The Regents of the University of California

COMMITTEE ON EDUCATIONAL POLICY
November 14, 2001

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

Members present: Regents Atkinson, Bagley, Bustamante, Connerly, Davies, T. Davis, Eastin, Hertzberg, O. Johnson, S. Johnson, Lansing, Lozano, Marcus, Montoya, and Sayles; Advisory members Ligot-Gordon, Sainick, and Terrazas

In attendance: Regents Hopkinson, Kozberg, Lee, Moores, Morrison, Preuss, and Seymour, Faculty Representatives Binion and Viswanathan, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost King, Senior Vice Presidents Darling and Mullinix, Vice Presidents Broome, Drake, Gomes, Gómez, Gurtner, and Hershman, Chancellors Berdahl, Bishop, Carnesale, Cicerone, Dynes, Greenwood, Orbach, Tomlinson-Keasey, Vanderhoef, and Yang, and Recording Secretary Nietfeld

The meeting convened at 9:00 a.m. with Committee Chair Montoya presiding.

1. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meetings of July 18 and October 17, 2001 were approved.

2. **PROPOSAL FOR COMPREHENSIVE REVIEW IN UNDERGRADUATE ADMISSIONS**

The President recommended that a change in admissions policy, developed by the Board of Admissions and Relations with Schools and adopted by the Assembly of the Academic Senate on October 31, 2001, be approved as follows:

> Effective for students entering UC for Fall 2002, The Regents' policy expressed in the 1995 SP-1 resolution[1] and referenced in the 2001 RE-28 resolution[2] will be modified to eliminate the provision that no less than 50 percent and no more than 75 percent of the regularly admitted class be admitted solely on the basis of academic achievement and institute a comprehensive review process by which students applying to UC campuses are evaluated for admission using multiple measures of

[1] Policy Ensuring Equal Treatment–Admissions

[2] Future Admissions, Employment, and Contracting Policies–Resolution Rescinding SP-1 and SP-2

achievement and promise while considering the context in which each student has demonstrated academic accomplishment.

Provost King recalled that the questions which had been raised by the Regents at the October meeting of the Committee and subsequent to that meeting had been addressed in mailings sent to the Regents prior to today's meeting.

It was recalled that Section 5 of SP-1 provided that "effective January 1, 1997, not less than fifty (50) percent and not more than seventy-five (75) percent of any entering class on any campus shall be admitted solely on the basis of academic achievement." Section 5 outlined a new policy direction in the way in which campuses that cannot admit all UC-eligible applicants would select their entering classes. Previously the percentage of students to be selected solely on academic criteria was 40 to 60 percent of the admitted class. To accommodate the new policy provision, the President and the Academic Senate modified the Guidelines for Implementation of University Policy on Undergraduate Admissions. In May 2001, The Regents adopted RE-28 to replace SP-1, which states in part that "pending any changes that The Regents might approve, the provisions for admission shall be those outlined in the Guidelines for Implementation of University Policy on Undergraduate Admissions, which were adopted in July 1996 and revised in May 2000."

Faculty Chair Viswanathan reported that, after extensive consultation with UC faculty, the Board on Admissions and Relations with Schools (BOARS), the committee charged by the Academic Senate to recommend changes in admissions policy, had proposed modifications to the policy providing for 50 to 75 percent of the entering class to be admitted solely on the basis of academic achievement. BOARS' proposed changes were endorsed by the Academic Council and received final, unanimous approval by the Assembly of the Academic Senate at its meeting on October 31, 2001. The proposed changes were also presented to and discussed by the Committee at its October 17, 2001 meeting.

The Academic Senate's Proposal

The Academic Senate proposes that the Regental policy regarding selection of students at campuses that cannot admit all UC-eligible applicants be revised to remove the provision that a set percentage of the entering class be admitted solely on academic criteria and to replace it with a comprehensive review process for all applicants. In addition, the Academic Senate has developed a new set of principles that would guide campuses in implementing comprehensive review and in designing specific procedures for selecting their entering classes. A list of these principles is shown in Attachment 1. Foremost among these principles is the prominence given to high academic achievement in assessing students' accomplishments and backgrounds and the recognition that campuses should have sufficient flexibility in establishing their comprehensive review processes to address local values, priorities, and conditions.

