. Mr. Jeff Wright has been appointed as Dean of Engineering, Ms. Maria Pallavicini has been appointed Dean of Natural Sciences, and Mr. Kenji Hakuta has been appointed as Dean of Social Sciences, Humanities, and Arts. In addition, Mr. Keith Alley has been named Dean of Graduate Studies/Vice Chancellor for Research.

UC Merced also anticipates offering education in the professions, beginning with a School of Management. A five-year perspective of a School of Management was circulated for comment during the spring and fall of 2002. The academic leadership at UC Merced has received both Senate and campus comments and is considering them in its plans and proposals. The School is not reflected in the initial draft Standing Orders for the campus. However, when the School is established, it, too, will be under the curricular authority of the faculty, as described above.

For the first year of operation and thereafter, UC Merced plans to initiate the following degrees: Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science, and Doctor of Philosophy. These programs were part of the Five Year Perspectives Report approved by the Senate Task Force on UC Merced and submitted in the spring of 2002.

The Senate Task Force on UC Merced has established an Undergraduate Council with the authority to review undergraduate program proposals. The Task Force has also established a Graduate Council with the authority to review graduate program proposals.

The draft campus Standing Orders include language that would authorize the Division of Graduate Studies to confer the Master of Engineering and Doctor of Engineering, though no specific programs that would lead to these degrees are in the current campus plan.

**General and Co-Curricular Education:** UC Merced has set a goal of becoming the 21st century's premiere student-centered research University. The guiding principles include students and faculty engagement in general education in close interactions; faculty participation in curriculum development and in effective teaching groups; a faculty structure that stimulates curricular and pedagogical innovation; a general education structure that

accommodates growth; and collaboration with other public higher education institutions in the region.

The campus has adopted a campus-based college system designed to engage all students including those in residence and commuters, first-year, and transfer students. In spring 2002, the Academic Senate Task Force on UC Merced approved a non-residential college system for undergraduate students. Upon opening, one college will be in place and other colleges would be developed as enrollment grows. The first and subsequent colleges will be under the curricular authority of the faculty, as described above. Each college will be responsible for the general education program, in concert with the Schools of Engineering; Natural Sciences; and Social Sciences, Humanities, and Arts. Additional responsibilities may include: lower division academic advising, undergraduate research, freshman seminars, academic internships, and integration of transfer students into the college and the campus. Each college will provide an organizational structure and a meeting place for all students. The first college will have designated space, including offices and a lounge, in the Library/Student Services building.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

#### 5. **QUARTERLY REPORT ON PRIVATE SUPPORT**

In accordance with the Schedule of Reports, the **Quarterly Report on Private Support** for the period January 1 through March 31, 2003, was submitted for information.

[The report was mailed to all Regents in advance of the meeting, and copy is on file in the Office of the Secretary.]

Senior Vice President Darling reported that, based on available information, private giving had declined by four percent for the year. He emphasized, however, that the University had raised \$1.1 billion during each of the last three years, which is a remarkable achievement given the state of the economy.

#### 6. **POSSIBLE ACQUISITION OF THE MONTEREY INSTITUTE OF INTERNATIONAL STUDIES**

Chancellor Greenwood introduced Mr. Steven Baker, President of the Monterey Institute of International Studies (MIIS). She informed the Committee that discussions are ongoing concerning the possibility of MIIS being acquired by the University of California. On April 24, 2003, the President of each institution signed a Statement of Principles for Negotiations pertaining to preliminary discussions which articulated a two-step process for the negotiations:

- The preparation of a Memorandum of Understanding (MOU) for review by the MIIS Board of Trustees and the UC Board of Regents; followed by
- The completion of an approved implementation plan.

Negotiations will be conducted by the Office of the President, with UC Santa Cruz as the lead campus. Should the Monterey Institute become a part of the University, it would be administered as a unit of the Santa Cruz campus. However, the resulting instruction and research opportunities would be available to programs throughout UC.

The Monterey Institute was founded in 1955 as a language school; by the mid-1970s, it had evolved into four separate graduate schools of translation and interpretation, language teaching, international business, and international public policy. Today, the four schools are augmented by research centers and a range of non-degree training programs. The MIIS mission is to prepare students for professional careers in international contexts. Central to the fulfillment of this mission is the use of languages and cross-cultural communication as professional tools; therefore, all students are required, as a condition of admission, to have at least intermediate competency in one language besides English.

MIIS is a private, not-for-profit institution offering a Master's degree with specializations in its several disciplines. Accredited by the Western Association of Schools and Colleges, the MIIS Carnegie classification is "Master's Colleges and University I." Fall 2002 enrollment was 678 students and, of these, 35 percent were California residents, 26 percent were other U.S. residents, and 39 percent were international students. Major MIIS research units include the Centers for Nonproliferation Studies, East Asian Studies, and Russian and Eurasian Studies. During 2002-03, projected private gifts and grants totaled \$5.1 million, and government grants and contracts totaled \$5 million. No classified research is conducted by MIIS.

