

Minutes of Meeting
May 28, 2014

I. Consent Calendar

1. April 30, 2014 Academic Council Minutes
2. Proposed Revisions to Bylaw 155: University Committee on Computing and Communications (UCCC)

Action: Council approved the consent calendar.

II. Senate Officer's Announcements

- o *Bill Jacob, Senate Chair*
- o *Mary Gilly, Senate Vice Chair*
- o *Martha Winnacker, Senate Executive Director*

UCSB Tragedy: Chair Jacob noted that UC Santa Barbara faculty and administrative leaders should be commended for their efforts to unite the campus community in the aftermath of a tragic killing spree that occurred at that campus over the weekend.

May Regents Meeting: The Regents' May meeting in Sacramento coincided with a UC "Lobby Day," which featured a series of meetings between state officials and UC faculty, students, Regents, and administrators. At the meeting, the Governor responded to the [report](#) of the Transfer Action Team by suggesting that UC shift some enrollments from freshmen to transfers. UC's Vice President for Health Sciences discussed a plan to consolidate UC medical center administrative services to help prevent a deficit projected to hit the medical centers by 2017. And Regent Kieffer asked for a report detailing how the Academic Senate establishes the "meaning of a UC undergraduate degree."

Composite Benefit Rates: The Senate is pleased with a compromise agreement for Composite Benefit Rates (CBR) approved at the May 7 Council of Chancellors meeting. The plan is a victory for shared governance and reflects much of what the Senate has sought – multiple rates that account for a wider variety of employee type, separate rates for faculty on nine-month and summer salary, and added flexibility for campuses to determine the number of rates they use locally. The agreement calls for ten systemwide rates and four flexible placeholders in which campuses can insert their own rates. The agreement is not perfect; the Senate is disappointed that it does not allow different rates on "x" and "y" salaries for Health Science Compensation Plan faculty. Chair Jacob has appointed a task force to work on this problem and hopes campuses will use their campus-specific rates to address disparities.

UCRJ Review of Bylaw 55: As requested at the last meeting, Chair Jacob has asked the University Committee on Rules and Jurisdiction for a ruling on whether Bylaw 55 allows advisory votes on personnel matters by non-Senate members of academic departments. The ruling has not yet issued.

Online Education: UCOP has transferred to campuses all funds remaining from the \$10 million budget carve-out in 2013-14 for online education. In addition to funds for individual courses selected through a systemwide RFP, each campus received \$250K, \$150K of which is to support campus infrastructure and \$100K to support development of local online courses. Divisional Senates should be involved in consultations about setting priorities for the money.

Task Force on Conflict of Commitment/Interest: President Napolitano is convening a task force to examine the effectiveness of UC policies in the context of allegations that some UC medical center doctors fail to disclose payments from pharmaceutical and medical device companies and may have altered treatment plans to favor interventions developed by these companies. UCSD Professor Joel Dimsdale will be the Senate's representative to the Task Force.

Faculty Welfare Issues: The President recently approved a change to the eligibility rules for retiree health. The revised policy now promises retiree health benefits to all employees who were already employed on July 1, 2013, regardless of age and years of service at that time. UCOP will present the results of the total remuneration study to UCFW in July.

III. Transfer Action Team Report

- *George Johnson, BOARS Chair*
- *Judy Sakaki, Vice President, Student Affairs*
- *Stephen Handel, Associate Vice President, Student Affairs*

Issue: In fall 2013, President Napolitano asked BOARS Chair Johnson and Vice President for Student Affairs Sakaki to co-chair a 15-member Transfer Action Team (TAT), to discuss recommendations for streamlining and strengthening the transfer path to UC for California Community College (CCC) students. The final [report](#) and recommendations were presented to the Regents in May.

The report notes that UC enrolls a high number and proportion of transfers compared to other universities, and that the transfers UC admits persist and graduate at a high rate. It notes that there has been a recent decline in transfer applications to UC; that 50% of transfers come from only 19 of the 112 CCCs; and that CCC transfers are, as a group, slightly less diverse than students who enter UC as freshmen.