The University's eligibility criteria define in strict numeric values the academic preparation required of all students who seek admission. These values are reflected in the required high school grade point average, tests scores, and the number of required college-preparatory courses to be completed. The comprehensive review proposal focuses on those campuses that cannot accommodate all eligible students who apply. It provides for a selection process that calls upon the University to evaluate applicants' records of performance more thoroughly than ever before, looking beyond quantitative indicators to gain a more complete understanding of the extent to which students have exhibited qualities such as tenacity, discipline, and intellectual curiosity that indicate the likelihood of high future achievement. The proposed process places greater emphasis on a more rigorous review of the academic coursework completed over a student's four years of high school. In doing so, however, it also acknowledges the diversity of educational settings in California and rewards those who have achieved the most with what was available to them.

Rationale for the Academic Senate's Proposal

The Academic Senate has proposed these changes to strengthen both the academic preparation and future performance of students at the University and to send a clear message that students at any comprehensive high school in California have a real opportunity to be admitted to the UC campus of their choice if they challenge themselves and excel. In the words of the Academic Senate:

> "Comprehensive review provides for trained admissions staff and faculty to employ a more inclusive definition of merit that is based on…existing guidelines, and still geared strongly toward measures of academic achievement. This broadened definition would continue to recognize and reward high academic achievement as measured by GPA and test scores, but would permit the evaluation of obstacles overcome by students in their educational advancement."

The proposal reinforces underlying tenets of related UC eligibility criteria, including the Eligibility in the Local Context and the Dual Admissions Programs, and the twin goals described in the Regents' policy on undergraduate admissions. That policy states in part that "...the University shall seek out and enroll, on each of its campuses, a student body that demonstrates high academic achievement or exceptional talent, and that encompasses the broad diversity of backgrounds characteristic of California."

Accountability and Faculty Involvement

During the course of the Academic Senate's discussion of the BOARS' proposal, several important considerations emerged. Chief among these was the identification of a strict system of accountability that would permit the comprehensive review policies to be used fairly and not distorted to look like racial preferences of any kind. This system would ensure that, in addition to the existing campus evaluation and audit processes, the basic principles of the new system will be interpreted and implemented correctly at the campus level. The

role of the faculty in developing appropriate local policy and in monitoring staff training and compliance is pivotal to the success of the proposed changes. The Academic Senate anticipates that campuses will act with flexibility in designing campus-specific policies and processes that are nonetheless consistent with Universitywide policies and guidelines. As in the past, BOARS will be charged with monitoring campus policies on a yearly basis and with working with appropriate faculty to improve processes and outcomes and institute appropriate modifications if warranted.

Planned Evaluation

In endorsing the proposed revisions recommended by BOARS, the Academic Senate has called for an annual evaluation of the new admissions process with a comprehensive report due at the end of five years. The evaluation, conducted under the auspices of BOARS, would include studies of trends in applications, admissions, and enrollments, student academic and socio-economic profiles, and their UC performance, persistence, and graduation rates. Changes would be recommended if necessary based on the outcome of this evaluation process.

Faculty Chair Viswanathan reported that the faculty are ready to accept this increased involvement in and responsibility for the admissions process. The campuses are poised to implement the comprehensive review process beginning with the class applying to enter in fall 2002.

Professor Dorothy Perry, chair of BOARS, emphasized the fact that the Academic Senate had taken seriously the concerns that had been raised by the Regents. She believed that the fundamental question to be addressed was why the faculty are recommending that the two-tier system be replaced by comprehensive review. The faculty feel that evaluating the unique characteristics of each applicant to the University will identify the most talented and high-performing students. Comprehensive review will strengthen students' academic performance during their high school careers. The process will send the message to schools, to parents, and to students that UC seeks to enroll students who have challenged themselves to the greatest extent possible.

