

## ACADEMIC COUNCIL

**Minutes of Meeting**  
**Wednesday, February 22, 2012**

**I. Update on UC Online Education**

- **Dan Greenstein, Vice Provost**
- **Keith Williams, Faculty Advisor**

**ISSUE:** Vice Provost Greenstein and UCOE Faculty Advisor Keith Williams briefed Council on developments in the UC Online Education project (UCOE).

**DISCUSSION:** Vice Provost Greenstein stated that UCOE is planning to offer online courses to non-matriculated students. Market research they performed demonstrated interest in UC online classes. He stated that UCOE courses are intended to be comparable to summer session courses but are also expected to be offered during regular terms and make courses from all nine undergraduate campuses available. Departments will offer the courses under UCOE auspices; UC Merced will perform the registration function. They anticipate an enrollment of 3700 non-matriculated students over the course of the first year. Faculty Advisor Williams added that cross-campus registration is not currently possible on a large scale; UC students wishing to enroll in a UCOE course offered on another campus will have to follow existing procedures already in place for face-to-face courses. A number of technical issues, and how students taking courses at another campus will be funded, need to be resolved. Non-matriculated students will go through a different portal page. Campuses will not have to incur costs to support student services for non-matriculated students, other than providing teaching assistants; UCOE is working with external vendors to provide student services. UCOE is asking the Senate to provisionally approve the regulations necessary to coordinate across campuses and to set guidelines for non-matriculated students. The Senate and UCOE would then revisit the policies to see if they function well. In addition, offering these courses necessitates changes to administrative policies, and UCOE is soliciting input from the Senate. They are modeling them on existing campus or UC Extension policies. Vice Provost Greenstein stated that he would be happy to visit any Senate division to brief faculty on the project.

**Q:** You recently shared a draft marketing plan and MOU with an entity called Fidelis that would allow it to tell the public that it is developing an agreement with UC to assist former and current members of the military to get access to UC. How can you ensure that Fidelis will not make promises that UC can not fulfill?

**A:** Vice Provost Greenstein noted that Fidelis is headed by a former member of the Marine Intelligence Corps who is a graduate of Harvard and Cornell and is said to be well-connected with veterans and the Pentagon. He is passionate about helping veterans attain their educational goals and helping them avoid the pitfalls associated with some institutions in the for-profit sector. Vice Provost Greenstein commented that providing education to veterans is congruent with the mission of a public university and is something that UC ought to do. He assured Council that UC will allow Fidelis to market its relationship with UC only in ways that have been approved.

**Comment:** Fidelis has not yet established relationships with academic partners or employer partners.

**A:** Vice Provost Greenstein responded that Fidelis is a start-up and is in discussion with partners that represent the range of educational and employment needs of veterans. For instance, they plan to provide transition and coaching services to veterans.

**Q:** How will Fidelis be paid and has UC paid them yet?

**A:** Vice Provost Greenstein replied that their business model is to enter into a professional services relationship with the destination college in which they will manage recruitment, coaching, mentoring, career advising, and student services. UC has not paid them anything, as they have not yet provided any services. Fidelis will make a proposal to the Veterans Administration and it is likely to take six to eight months for a response. He stated that UC has contracted with Blackboard to do recruitment and student services.

**Q:** What other negotiations with for-profit business are you pursuing and will there be Senate consultation?

**A:** Vice Provost Greenstein replied that rSmart is providing a learning management system, Amazon will provide cloud services, and they are working with a company that provides advice on ADA compliance.

**Q:** Were campuses, Summer Sessions and UC Extensions allowed to bid on these service contracts?

**A:** Vice Provost Greenstein replied that they issued a RFP for the technology platform and a Request for Information for student services. No campus bid. We also reached out to all campuses for the registration function and Merced offered to do it. He opined that the UC Extensions did not bid because they see themselves as providing academic programs, not services. The technology leadership is at Berkeley, and the evaluation is being conducted at UCSB.

**Q:** What will Blackboard say about these courses? What are we selling?

**A:** We are currently working with Blackboard on the target market. Obviously, the message will be different if we are reaching out to gifted and talented high school students than if we are recruiting older, returning students. We will provide Blackboard with a script, just as the campuses do when they employ recruiters.

**Comment:** Please make sure that prospective students are aware that there is no guarantee that other institutions will accept these courses for transfer credit. We can not even guarantee that UC will accept them. They should also know that enrollment does not give priority for admission.