The report makes five recommendations: 1) improve UC's message to prospective transfers with a new universitywide communications and technology strategy; 2) strengthen UC's presence at every CCC to promote transfer among a diverse student body; 3) streamline and strengthen transfer pathways by expanding faculty efforts to promote more consistency in major preparation, and, where appropriate, alignment with the CCC/CSU Transfer Model Curricula and AA degrees for transfer; 4) upgrade support services to help transfers transition to and succeed at UC with a "Transfer Success Kit"; and 5) reaffirm UC's Master Plan commitment to transfer students by engaging every campus to meet the 2:1 freshman-to transfer target.

The report is clear that UC should not grow transfer enrollments at the expense of freshmen, or without additional enrollment funding from the state.

The initial implementation plan will include enhancing communication to students, expanding outreach to counselors, launching a statewide presidential conversation tour of the CCCs, and

strengthening intersegmental ties to promote transfer and advocate for increased funding. Faculty will also be asked to review pre-major requirements in an effort to increase the alignment of transfer pathways and course articulation agreements.

Discussion: A Council member noted that it is unclear why UC should “fix” a system that is working well. The report also raises expectations, and could create disappointment if UC ends up lacking the capacity or funding to accommodate additional transfers. It was noted that the CCCs serve several missions, and many CCCs do not focus on preparing students for transfer. UC should respect the fact that transfers may have good reasons for choosing CSU over UC or may choose to attend a CCC to gain practical training for (well-paying) technical jobs that do not require a four-year degree. It was noted that the Master Plan endorses another path to UC – the path from the other two segments to a UC graduate program. It was noted that UC should strengthen its partnerships with high schools to provide information about how students can prepare for transfer to UC.

IV. Consultation with Senior Managers

- *Janet Napolitano, President*
- *Aimée Dorr, Provost and Executive Vice President*
- *Nathan Brostrom, Executive Vice President Business Operations*
- *Patrick Lenz, Vice President Budget and Capital Resources*

Vice President Lenz: Vice President Lenz reported that the State Assembly and State Senate approved separate augmentations to the 2014-15 UC budget that exceed the \$142 million the Governor proposes in his May budget revision. The Senate budget would increase UC’s State General Fund augmentation by \$66 million to \$208 million in ongoing revenue; provide an additional \$5 million from the Proposition 63 Mental Health Initiative for UC behavioral health centers; and a one-time allocation of \$15 million for deferred maintenance. The Assembly budget would increase UC’s ongoing General Fund augmentation by \$100 million to \$242 million, including \$25 million for enrollment growth of 2,500 students, and would provide an additional one-time allocation of \$24.5 million for deferred maintenance and \$1 million for an enrollment eligibility study. Both houses rejected the Governor’s multi-year “sustainability” plan for the UC budget and his proposed \$50 million Innovation Awards program, which would reward collaborative intersegmental efforts to expedite and increase degree completion. The final budget will still need to be approved by the Conference Committee and then by the Governor.

President Napolitano: The President noted that the last few days have been profoundly sad for the University in the aftermath of the senseless shootings at UCSB on Friday. The President spoke at the memorial service on Tuesday and has been meeting with parents and surviving students. UCSB is doing as much as possible to manage the crisis and support grieving students and families.

President Napolitano reported that she recently traveled to Mexico City to discuss her [UC-Mexico Initiative](#) with government officials and academics, and will unveil more details about her Food Initiative in a few weeks. She is also seeking an interested faculty member to join UCOP for up to one year to help manage the UC-Mexico Initiative. The UCSF and UCI chancellor interviews will begin in June, with final appointments likely at the July (UCSF) and September (UCI) Regents meetings. UC is in contract negotiations with the UAW and hopes to reach a settlement that would avert a planned strike by graduate student Teaching Assistants. UC

supports State Senate Bill 1210, which would establish a loan program for needy undocumented students at UC and CSU who lack access to federal or private student loans. The President reported that she has asked a working group to review existing policies governing conflict of commitment and interest; it is important for UC to effectively monitor and manage conflicts in an era when more faculty are interacting with the private sector. UC's policies need to address actual conflicts but also situations that could result in the appearance of conflict.