Professor Perry stated her intention to address three broad areas of concern that had been expressed by the Regents: maintaining academic quality, the integrity of the process, and public perception. She assured the Committee that academic quality continues to be the faculty's highest priority. The guidelines drafted by BOARS to implement comprehensive review make clear that the admissions process will continue to accord priority to students who have high academic accomplishments. The traditional measures of grades and test scores will continue to play a central role in the campus selection processes. In evaluating applications, an attempt will be made to identify those students who will take advantage of and succeed in the University's rigorous academic environment. Professor Perry acknowledged the professionalism of admissions staff on the campuses. She was confident that faculty and staff would work well together to implement the policy.

The faculty share the Regents' interest in monitoring the results of comprehensive review. Accountability is a critical tenet for the faculty in implementing the policy. BOARS is nearing completion of a set of accountability principles to guide the campuses' implementation of comprehensive review. The Assembly of the Academic Senate and the Academic Council will receive annual reports from BOARS on the implementation and impact of the new policy, and the Academic Senate will make these reports available to the Regents.

Turning to the issue of public perception, Professor Perry reported that the faculty believe that it will be easier to explain comprehensive review than the present two-tiered system because students, parents, and teachers will know that all of the information contained in the application will be evaluated. The process will be similar to that used by the most highly selective institutions. Comprehensive review will send the message to students that the University will take their individual achievements into account, regardless of which high school they attend.

Regent Kozberg commented that, while she supports a comprehensive admissions process, she continued to have concerns about the inconsistency of the process. She believed that, while five years was an appropriate time period in which to evaluate comprehensive review, it might be difficult to reverse the policy at that time were it felt that it was advisable to do so. She asked whether the President would consider asking the Regents to participate in the monitoring of the process. Regent Kozberg stressed the importance of doing the review well in order not to disenfranchise any young people. President Atkinson believed that the Academic Senate would be amenable to having Regental oversight of the comprehensive review process.

Regent Davies expressed his appreciation to Chancellor Cicerone for the opportunity to be advised on how the Irvine campus proposes to administer comprehensive review. He stated that his lack of support for the proposal should not be taken as a criticism of the Academic Senate, acknowledging that while the present tiered system was not perfect, neither was comprehensive review, which he saw as a subjective process. There is the risk that the readers will share the same biases in order to achieve consistent results. Admissions decisions are made in part based on unverified information provided by the students. Regent Davies believed that there would be a tendency on the part of applicants to take advantage of the process. He suggested a compromise proposal of comprehensive review for 50 percent of the students who are selected, with objective factors being used to select the other 50 percent.

Regent Connerly recalled that he had expressed his opposition to comprehensive review at the October meeting, while stressing that he would have an open mind. He agreed that there was much to commend the unitary review of every applicant. He felt, however, that the efforts which had been made to address the flaws in the system detract from the concept, which under different circumstances he could support. The faculty have underscored the need for accountability to ensure that racial preferences do not come into play in the

admissions process. Regent Connerly did not believe that the Regents had been presented with such a system of accountability. He suggested that the inspiration for the proposal had been to affect the racial and ethnic mix of the University of California, not its academic quality. He recalled that the President and the chancellors had called the entering class of 1998 the best in the University's history and asked why, given that fact, further changes to the admissions process were required. Since 1998, The Regents has adopted Eligibility in the Local Context and the Dual Admissions Program in order to widen the eligibility pool. The Regents are now being asked to approve an admissions process that is based upon subjective criteria. Regent Connerly believed that, were it not for Proposition 209, the University would still have an admissions system in place that overlooks the gap in achievement for students from different racial groups. He pointed out that the University had published handbooks for student applicants that state that a two-tier system would be used to select the class of 2002. He believed that adopting the policy for immediate implementation would subject the University to litigation and stated his intention to oppose the recommendation as written.