MIIS is situated on four downtown city blocks in Monterey, California; the Institute also has offices outside of Monterey which include the Center for Nonproliferation Studies in Washington, D.C. and in Almaty, Kazakhstan. MIIS buildings in Monterey include classrooms, classroom lab and technology centers, library, student center, residence halls, academic offices, and academic support facilities.

As a small, independent, private, and relatively young institution, MIIS has been particularly vulnerable to external economic shifts and has accrued an operating deficit in FY01 and FY02 and will do so in FY03. Estimated 2002-03 expenditures are \$27 million, including a net operating loss of \$5 million. In addition to taking actions to reduce costs, MIIS is seeking to be acquired by a financially stable institution such as the University of California. Under this scenario, MIIS academic and research programs would be evaluated using existing UC processes for review and approval and, as appropriate, a plan for their next stage of development would be outlined.

### **Potential Benefits of Acquisition by UC**

Because California's future is increasingly global in perspective, bringing together the Monterey Institute and the University of California appears to have synergies that would greatly benefit the people of California. As part of its internal long-range academic planning efforts, the Santa Cruz campus has articulated a number of strategic directions to increase the breadth and depth of its academic programs, to grow its graduate enrollments, and to expand its research portfolio. The campus is strengthening the research infrastructure and the capacity of its academic programs and, to further its research stature, is supporting significant research initiatives as well as pursuing additional extramural research support. Over the past five years, for example, the campus' contract and grant awards have increased by 55 percent. In recognition that an excellent graduate education is an indispensable aspect of a research university, the campus is taking deliberate steps to give graduate education and research a qualitatively and quantitatively greater role on campus. Growth in graduate enrollments over the past five years has been possible as new programs have been approved (e.g., education, politics, electrical engineering, environmental toxicology, and film and digital media). The campus now enrolls almost 1,300 graduate students, representing 9 percent of overall enrollments; the campus' goal is that graduate enrollments reach 15 percent of total enrollments. This commitment is reflected in campus academic plans, as well as in a resolution of the Academic Senate. Complementing this renewed emphasis on graduate education and research, the campus continues to place a high priority on its quality undergraduate education and will continue to do so by linking undergraduates with faculty and graduate student research and by supporting innovative co-curricular opportunities for its undergraduates.

The assets of the Monterey Institute programs have the potential to help accelerate a number of these efforts, to provide opportunities to add new international emphases to selected campus academic offerings, and to provide new degree opportunities. These would include five-year programs in which students spend three years in Santa Cruz and two years in Monterey to receive a Bachelors/Masters degree and curricular/co-curricular opportunities such as internships, field studies, and service for students. For example, among the possibilities raised but not yet explored by the campus academic program evaluation team are using the assets of the Graduate School of Translation and Interpretation and the Graduate School of Languages and Educational Linguistics to help accelerate the transformation of existing UC Santa Cruz language programs into that envisioned during the campus' recent long-range planning efforts, which call for language programs to evolve into a full department; using the combined assets of the Fisher Graduate School of International Business and those of UC Santa Cruz as a foundation upon which to build a new professional school in business or new business programs with an international emphasis; and using the combined assets of the Graduate School of Public Policy, the Center for Nonproliferation Studies, and those of UC Santa Cruz as a foundation upon which to build a new professional school in policy or additional programs in areas such as information systems and technology management or international conservation.

Possible synergies between existing MIIS programs and those currently within or anticipated by UC will be considered as part of a review and evaluation process to be developed over the course of the next six months. While the campus will strive to complete a proposed implementation plan as early as January 2004, the acquisition and integration of Monterey Institute programs and facilities could begin no sooner than July 2004 and would be contingent upon the availability of new State resources to support the envisioned programs.

There may be benefits from the proposed incorporation for the University of California as a whole. For example, the emphasis on translation and interpretation has the potential to add a new and complementary dimension to UC's array of foreign language programs. Other possibilities include an emphasis on less-commonly-taught languages or specialized language-training programs for professionals who work with immigrant populations in the United States. MIIS gives priority to several kinds of students, including UC students who are planning to study abroad through the education abroad program who have had the opportunity to engage in language or international business study at MIIS prior to studying in another country, with support from the MIIS scholarship program. A UC multi-campus research unit or organized research unit might use the resources of the MIIS Center for Nonproliferation Studies or Centers for East Asian Studies and Russian and Eurasian Studies to enhance their research capabilities.

### **Review and Evaluation Process**

**Step One, Financial Due Diligence:** A rigorous due diligence analysis is under way with respect to MIIS financial standings and facilities conditions as well as MIIS obligations and liabilities. The Office of the President and the Santa Cruz campus are undertaking these due diligence analyses and will work to develop a long-term sustainable financial model for academic and academic support programs. It is anticipated that The Regents will be apprised of the status (and the initial findings) of the financial due diligence analysis before the end of 2003.