**Q:** Once the numbers of non-UC students increase, how will admissions officers check their prerequisites?

**A:** UCOE recognizes that it can not draw on the campus' strained resources, which is why it is aiming for modest enrollments initially (3,700 in the first year and 5,000 in the second year) and is requesting provisional approval for governing policies. He stated that the UCOE marketing study suggested that those who expressed interest were very similar academically to UC students and noted that neither summer sessions nor concurrent enrollment through extensions has encountered problems with unqualified students. That said, UCOE will be responsive to issues and will make adjustments, where needed.

**Q:** The California Community Colleges offer many online courses that UCOE would compete with. Under the Master Plan, isn't it UC's responsibility to work with the CCCs to improve the quality of their courses rather than compete with them?

**A:** Vice Provost Greenstein said he recently had a discussion with the provost of CCC system, and president of the CCC Academic Senate regarding UC's plans. They did not seem to regard UCOE as a competitor, and recognized that UC can provide some courses that the CCCs can not.

Furthermore, because CCC budgets are severely impacted, they want to place students in courses that they would have to wait for otherwise in order to move them through the system and reduce time to degree. They noted that five years ago they would not have viewed UCOE favorably.

**Q:** UCOE's focus is on gateway courses for non-UC students without many prerequisites, which are offered routinely by the CCCs. How can you compete?

**A:** Vice Provost Greenstein replied that UCOE is offering a mix of high-enrollment gateway courses and breadth electives. Gateway courses at this level are qualitatively different. Vice Provost Greenstein opined that Psychology 1 at Berkeley and De Anza are not the same.

**Q:** Evaluation was supposed to be part of the pilot project, but courses will not be evaluated before UCOE courses are rolled out. What if the evaluation completed next year identifies problems? What sort of red flags could you anticipate?

**A:** Vice Provost Greenstein responded that many things could go wrong. One challenge is that some online courses will be offered simultaneously with regular courses and on-campus students prefer in-person courses, so we may not get enough enrollments to assess the effectiveness; we may need to analyze it longitudinally.

**Q:** What do you infer about that preference? Is it a quality issue?

**A:** Faculty Advisor Williams stated that the course quality will be good. Each faculty member is working with instructional designers to guarantee that the course leverages the online environment to provide quality interaction.

## **II. Senate Officers' Announcements**

### **▪ Robert Anderson, Academic Council Chair**

- 1. Rebenching Task Force.** The Rebenching Task Force continues to meet.
- 2. Provost and UCSD Chancellor search committees.** The administration is hoping to ask the Regents to confirm appointments for these positions at the May meeting.
- 3. Update on Reynoso Report and Confidence Votes at UC Davis.** The faculty votes were reported. One more vote is in process, but voting will conclude before the Reynoso report is released.
- 4. Non-Senate Faculty and Ownership of Course Materials.** Chair Anderson reported that there is a provision in the contract with Unit 18 lecturers stating that their intellectual property rights for course materials they develop will be governed by the same policy covering Senate faculty. That policy references "designated academic employees" but does not explicitly list lecturers as members of this class. The administration has proposed clarifying that this applies to Unit 18 lecturers are "designated academic employees" in a letter from the president. Several members suggested that the policy be changed to be more specific. A member opined that adjuncts and clinical faculty also should be explicitly included; however, it was noted that clinical faculty already are explicitly included in the policy.

**ACTION: Council members authorized Chair Anderson to convey its opinion on non-Senate faculty ownership of course materials to the administration.**

## **III. UCOLASC letter on federal legislation re Open Access**

**ISSUE:** UCOLASC submitted a letter objecting to the Research Works Act (HR 3699) and supporting the Federal Research Public Access Act. HR 3699 would prohibit open access

mandates for federally funded research, overturning NIH's public access policy. The Federal Research Public Access Act would make federally funded research papers publicly available within six months of publication in a journal.

**DISCUSSION:** A member noted that an open access policy could present complications in the humanities and social sciences, particularly with the publication of art history books that have to pay for the use of images. A member commented that most faculty would like their work and the work of their graduate students to be disseminated as widely as possible. UCORP's chair stated that his committee will address this issue in March.

**ACTION:** Council unanimously approved forwarding UCOLASC's letter to Federal Governmental Relations and Senior Vice President of External Relations Dooley.

#### **IV. Approval of the Agenda**

**ACTION:** The agenda was unanimously approved.

#### **V. Consent Calendar**

##### **1. Approve draft January 25 Council minutes**

**ACTION:** The consent calendar was unanimously approved.

#### **VI. Consultation with the Office of the President – Senior Managers**

Provost Pitts noted that President Yudof was called to Sacramento and could not attend today's meeting.