Regent Moores was concerned that comprehensive review is too subjective given the many factors involved. He reported that at the norming session he had attended, each file was reviewed in twenty minutes. The single most important criterion in this session seemed to be the personal statement. The readers consider such factors as how the student performed within the context of the high school the student attended rather than how the student performed on a statewide level. He believed that at some point the attempt would be made to circumvent Proposition 209. Regent Moores asked for commentary on the factors used in the selection process at the Berkeley campus.

Professor Calvin Moore, chair of the Admissions, Enrollment, and Preparatory Education Committee at Berkeley, responded that the Berkeley campus evaluates each student based upon his or her accomplishments, given the opportunities that were available. Students who attend high-performing high schools and take a rigorous curriculum rate well in the process.

Regent Moores observed that there is the belief that comprehensive review will produce a superior student because it takes into consideration all of the circumstances particular to each applicant. On the other hand, a student at an underperforming high school who receives test scores that are far above normal for that school and who participates in numerous outside activities could have a better chance for admission than a student who performed well at a good high school. He asked whether anyone had tested the premise that comprehensive review would yield a superior student. Regent Moores expressed the view that comprehensive review resembles the tier-2 admissions process.

Professor Moore believed that the process developed at Berkeley gave high priority to outstanding academic achievement. In response to a further question from Regent Moores, Professor Moore did not anticipate that the number of engineering and science majors at Berkeley would decline. Over the past three years, the number of students majoring in mathematics has more than doubled.

Regent Moores raised the question of how many tier-1 and tier-2 students who are admitted actually enroll. Professor Moore reported that the yield rate for tier-1 students is 39 percent and the yield rate for tier-2 students is 47 percent. He stressed that Berkeley must compete with selective private institutions for the top students. The ten criteria used to select tier-1 students go far beyond grades and test scores.

Regent Moores continued to question the advisability of going to a purely subjective comprehensive review process. He was interested in knowing how each of the 14 admissions criteria would be weighed in the process. Professor Moore recalled that the Berkeley campus had provided information to the Regents on the admissions process which gave a breakdown of students' scores on a scale of one to seven. There is an absolute linear relationship between the academic score and the traditional indicators such as grades and test scores. He did not believe that the weight of each of the 14 criteria could be quantified. No preassigned weight is given to individual factors. In response to a further comment by Regent Moores regarding the student body that would be admitted, Professor Moore recalled that Regental policy calls upon the campuses to seek to create a class that represents the social and economic diversity of the state. Comprehensive review was not designed as a way around Proposition 209.

President Atkinson observed that many of the questions raised by Regent Moores could be answered only through experimental evidence; the University is not in a position to conduct experiments in this area. He commented that every competitive university in the country uses some type of comprehensive review. The University of California is simply seeking to move in that direction.

In response to a question from Regent Montoya, Provost King reported that he knew of no other large public university that uses a two-tier admissions systems.

Regent Preuss commented that he had attended an orientation on the comprehensive review process. He was surprised to learn that more than 50 percent of the readers at the Irvine campus are chosen from staff in the outreach program. He suggested that this raises an appearance of a conflict of interest because these professional staff spend the remainder of the year recruiting students with particular characteristics into the University of California. Regent Preuss saw the need for a methodology that would identify a group of readers who have the appearance of being unbiased. He suggested that this matter should be addressed before any decision is made on comprehensive review.

Regent Hopkinson pointed out that the comprehensive review process had undergone a thorough vetting on the campuses which had resulted in a unanimous vote by the Academic Council in favor of the proposal. She stated her appreciation for the valuable information that was provided by the Berkeley campus, which demonstrates that the process had resulted in an increase in the quality of the admitted students. Regent Hopkinson noted that the comprehensive review process includes both tier-1 and tier-2 students. At Berkeley, 96 percent of tier-1 students continue to be admitted under comprehensive review. The

4 percent who were not admitted for fall 2002 were those students who do not have the highest probability of success. She believed that ample time had been devoted to the issue by the Regents. Regent Hopkinson agreed with the need for the Regents to monitor the process over time, including an annual report.