**Step Two, Preparatory Analysis for Implementation Plan:** As part of the implementation plan analysis, the process for combining the separate assets of MIIS and UC into the envisioned programs under MIIS/UC integration will be outlined. The UC Santa Cruz internal review process will include consultation with faculty, relevant Academic Senate committees, and appropriate principal officers and administrative bodies. Systemwide consultation will also involve appropriate State agencies, including the California Postsecondary Education Commission.

**Step Three, Background Evaluations for Preparation of Implementation Plan:** Should discussions between the two institutions proceed successfully toward the development of an implementation plan, two primary evaluation components are anticipated:

- *Academic Program Evaluation.* Initial discussions between MIIS and UC Santa Cruz have generated a number of creative ideas about synergies between MIIS

programs and those within or anticipated by UC. Such ideas range from operating Monterey Institute as an off-campus center to building new UC professional programs from the combined assets of UC and MIIS schools or combining UC/MIIS expertise to develop one or more Organized Research Units or Multi-campus Research Units. To ensure that all such programs meet UC's standards for academic quality, all such academic and research programs would be subject to UC policies as well as normal Academic Senate and administrative approval processes. MIIS faculty would be subject to the UC academic personnel review process.

In order to pursue such ideas more formally, UC Santa Cruz will first inventory, with the assistance of the MIIS, each of the MIIS academic programs and centers and will evaluate the appropriate positioning within UC. The implementation plan will describe the UC organizational structure into which MIIS programs will be integrated as well as the review and approval procedures that must be successfully completed.

- *Policy Analysis.* As part of the development of an implementation plan, a number of key policy issues must be resolved. These include how UC will determine which faculty and staff employees will continue employment and on what terms after their existing employment contracts expire, as well as policies that will permit existing MIIS students to complete their programs of study after incorporation. The Santa Cruz campus, in consultation with the Office of the President, will inventory these policy issues and make recommendations for their resolution.

### **Incorporation of MIIS into UC**

At its June 23, 2003 meeting, the MIIS Board of Trustees approved the following assumptions for proceeding with discussion of possible incorporation. Should the President recommend acquisition of MIIS to The Regents at a future meeting, UC would expect the following to be reflected in development of an implementation plan:

- All assets and liabilities of the MIIS will become assets and liabilities of the UC and will be governed by UC policy.
- All academic programs and research units will be subject to normal Academic Senate and administrative approval processes. As appropriate, review by relevant systemwide Academic committees will be sought.
- Those MIIS faculty and staff employees who continue employment after incorporation will become employees of the UC and will be subject to UC policies and procedures.

- Students admitted after incorporation will be subject to the UC academic requirements and will be subject to UC fees and tuition, consistent with the implementation plan.
- All Monterey Institute program and physical assets would be administered by UC Santa Cruz on behalf of the UC system, according to UC policies and procedures.

The incorporation of MIIS into the University will be subject to its ability to obtain appropriate funding from the State of California.

It is anticipated that action or information items will be brought to The Regents upon the successful completion of appropriate milestones. These would include the following:

- A progress report on MIIS/UC discussions and on the status of the due diligence analyses undertaken by the UC Office of the President; and
- Upon completion of the due diligence analysis and an implementation plan, and subject to the availability of State funding, the recommendation that The Regents approve UC acquisition of MIIS.

Regents Moores and Hopkinson expressed their strong support for the proposal.

Regent Bodine observed that the Monterey Institute is a first-rate school in international studies, with an international reputation for excellence. She noted the lack of opportunities for students in the western United States to obtain a terminal Master's degree from a research institution such as the University of California. MIIS would offer the opportunity for students who wished to pursue careers in fields such as national security and foreign service to obtain a Master's degree. Regent Bodine cautioned against breaking MIIS up and distributing its parts across the Santa Cruz campus. Chancellor Greenwood assured Regent Bodine that the intention would be to have MIIS become a professional school at UC Santa Cruz.

In response to a question from Regent Lee about tuition, Chancellor Greenwood explained that if MIIS is incorporated as a professional school within the University, the assumption is that students will pay professional school fees, which for non-resident students will be comparable to those charged by MIIS. The overall objective would be to have a mix of students that would fund the school at a reasonable level. The financial details of the proposed transaction will be presented to The Regents at a later date, once due diligence has been performed.

Regent Montoya requested a comparison of MIIS with similar institutions that are located in the east such as Fletcher and Georgetown. Chancellor Greenwood commented on the Monterey Institute's strong reputation in the fields of language acquisition and advanced

language skills. Any recommendation to implement the proposal would include such comparisons.

The meeting adjourned at 11:30 a.m.

Attest:

Secretary