**Comment:** I am concerned about how Fidelis will market its services. Can you comment on this?

**A:** Provost Pitts said that the agreement with Fidelis is only a memorandum of understanding and that there is no commitment or payment to them. The intent of the agreement is to facilitate Fidelis' ability to channel top students to UCOE.

**Comment:** An institution would probably have to sue to break an MOU because it is an implied contract. If one party thinks it was harmed by breaking a promise, even if the promise is not financial, then it could end up in courts.

**A:** Provost Pitts stated that he will ask the General Counsel to review it.

**Comment:** Council's discomfort with Fidelis is related to its unease with the broader plan. UCOE is acting like an entrenched program, not a start-up. It is growing rapidly without a keen eye on resource consumption. And it is not clear at what point UCOP will declare it a success or failure.

**A:** Provost Pitts replied that the biggest expense so far has been the contract with Blackboard, which was anticipated as part of the original plan. UCOP does not have the ability to provide those services in-house, yet it is necessary to get started. He noted that UCOE is focusing on California residents and is being cautious about its target markets and numbers of students. He asked what, specifically, makes you uncomfortable?

**Comment:** A member responded that the continued solicitation of courses before they are evaluated and before you know they will succeed is one source of discomfort.

**A:** Provost Pitts replied that the business plan requires 3,700 course enrollments in the first year. Faculty are developing the courses more slowly than expected, so the second round of requests for

courses is being conducted before the first round can be evaluated, since they have yet to be offered. He stated that it does not make sense to halt course development altogether.

**Comment:** A member added that UCOE has not articulated the standards by which it will judge success or failure. What would you see as evidence of failure?

**A:** Provost Pitts stated that if it is clear to CFO Taylor that UCOE is not financially feasible, then the program will be halted. Alternatively, if the instructors of record or the evaluation indicate that the courses are of substandard quality, then we would discontinue it. It will be two years before the evaluation will be concluded.

**Q:** Will faculty teach online courses as overload or as part of their regular load?

**A:** The departments will determine those arrangements.

**Comment:** That should not be a departmental issue. Faculty are hired to teach UC students; UCOE courses with non-UC students should either be taught on overload or be treated like self-supporting programs. Teaching on overload can divert faculty resources and also be detrimental to junior faculty's career paths. Clear central policies should be developed to address this issue. Also, there should be limits on the proportion of non-matriculated students allowed to enroll in a course.

**Q:** Are the EVCs concerned about departments dealing directly with OP?

**A:** Provost Pitts said the EVCs are waiting to see what happens. In addition to financial incentives, we think there are other benefits to the campuses, like the development of a common technology platform.

**Comment:** Any MOU that departments sign with UCOP should be reviewed at the campus level.

**Q:** Do you think that the legislators believe they have an obligation to fund UC's pension?

**A:** Provost Pitts replied that they recognize their obligation, but the governor is being cautious and only is willing to commit dollars he has now, even if debt is structured prudently. So he only will commit to funding one year of the pension.

**Q:** Is there any state or federal legislation in progress that we should pay attention to?

**A:** Provost Pitts cited the state bill that would give GSRs (SB 259) the right to organize. In the past, UC has remained neutral on unions; this may be different. GSRs are fundamentally different from TAs. Their jobs are part and parcel of the work they are doing as students.

**Comment:** Unionization would accelerate the trend of faculty hiring post-doctoral employees in lieu of students. This issue is on Council's agenda for discussion later today.

## **VII. Report of the Faculty Salaries Task Force**

### **▪ Susan Carlson, Vice Provost, Academic Personnel**

**ISSUE:** The Faculty Salaries Task Force has issued a report with recommendations regarding the allocation of future increases.

**DISCUSSION:** Vice Provost Carlson noted that the report is a consensus document resulting from negotiation and represents a compromise between the faculty and administrators on the task force. She explained that the report begins with current policy and practice and moves it slightly in a new direction, with the goal of preserving competitive salaries. It affirms current policy, including the salary scales, merits, and peer review, yet it acknowledges market forces as a factor. It ties merit advancement to campus needs and resources, and respects campus pluralism. She stated that the task force was not charged with identifying the funding for the plan. The Executive Summary emphasizes that merit and peer review is the foundation of salary actions and constitutes the highest priority for funding. Task Force members agreed that the salary scales do not meet market reality in many of the professional schools. It recommended the formation of another task force to

address this issue. The third recommendation proposes that individual faculty salaries should be at the median of University faculty at the same given rank and step. Consensus on this recommendation holds only if funding is available. The report also details the way funding streams and rebenching could affect decisions made about salaries.