Regent-designate Terrazas believed that the review process on the Berkeley campus was fair and open. He felt that what students choose to major in was less important than the overall composition of the entering class. With respect to the racial composition at the campuses, Regent-designate Terrazas pointed out there would be a dramatic increase in Hispanic students during Tidal Wave II. Given the support of the students and faculty for comprehensive review, he urged its endorsement by the Regents.

Regent-designate Ligot-Gordon commented that the comprehensive review process was fair because each student is admitted based on the same set of criteria. He suggested that the public perception was that context-based evaluations benefit only students from disadvantaged schools. He believed that comprehensive review would also benefit those students who excel at high-performing schools.

Regent Lansing expressed her full support for the comprehensive review process as a better admissions system for the University. She stressed that one goal was a diverse student body, absent considerations of race. She agreed that the proposal was worthy of the Regents' support in light of the unanimous support by the faculty and the administration. She did not believe that the quality of the student body would be adversely affected by comprehensive review.

Regent T. Davis observed that during the 1920s and the 1930s selective admission was used by higher education institutes as a way by which they could practice overt sexism, racism, and anti-Semitism. The women's and civil rights movements forced these institutions to question ideas such as "separate but equal." For decades research has proven that opportunity and background have effects on educational attainment. Great disparities exist in the educational system in California, and numerous studies document the difficulty that students in low-performing schools have in gaining access to the higher-education pipeline. Regent Davis suggested that standardized tests no longer serve the purpose for which they were originally designed. Research leads to the conclusion that comprehensive review is the next logical step because it takes opportunity and background into account. She stressed that academics will continue to be valued above all else. A change in the review process will not result in a change in the entire culture of achievement. The University will continue to select its student body from among the top 12.5 percent of high school graduating seniors in the state. The comprehensive review process is designed to identify and admit the most motivated students. It also allows the consideration of special programs and majors. The faculty has a vested interest in ensuring the ability of the new process to select students who will contribute to the excellence of the University. The process demonstrates the value that the University places on different backgrounds and opportunities. Regent Davis suggested

that a vote against the comprehensive review process would discredit the work of the faculty as well as the research that supports the system.

Regent Eastin believed that the comprehensive review process would help to address some of the disparities that exist in the state's educational system. She discussed some of the difficulties faced by isolated, rural schools in preparing their students to compete for entrance to the University. She recalled that over the past thirty years K-12 schools in California had gone from being some of the best in the nation to those with the fewest number of counselors in the country. Many students graduate unprepared for the 21st century. The lowest-performing schools share characteristics which include the highest percentage of teachers without credentials in the country. The University must be prepared to accept students from widely varied backgrounds. Regent Eastin expressed her appreciation to the faculty for the time they had devoted to the principle of comprehensive review. She asked the Regents to help with the greatly needed improvement in the state's K-12 schools in order to give all children a chance to participate in higher education.

Regent Lozano was of the opinion that comprehensive review would preserve the academic quality of the student body. She believed that assessing a student's potential for success would allow the University to meet the challenges of the future. She did not view comprehensive review as a way to reward disadvantage but rather as a way to choose those students who have successfully met challenges.

Regent Lee asked about the amount of time spent by readers at the Berkeley campus in reviewing an application. Chancellor Berdahl noted that the average was 10 to 20 minutes. President Atkinson pointed out that some files can be evaluated quickly, while others require more attention. Regent Lee was concerned that 20 minutes was not adequate to review an application properly. He also questioned why the admissions process should be changed, given the high quality of the University of California. He referred to the changes which have already been adopted by The Regents in order to widen access. He believed that it was too soon to make another change. If the proposal is adopted, there should be a review prior to five years.

Regent O. Johnson spoke of her experiences at a norming session at Berkeley and an informational session at UCLA. She learned that at UCLA, once a reader has evaluated a file, it is read by someone in the department to which the candidate has applied. She believed that comprehensive review was an equitable process that would provide opportunities to more people than the present one does. Regent Johnson agreed with the need for an annual report on how the process is working.

Regent Bagley supported adoption of the proposal at this time in order to allow it to be implemented for fall 2002. He moved approval of the President's recommendation, and his motion was duly seconded.

Regent Seymour spoke to the high quality of the readers at the Berkeley campus; he believed it was the responsibility of the Academic Senate and The Regents to ensure that this high quality is maintained. He saw the need to inform as many people as possible of the implementation of a new admissions policy.

Committee Chair Montoya expressed her unease with the proposal to adopt a process that uses comprehensive review for 100 percent of the applicants. She pointed out that students are in the process of applying for fall 2002. She was concerned that some high-performing students may have failed to emphasize life achievements in the personal statement. Regent Montoya pointed out that each campus would choose how it wishes to implement comprehensive review, with some continuing to use numerical academic rankings. She supported the method used by the Los Angeles campus.

Regent Connerly stated that he was reassured by the statements by fellow Regents that the proposal for comprehensive review did not contain any hidden agendas. He remained concerned, however, that an increase in the quality of students admitted to Berkeley could result in less-qualified students being admitted somewhere else, as all students are selected from the same eligibility pool.

Provost King observed that many students who are admitted to a campus such as Berkeley apply to other institutions and often choose to go elsewhere.

Regent Connerly suggested that more Regents would be willing to support the recommendation if it included a statement about accountability, as well as a commitment to reviewing the process. Such a statement would serve a role similar to Regent Bagley's amendment to SP-1, which stressed the University's commitment to a diverse student body. Regent Connerly referred to faculty involvement in the process designed to ensure that comprehensive review policies not be distorted to look like racial preferences of any kind.

The Committee discussed wording that might be appropriate for such an amendment.

President Atkinson recalled the debate that had occurred during the 1970s about the adoption of the University's (a)-(f) requirements. He saw the decision as a milestone which clarified what courses students would be required to take in order to be eligible to attend the University of California. Comprehensive review is intended to send the message that if students challenge themselves academically, such challenges will be taken into account in the admissions process.

Regent S. Johnson observed that much attention was being devoted to the admissions process at the University's most selective campuses, particularly Berkeley and UCLA. She pointed out that the University has other campuses of high academic quality. The Santa Barbara and Irvine campuses each have two Nobel Laureates, while the Riverside campus has attracted France's top chemist to relocate there. Regent Johnson stressed that no eligible student is denied a place at a University campus. She believed that eligible students should

be identified by quantifiable criteria as well as supplemental factors, as adopted by The Regents in 1990. She was concerned that adoption of comprehensive review would cause confusion in the minds of the public, and she preferred a clear-cut approach that admits 40 to 60 percent of students on academic criteria alone. Regent Johnson stressed that the annual report on the comprehensive review process should be presented by the President on behalf of all of the campuses. President Atkinson confirmed that such an approach would be his intention.

Regent Sayles agreed that students in the top 12.5 percent of California's high school students will be admitted to a University campus, but there is no guarantee that they will be admitted to Berkeley or UCLA. Admission to either of these campuses should never be seen as a right.

Faculty Representative Viswanathan assured the Regents that academic quality and excellence are of paramount importance to the faculty. He expressed appreciation for the trust that the Regents have put in the faculty in determining matters related to admission. The high quality of the faculty at the University of California is the result of a rigorous peer-review process by members of the Academic Senate. Referring to the statement made by Regent Seymour with respect to informing the public of the changed admissions procedures, he noted that the campuses are well connected with high-school counselors. He urged the Regents to adopt comprehensive review with confidence in the faculty's ability and determination to maintain academic quality. The faculty will continue to refine the process and report back to the Board.

Following further discussion, the Committee reached a consensus on the following amendment to the President's recommendation:

> There shall be an annual review and reporting to The Regents of the effect of this action and that, in approving the action, the Board of Regents states that these comprehensive review policies shall be used fairly, shall not use racial preferences of any kind, and shall comply with Proposition 209.

(For speakers' remarks, see the minutes of the November 14, 2001 morning meeting of the Committee of the Whole.)

The President's recommendation was put to a vote and carried, Regents Atkinson, Bagley, Bustamante, Connerly, T. Davis, Eastin, Hertzberg, O. Johnson, Lansing, Lozano, Marcus, Montoya, and Sayles voting "aye" (13), and Regents Davies and S. Johnson voting "no" (2).

3. **PROPOSED REVISIONS TO ACADEMIC PERSONNEL MANUAL 015 AND ESTABLISHMENT OF ACADEMIC PERSONNEL MANUAL 016: FACULTY CODE OF CONDUCT AND PROCEDURES FOR FACULTY DISCIPLINE**

The President recommended that The Regents adopt the revisions to Academic Personnel Manual 015 and the establishment of Academic Personnel Manual 016 contained in Attachment 2.

Provost King informed the Committee that at its October 31, 2001 meeting, the Assembly of the Senate had approved revisions to the Academic Personnel Manual's Section 015 and a new, related APM Section 016. The Academic Personnel Manual is an administrative document, and changes in the APM normally are approved by the President of the University, with the Senate playing a consultative role in the revision process. By tradition, however, sections of the APM dealing with faculty discipline have been submitted to the Academic Assembly for approval. Because authority for discipline derives ultimately from The Regents, revisions to APM-015 and the addition of 016 are submitted to The Regents for approval. The President has approved these provisions and, following Regental approval, will issue APM-016 and the revised APM-015 as University policy.

The process of reforming the University of California procedures and policies regarding the discipline of faculty began several years ago with the recommendations of the joint senate-administrative Task Force on Disciplinary Procedures chaired by Professor Daniel Simmons, who served as the chair of the Academic Council during 1994-95. With the work of the Simmons panel in hand, both the Senate and the administration agreed on the need to revise the disciplinary procedures and policies for faculty. The Universitywide Committee on Privilege and Tenure (UCP&T) has worked intensively over the past two years to draft new rules for adoption. These rules are set forth in two separate bodies of regulations, which are complementary to one another. One set is the APM, whose proposed revisions are now before The Regents. The second is the section of Senate Bylaws that govern the operation of Privilege and Tenure Committees. Last May, the Assembly approved revisions to Senate Bylaws 195 and 334-337, which specify the duties of the systemwide and campus Privilege and Tenure Committees and govern the procedures involved with faculty discipline, grievance, and early termination cases.

The Academic Personnel Policies 015 and 016 presented here reflect the other major body of regulations dealing with faculty discipline. These APM revisions are set forth in two separate APM sections: APM-015, the Faculty Code of Conduct, and APM-016, the University Policy on Faculty Conduct and the Administration of Discipline.

The Faculty Code of Conduct essentially does three things. It sets forth the professional rights of faculty to freedom of expression, freedom of inquiry and so forth; it sets forth both general ethical principles for faculty and examples of unacceptable faculty conduct; and it sets forth rules and recommendations for the enforcement of the Faculty Code. The University Policy on Faculty Conduct and the Administration of Discipline includes general policy regarding faculty discipline. It elaborates on the various penalties that may be imposed for violations of the Faculty Code of Conduct and specifies what types of faculty behaviors are covered under the Faculty Code, as opposed to other University regulations. It also specifies which academic personnel are governed by the Faculty Code. The revised

APM-015 and new 016 have been re-ordered so that disciplinary principles will come before disciplinary procedures in the policy.

The most important aspect of APM-016 is the inclusion of two new sanctions for faculty. One is the denial or curtailment of emeritus status. Currently, no sanction applies to emeriti. While it is desirable that emeriti remain an integral part of the University community, it is also important that there be a mechanism in place to guarantee and enforce appropriate behavior for emeriti. The other is a reduction in pay (without demotion) for some specified period of time. This allows for a sanction of reduction in pay with or without a sanction of demotion, to allow disciplinary policies to conform to the existing merit system of faculty promotion. The new APM-016 also clarifies existing policy that faculty members are subject to the general rules of the University, and that in rare and egregious cases a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action.

Regent Hopkinson commented on the importance of the ethical conduct of individuals associated with the University of California. She was interested in learning about what procedures are in place for University employees who are not faculty. Regent Hopkinson observed that the proposed policies appear to deal well with people who had violated certain ethics, but they did not seem to address less visible activities that might occur. In particular, she believed that more attention should be directed towards sexual misconduct on the part of faculty, especially as it involves relationships between students and faculty.

Provost King recalled that the previous policy had attempted to enumerate specific forms of misconduct without a general concept. An important change is to allow more flexibility with respect to the identification and interpretation of misconduct. He explained that there is a separate University policy related to sexual harassment. The role of APM 015 and 016 is to ensure interface with that policy.

Regent Hopkinson asked what action is taken when a student accuses a faculty member of sexual misconduct. Provost King responded that such an accusation would be referred to the charges committee, which determines whether or not the matter is of such importance that it would enter into the disciplinary process. Some campuses look to the administration to determine whether a charge should go forward to the Committee on Privilege and Tenure. He believed that the Simmons committee had drawn attention to the importance of ethical considerations.

Provost King confirmed for Regent Hopkinson that the University's policy on sexual harassment does not cover sexual relations between faculty and students. Regent Hopkinson believed that this was an issue that should be addressed. She asked that there be a presentation devoted to the University's ethical policies.

General Counsel Holst observed that not all violations of University policy would be regarded as a violation of the Faculty Code of Conduct.

Regent Montoya noted that the code continued to require Regental approval of the termination of a tenured faculty member. It also adds a provision with respect to the removal of emeritus status which is done on the authority of the President.

Provost King assured Regent Montoya that any removal of the emeritus title would occur only following full consultation and due process with the Academic Senate. A professor who was in danger of termination could resign, thereby preserving his or her emeritus status. The recommendation would remove this option.

Regent Davies pointed out that The Regents play an appellate role in the dismissal of a faculty member and suggested that it was difficult for this body to give the matter any meaningful review. He asked for reconsideration of this policy.

Regent Hopkinson believed that any faculty member who is convicted of a felony should be dismissed immediately rather than going through the University's due processes.

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

4. **REPORT ON THE JOINT DOCTOR OF EDUCATION (ED.D.) DEGREE**

It was recalled that the California Master Plan for Higher Education designates the University of California as the "...sole authority in public higher education to award the doctoral degree in all fields of learning, except that it may agree with the California State University to award joint doctoral degrees in selected fields." In an effort to provide additional graduate education for leaders in K-12 and the community colleges, a legislative proposal was made to alter the Master Plan in order to secure independent authority for the California State University to grant the Education Doctorate degree. Following discussions among the senior administrators in the three segments of higher education, UC and CSU report completion of an agreement for the Joint Doctor of Education which will not only expedite the creation of additional Joint Ed.D. programs but will also meet the needs of the state for a regional assessment process to ensure that the educational leadership needs of K-12 and the community colleges are matched with resources at UC and CSU, including joint programs. UC and CSU have a number of successful joint doctoral programs, including the Joint Doctoral Program in Educational Leadership, located in Fresno. As a result of this agreement, CSU will join with UC in supporting legislative action on behalf of this joint effort, and the legislative proposal to secure independent authority for CSU to grant the Ed.D. degree will be withdrawn.

The agreement contains three key provisions:

- CSU and UC will be equal partners in the development and implementation of new joint Ed.D. programs and in awarding the degrees.

- CSU and UC will create a joint board to solicit, develop, fund, and expedite proposals for joint Ed.D. programs.

- CSU and UC will establish a joint regional assessment process to ensure that the educational leadership needs of K-12 and community colleges are matched with resources at CSU and UC, including joint programs.

This agreement provides a sound and fiscally responsible policy direction to address the leadership needs of K-12 and community college educators, while at the same time remaining faithful to the respective missions and building on the considerable strengths of the University of California and the California State University.

The meeting adjourned at 11:58 a.m.

Attest:

Secretary