Executive Vice President Brostrom: EVC Brostrom reported that UC Path is expected to go live at UCOP on January 1 and at UCSC, UCM, and UCLA later in 2015. There will be four months of parallel testing prior to implementation at each site. In July, UCOP will bring the Regents a proposal to borrow \$700 million from STIP to fund UCRP. UC implemented similar borrowing schemes in 2010-11 and 2011-12, and the current plan, along with the increase in employee and employer contributions taking effect on July 1, will place UCRP on a trajectory to achieve a 95% funded ratio by 2040. UC has ample liquidity in STIP to support the borrowing plan, but it also needs to review the impact the plan could have on UC's credit rating. EVC Brostrom noted that 22,000 UC employees and 48,000 total members are enrolled in UC Care, exceeding expectations. UCOP continues to negotiate with providers in the Santa Barbara area to eliminate coverage gaps for UCSB employees.

Provost Dorr: Provost Dorr reported that UCOP has distributed all of this year's ILTI funding to campuses to cover ILTI course development costs and other costs associated with cross-campus enrollment, course revisions, and additional online infrastructure. Campuses were asked to use the money to fund high-need, high-enrollment undergraduate courses that can be offered to students on multiple UC campuses. She said UCOP will release a second RFP in the fall to support an additional round of course development, and expects to continue to set aside \$10 million from UC's State budget allocation each year for ILTI activities. She reported that the Academic Planning Council (APC) is convening an International Activities Policy Committee to review all of UC's relevant international policies. Another APC committee is developing a Presidential Open Access policy that will extend the provisions of the Senate's Open Access policy to all employees. A revised [Self-Supporting Graduate Professional Degree Programs policy](#) has been released for a second round of systemwide review, and the President will ask the Regents to approve new Professional Degree Supplemental Tuition (PDST) fees and PDST increases effective for 2015-16 in January. UCOP has asked each campus to identify a local point person for activity related to the Climate Survey results and to establish a cyber-security group to identify potential cyber-security issues before they become problems. Provost Dorr said she expects the recommendations generated at the Doctoral Education Support Conference to be presented to the Regents in January.

V. Executive Session

Notes were not taken for this portion of the meeting.

VI. UC International Engagement Vision Statement

- o *Richard Kern, UCIE Chair*

Issue: The University Committee on International Education (UCIE) has asked the Academic Council to adopt UCIE's "UC International Engagement Vision Statement" as Senate policy and forward it to President Napolitano.

Chair Kern noted that the statement articulates forms of and goals for international engagement and recommends a number of concrete actions, including establishing new foreign partnerships to foster international education and research exchanges, a minimum one-year post-admission language requirement, and a systemwide global innovation fund to advance international teaching, research, and service initiatives. The Statement would be the first of its kind.

Discussion: A Council member noted that the Presidential Policy Committee on International Activities will welcome the document as it conducts its business. It was noted that the document should do more to emphasize the importance of attracting foreign students and scholars to UC campuses, and impediments to doing so, such as nonresident supplemental tuition. It was noted that the Statement should more clearly distinguish between its underlying principles and its proposed goals and actions, and that the statement would be more effective if it were restructured into a brief statement of overarching goals accompanied by examples of how such a vision could be implemented. It was also noted that some of the recommended actions could have significant educational and fiscal implications.

Action: Council referred the draft statement back to UCIE for revision as discussed prior to further deliberation on whether to adopt it as Council policy.

VII. UCRP Funding Recommendation

o *Dan Hare, Chair, UCFW*

Issue: UCFW and its Task Force on Investment and Retirement (TFIR) have asked the Academic Council to adopt as Senate policy TFIR's "Resolution on Borrowing to Reduce the Unfunded Liability in the University of California Retirement Plan."

UCFW Chair Hare noted that UCFW's memo anticipates concerns from administrators about the potential "opportunity cost" of moving to a 16% employer contribution and adopting the TFIR borrowing plan, by noting that there is a greater long-term opportunity cost to not adopting the plan because of the burdens that will be placed on future university operating budgets and lost economic opportunities for future faculty, students, and staff. He said TFIR's plan will reduce UCRP's financial burden over the long-term and allow for lower employer and employee contributions much sooner. He noted that the administration is now preparing its own UCRP borrowing plan proposal that is similar in concept to the TFIR proposal but more limited in scope. The administration plan would borrow \$1.3 billion over two years, meet "Modified ARC," and achieve a 95% funded ratio for UCRP by 2040 compared to TFIR's plan, which would borrow \$1.7 billion, meet the full ARC, and achieve a 100% funding ratio by 2040. It was noted that UCPB has also submitted a letter in support of the UCFW proposal.