A member who served on the task force noted that salary increases of 3% per year are a positive step, but this will not help UC be competitive in terms of total remuneration due to increases in retirement contributions from 3.5% to 7 or 8% and likely increases in health care costs borne by employees. A second major concern is the integrity of the step system. If salaries are decoupled from the peer review mechanism, what is the advantage of peer review? There must be a modest correlation between the review and the salary. Vice Provost Carlson stated that she hopes to receive information on the effect of last year's salary increases vis-à-vis the Comparison 8 in March.

**Comment:** I am concerned that if the 3% merits are handed out over several years, it may fall apart, like the faculty salary plan of a few years ago did. If you don't have the confidence that the money will be there, you should not implement it.

**A:** Chair Anderson responded that the 2007 plan was different, in that it was not tied to which particular faculty were up for a merit in a given year. Once the University commits to a salary adjustment tied to the merit review, it must continue doing this until everyone has been considered for a merit.

**Comment:** The aim of the task force recommendations is to drive everyone at the same step to be paid the same, which my campus does not agree with. There is value to having gradations in salary within the step system. For example, we would have needed to promote an assistant professor to full professor to match an outside offer.

**Comment:** This plan is based on an Irvine model, where both the administration and faculty at Irvine are happy with the system. At UCI, we still use off-scale salaries in exceptional cases. The report recommendations do not constrain flexibility in exceptional cases. It makes the scale salaries responsive, with a lag, to the market. It also mitigates the loyalty penalty over time.

**Comment:** The Senate is the only part of the University committed to defending the salary scales. The problem has been allowing deans the discretion to provide off-scale salaries. We must preserve UC quality by fixing the scales. "Flexibility" is a euphemism for dividing the faculty.

**Comment:** Preserving the scales or allowing flexibility is a false dichotomy. We need to hire new faculty and we need the money to do so. Having teaching loads go through the roof also is corrosive to quality.

**Q:** The report states that 67% of the faculty are currently off-scale. Do you know how many are significantly off-scale?

**A:** Vice Provost Carlson replied that the vast majority are less than 10% off-scale. She will forward the data to Council members. Business, economics and law would not use the system.

**Comment:** This discussion should be connected to the equity issues raised by the UCAAD study. It would be good to know how the proposal would affect different groups. It is possible that the system could reduce the loyalty penalty issue experienced by many women faculty members.

**Comment:** Chair Anderson noted that there are a number of options for implementing the plan. He stated that he hopes that reviewers with concerns will specify what aspects they find problematic, rather than rejecting the report outright. This would allow Academic Personnel to respond to those critiques and hopefully produce a plan that addresses those concerns.

## **VIII. Revision of APM 670**

**ISSUE:** Proposed revisions to APM 670 on the Health Sciences Compensation Plan were subject to formal systemwide review in the fall. Council discussed the responses in December and responded with specific concerns. Academic Personnel submitted a revised version to the Senate for a targeted review. In response, UCFW submitted a letter reiterating their concern that deans would have too much power over the advisory committee. Vice Provost Carlson then circulated a proposal to amend the revision so that deans would appoint no more than half of the members.

**DISCUSSION:** UCFW Chair Parker stated that this committee recommended that a minority of members of the advisory committee be appointed by the dean in order to ensure due process. He reported that UCFW members unanimously support the proposed revision. It provides a formal role for non-Senate faculty, states that all members of the advisory committee shall be members of the faculty, and that deans will appoint no more than half of the members.

**ACTION:** Council unanimously endorsed the proposed revision of APM 670 as amended by Vice Provost Carlson on February 21.

## **IX. Update on Senate Positions on Legislation**

**A. Process for soliciting comment on pending bills and bills on which Senate has taken a position.** Associate Director Giedt outlined the process that the Senate follows for soliciting comment on pending legislation. Often there is no time to send such requests to the committee membership, so chairs respond on behalf of the committee. IMPAC, a unit at UCOP, coordinates comments from all parts of the university. Faculty can find bill summaries, archives of hearings, a bill tracker, and Senate positions on bills on the Senate website.

**B. SB 271 proposed that the state should set goals and define metrics for higher education.** Associate Director Geidt noted that this bill is based on a report by the Legislative Analyst's Office (LAO) on Improving Higher Education Oversight. It advocated that the legislature should identify three state goals and priorities for higher education and that fulfillment of these goals should be measured and monitored by an oversight agency. However, UC is constitutionally autonomous. SB 721 proposes establishing a commission led by the LAO to produce metrics and produce annual performance reviews of the three segments. A member asked if the governor is inclined to veto it, given that he recently eliminated CPEC.