Council members noted that Council should express appreciation for the movement made by the administration on the issue and the Senate's desire to work with the administration to ensure that the plan for addressing UCRP's unfunded liability and the long-term health of the retirement system moves forward and is approved by the Regents.

Action: A motion was made and seconded to endorse the UCFW proposal and transmit the TFIR, UCFW, and UCPB letters to the President. The motion carried unanimously.

VIII. Doctoral Education Conference Proposals

- o Mary Gilly, Senate Vice Chair

Issue: Senate committees were asked to provide feedback on best practices and recommendations for supporting doctoral students generated at the all-UC Doctoral Student Support Conference at UC Irvine on April 15. Organizers intend to discuss the proposals with the Regents in January.

One of the proposals – the elimination of nonresident supplemental tuition (NRST) for academic doctoral and MFA students after the first year – is being reviewed by the Office of General Counsel to ensure its consistency with state law. Conference organizers are also developing several other proposals. These include a multi-year funding guarantee for doctoral students making adequate progress; a systemwide template that provides clear information to potential graduate students about financial support and fellowships and teaching expectations; a systemwide doctoral fellowship endowment; a website that connects students with professional opportunities in a range of careers; enhanced “family friendly” policies and practices; and strategies for increasing diversity in doctoral programs.

Discussion: UCAAD Chair Roxworthy noted that UCAAD is concerned that the elimination of NRST could unintentionally impact graduate student diversity by reducing the representation of domestic underrepresented minority groups in UC doctoral programs. Council members agreed that the issue merits further study, but also noted that the concept of “diversity” can be understood to include international students—in fact, the National Research Council’s diversity rankings of doctoral programs are based in part on the proportion of enrolled international students. It was also noted that the elimination of NRST has been a longstanding priority of the Senate, as the practice of charging NRST to research grants means that departments cannot afford to enroll the world’s best graduate students. It was noted that the multi-year funding guarantee mechanism should be structured in a way that does not unintentionally encourage departments to reduce support or enrollments to avoid the risk of commitments to students who are just beginning their studies.

IX. Labor Relations Issues

- o Dwaine Duckett, Vice President, Human Resources
- o Peter Chester, Director, Labor Relations

Notes were not taken for this portion of the meeting, which was conducted in executive session.

X. Bylaw 16

Issue: [Senate Bylaw 16](#) specifies that the Council chair should consult Council in naming the search committee for the Executive Director.

Notes were not taken for this portion of the meeting.

Action: Council approved the proposed composition of the search committee and process for the search.

XI. Supplement to Military Pay Policy – Four Year Renewal

Council reviewed a draft memo summarizing responses from Senate committees and divisions to the systemwide review of proposed revisions to and four-year renewal of a [UC policy on Supplement to Military Pay](#).

Council members expressed support for the proposed modifications and the four-year renewal of the policy, but questioned why the policy would restrict the supplementary pay benefit to a two-year lifetime limit, since the call to active military duty is not under the control of the employee and may exceed two years.

Action: Council requested that the additional concern be noted in the memo.

XII. Revisions to APM 190, Appendix A-2, Whistleblower Policy

Council reviewed responses from Senate committees and divisions to the systemwide review of proposed revisions to [UC Whistleblower Protection Policy and APM 190](#).

Council members agreed with Senate reviewers' concerns about the policy, including their request for more specific timeframes for the Whistleblower retaliation investigatory process. It was noted that the policy refers to a deadline to address complaints within 18 months, but is not clear when the 18 months starts and expires and what happens after the expiration deadline. In addition, the policy should clarify the categories of campus personnel who would be appropriate Locally Designated Officials appointed as Whistleblower Officers, the relationship between the Officer and the administration, and the extent to which the Officer is expected to be independent of the administration.

Action: Council will review a draft memo at its June 4 teleconference meeting.

XIII. Presidential Policy on Copyright and Fair Use

Council reviewed a draft memo summarizing responses from Senate committees and divisions to the systemwide review of proposed revisions to the [UC Policy on Copyright and Fair Use](#).

Council members echoed the concerns highlighted by Senate reviewers, who noted that the policy eliminates the detailed guidance regarding the limits of "Fair Use" and the scope of instructor liability at the university contained in the 1986 policy, and directs employees seeking further advice to the [UC Copyright Website](#), which contains bad links and is difficult to navigate. It also deletes a statement indicating that the university will defend employees who reproduce copyrighted materials, making it unclear what protections the university is willing to extend to faculty and other employees in copyright cases. It was noted that the policy seems designed to protect UC from liability rather than to protect faculty and provide guidance about the limits of fair use. It was noted that copyright and fair use issues are central to the faculty's scholarly mission as the faculty's normal scope of work includes the dissemination of information contained in works created by others. It was noted that UC should use the policy and the Copyright Website to advocate for the broadest possible application of the faculty's rights to fair use of copyrighted materials as they carry out instruction and research.

Action: Council will review a revised memo at its June 4 teleconference meeting.

Meeting adjourned at 4:30 pm

Attest: Bill Jacob, Academic Council Chair

Minutes prepared by Michael LaBriola, Principal Committee Analyst

ACADEMIC COUNCIL

Minutes of Teleconference Meeting

June 4, 2014

I. Senate Officer's Announcements

- Bill Jacob, Academic Council Chair
- Mary Gilly, Academic Council Vice Chair
- Martha Winnacker, Senate Executive Director

The Vice Provost for Academic Personnel has established a July review deadline for a bundled set of APM revisions that originated in the Senate. Some Senate divisions have noted that any review conducted in the late spring/summer is difficult as many nine-month faculty are no longer active on campus, and that a truncated review occurring in the summer is not adequate for serious matters such as an APM revision. It was also noted that UCAP and UCAAD worked hard on the APM revisions and would prefer that they be addressed this year. After some discussion, Council members agreed that the Senate office should ask the Vice Provost to reissue the revisions for review early in the fall. Director Winnacker noted that the Senate office will make the request but there is no guarantee that the administration will agree to the postponement. It was noted that the Senate needs to find a way to move its review processes forward effectively during the summer.

Action: Council asked that a letter be prepared to request that the review be delayed until Fall.

II. Systemwide Review of Supplement to Military Pay Policy – Four Year Renewal

Council reviewed a final draft letter summarizing Senate responses to the proposed revisions to the [UC Policy on Supplement to Military Pay](#).

Action: Council approved the letter.

III. Systemwide Review of Presidential Policy on Copyright and Fair Use

Council reviewed a final draft letter summarizing Senate responses to the proposed revisions to the [UC Policy on Copyright and Fair Use](#).

Action: Council approved the letter.

IV. Systemwide Review of Revisions to APM 190, Appendix A-2 Whistleblower Policy

Council reviewed a final draft letter summarizing Senate responses to the proposed revisions to the [UC Whistleblower Protection Policy and APM 190 – Appendix A-2](#).

Action: Council approved the letter.

V. Systemwide Review of Proposed Revisions to the Compendium

Council reviewed a draft letter summarizing Senate responses to a set of [proposed revisions](#) to the *Universitywide Review Processes for Academic Programs, Academic Units and Research Units* (the “Compendium”).

The letter expresses support for four of the five areas of the Compendium covered in the revision, but strong concerns about changes to Section V covering “Research Units,” particularly the lack of a clear Senate role for determining which Multicampus Research Program (MRP) proposals receive funding, and about a lack of clear definitions to distinguish MRPs from MRUs.

One Council member questioned why it is necessary for the Compendium to discuss the MRP program, which is primarily a funding mechanism. It was also noted that the new language in Section V may be inappropriately creating new policy rather than formalizing procedures that reflect existing policy, which is the stated purpose and role of the Compendium. Members expressed support for a stronger overall policy regarding the Senate role in reviewing ORUs. It was noted that the Compendium revision and review process has been ongoing since 2011.

Action: The letter will be revised based on comments and circulated to Council for final proofreading.

VI. Draft Letter on Recommendation to Borrow to Fund UCRP

Council reviewed a draft letter to Executive Vice President Brostrom noting Council’s endorsement of a proposal and “Resolution on Borrowing to Reduce the Unfunded Liability in the University of California Retirement Plan,” authored by the University Committee on Faculty Welfare and its Task Force on Investment and Retirement . The letter also expresses support for a similar borrowing plan proposed by the administration to address UCRP’s unfunded liability.

Action: Council approved the letter.

Meeting adjourned at 10:10 am

Attest: Bill Jacob, Academic Council Chair

Minutes prepared by Michael LaBriola, Principal Committee Analyst