### **C. SB 2159, Collective Bargaining Rights for GSRs**

#### **▪ Peter Chester, Associate Director, Labor Relations**

Peter Chester, Associate Director of Labor Relations, briefed Council on SB 2159, which would delete language from the Higher Education Employee Relations Act that has been interpreted by the Public Employment Relations Board to exclude graduate student researchers from unionizing. Passage of SB 2159 would effectively allow the unionization of GSRs. Associate Director Chester reported that this was also proposed last year, but the bill was put in suspense. This year, it passed out of the committee and was passed by the Senate and is now being considered by the Assembly committees. It is likely that it will be passed by the Assembly and there is a 50/50% chance that the governor will sign it. If signed into law, it will go into effect on Jan. 1, 2013. The UAW is

likely to bid to organize the GSRs, since they already represent Academic Student Employees (ASEs), including TAs and readers. An election is not necessary to establish a union if 50% +1 of the affected population sign authorization cards. If only 30% of the members of the affected population sign authorization cards, then the union may hold an election to determine whether the population wishes to be represented by them. A member inquired how the population is determined, since a different group of students are GSRs each quarter, and quarters and semesters end at different times, so the population changes seven or eight times each year. Associate Director Chester replied that the University is responsible for generating the list of employees in the classification and would negotiate the final list with the state Public Employment Relations Board. He noted that the University is likely to object to grouping GSRs with ASEs because the role of TAs and GSRs is very different; the University would prefer GSRs to be a separate bargaining unit for a number of reasons. For instance, the current ASE contract limits the number of hours per semester that TAs can work, which is not appropriate for GSRs, who often conduct independent research that will form part of their dissertations. Associate Director Chester also noted the significant costs associated with bargaining and training faculty and administrators in how to treat GSRs as employees. Most importantly, unionization would have a damaging impact on the University's research and educational mission. A member asked for guidance for faculty on how to talk to graduate students about this issue. Associate Director Chester responded that the University can educate students, but can not advocate or discourage students from signing a commitment card. A member asked what arguments failed against postdoctoral unionization. He replied that postdoctoral fellows have always been defined as employees; they are not students. A member asked if academic performance issues could end up being debated through an employee grievance process. Associate Director Chester replied that there is a line between employment and the academic lives with ASEs. If a student becomes academically ineligible, then they can not be employed and there are limits on what an arbitrator can opine on; arbitrators can not question "academic judgment." A member stated that many faculty commit to supporting students for a period of time and would not want to open the positions they can fund to a regular job search. A member stated that if the bill passes, faculty from a wide range of disciplines should be consulted during contract negotiations in order to take into consideration variations in work arrangements across fields.

## **X. BOARS Transfer Proposal**

**ISSUE:** BOARS proposed a new policy for evaluating applications for transfer admission that emphasizes preparation in the intended major.

**DISCUSSION:** BOARS Chair Jacob stated that BOARS has developed a transfer admissions policy that would require evaluation of an applicant's preparation for a major, as well as completion of lower division GE requirements. The proposal was drafted in relation to UC's efforts to ensure that transfer students will be successful and will be able to graduate in the expected period. An earlier version was distributed for a targeted review and BOARS received responses from all of the campuses and revised the proposal accordingly. The Appendix outlines what BOARS learned from the targeted review. He noted that major preparation is only one criterion of comprehensive review. The proposed new Senate Regulations add two paths to transfer in addition to the existing one and provides prospective transfer students with a clear transfer curriculum. A member commented that currently, UC admits students to a campus and determines majors later. If



this changes, admissions decisions will devolve to the departments, like graduate program admissions. For some departments, this burden will be too great.

**ACTION: Council unanimously approved sending BOARS' proposal for systemwide review.**

## **XI. Memorial to the Regents**

**DISCUSSION:** Division chairs discussed procedures for voting on the Memorial to the Regents, as well as measures to inform Senate faculty about the Memorial and the importance of voting. Members made suggestions for what to include in the packet sent to the faculty. Each division will set its own voting period, but by Bylaw, must allow at least fourteen days to vote. All results should be received in the systemwide Senate office by the close of business on April 20.

## **XII. New Business**

*Council members did not submit any items of new business.*

Meeting adjourned at 4:30 pm

Attest: Robert Anderson, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst