UNIVERSITY OF CALIFORNIA   ACADEMIC SENATE
                          ACADEMIC COUNCIL

                           Minutes of Meeting
                        Wednesday, July 24, 2013

I. Senate Officers' Announcements

1. **Report on Regents meeting.**
   - Janet Napolitano, currently Secretary of the Department of Homeland Security, has been named UC's next president. Chair Powell's statement on the appointment is available online.
   - The Regents amended Regents Policy 7401 to align with the new language in APM 015. The revision to 015 was passed by the Assembly to explicitly protect faculty speech on matters of institutional policy. This codification was a response to a Supreme Court case that held that a public employee's speech on matters of internal governance was not protected under the First Amendment.
   - Provost Dorr presented a report on online education that focused on the Innovative Learning Technology Initiative (ILTI). The design and scope of the hub to support cross campus enrollment is a concern for the Senate; Vice Chair Jacob and UCEP will have to monitor this issue closely moving forward. There is also continuing confusion about the governor's veto of the language in the budget bill requiring that $10M be spent for online education. His veto was premised on an understanding with the University that UC will use the $10M for online courses. The ILTI RFP is being issued today; the Senate will be asked to name reviewers to evaluate the submissions.

2. **Riverside Chancellor Search.** An announcement of the UC Riverside Chancellor will be made soon.

3. **Update on Academic Planning Council Meeting**. Both the Self-Supporting Program (SSP) and Professional Degree Supplemental Tuition (PDST) policy discussions are ongoing. The hope is to complete work in the summer or early fall and send them out for review in the fall. There will be continuing political pressure to keep PDST levels low and increases minimal. APM 241 is on today's agenda (see Item X below).

4. **Update on SB 1052 and 1053.** Senate Bills 1052 and 1053 (Steinberg) were enacted last year to establish the California Open Education Resource Council. Three faculty from each segment have been named to a panel to oversee the process of identifying open education resources and the appropriate courses upon which to focus. Peter Krapp (UCI, Media Studies), Randy Siverson (UCD, Political Science) and Bob Jacobsen (UCB, Physics) are UC's representatives. There may be $200K in funding (inclusive of $100K from a foundation matched by the state). However, the money has not yet been allocated, so the panel has not begun its work. The legislature has been apprised on the lack of progress.

5. **BOARS Statement on Basic Math for All Students.** BOARS Chair George Johnson said BOARS wanted to clarify the requirement that the pre-requisites for all transferable math courses must have as prerequisites "intermediate algebra or the equivalent." The statement clarifies what "equivalent" means. BOARS expects transfers from the California Community Colleges to have the same level of math competency it expects from applicants

for admission from high school. The revision has been controversial: the University Committee on Preparatory Education (UCOPE) has discussed the issue, but did not come to consensus. BOARS has posted the statement on their website.

6. **Composite Benefits**. The federal government approved 4 rates for Berkeley, including one that recognizes differences in summer versus academic year faculty salaries. Davis and Riverside are proposing alternative rate structures, as well. Members encouraged the sharing of plans, alternatives, and strategies so all campuses can have the same level of discussion.

II. Approval of the Agenda

ACTION: The agenda was approved.

III.   Consent Calendar

ACTION: The consent calendar was approved as noticed.

IV.   Executive Session

No minutes were taken for this portion of the meeting.

V.   UCORP Recommendation to Revise California Institutes for Science and Innovation (Cal ISI) Review Process

ISSUE: UCORP Vice Chair Bob Clare reported that the reviews have been protracted and generic. UCORP recommends that a dedicated staff person be appointed to oversee each review. Ideally, each of the four phases of the review should take no more than 3 months, which would produce a review in one year and would be more meaningful for being more timely. Also, the amount of information presented by the units under review is overwhelming and inappropriate for outside reviews. The NSF has a 15-page limit; UCORP suggests a 50-page limit and a standard format. The Portfolio Review Group has drafted a template that could be adopted for the Cal ISI review process. Finally, external reviewers should be asked to give both positive and negative comments.

DISCUSSION: Members noted that directors should be allowed to offer supplemental material, in addition to their formal report. UCORP concurs, and recommends a central repository for such information. Members also noted that some reviews are contentious, leaving a campus without agreement on how best to respond. There is no "stick" to compel adherence to these recommendations, nor guidance to overcome obstacles. Some members wondered about the composition of the review committees since the authority to appoint them rests with the administration. Vice Chair Clare indicated that the external reviewers have been impeccable to date; the problem rests with the process. Finally, it was observed that clearer expectations may help generate timelier responses.

ACTION: The recommendations were endorsed unanimously for transmittal to the Provost.

VI.   Consultation with UCOP Leadership

President's Remarks:

President Yudof stated that his meetings with the Academic Council have provided him with an understanding of faculty governance, which has helped him gain a unique perspective on UC. He discussed change and reform. Reform has to be incremental; UC cannot remain static, but change must be balanced. President Yudof has termed this "reflective evolution," thoughtful, consistent, and systematic reform. Of course, change has to be rooted in UC's core values and supported by its multiple constituencies. We are one university, and we are also ten universities. It is critical to reexamine our federalism annually, through mechanisms such as rebenching and funding streams. We must revisit whether we have the balance of responsibilities right and whether they are located appropriately—at the center or on the campuses—and in light of new political realities and technologies. He noted that UC's most important constitution is the unwritten one. If one examines the rules, the Regents have inordinate power, but they do not exercise it often. The president has authority over academic matters, but similarly, it would not be wise to use it often. Attentiveness to the tenets of shared governance ensures smooth operation. Finally, President Yudof observed that basic research is now done at universities, through "collective invention." The magnitude and types of research advances often come from teams working together.

Q: The *Los Angeles Times* recently had a graphic about rising tuition without the corollary story about funding cuts. Our citizens need the whole message about what happened to the budget in the last decade.
A: It is hard to dislodge these grand narratives. In the past six years, no sitting chancellor has had a raise and they are comparatively underpaid, but the newspapers do not report this. They also do not report on net tuition.

Q: Do you have any advice about how to improve the diversity of faculty and graduate students?
A: Growing our own is a good idea. I put more money toward the President's Post-Doctoral Fellowship Program, but it is small in terms of the magnitude of the problem. There is no easy answer for any of the structural issues, but there are best practices in terms of forming faculty recruitment committees. That there are multiple leaks in the pipeline does not limit our responsibility, but it is true that the pipeline is not large.

Q: How can multi-campus units be best coordinated?
A: Council should examine the OP budget every year and discuss whether it is appropriately directing programs from the center and allocating resources for systemwide priorities. It is important to strive for consensus on these issues, but also take advantage of economies of scale.

Q: UC is the academic research institution for the state. In the past few years, the Regents have been focusing on undergraduate education and the research mission has been neglected.
A: The public is predominately interested in undergraduate education. But total research funding continues to rise and faculty continue to win prizes. The Regents appreciate the research mission, but the argument is more difficult to make in Sacramento. It is unfortunate that graduate enrollment has not increased; greater awareness in the legislature of the importance of graduate students to the undergraduate education experience is needed.

EVP Brostrom's Remarks:

The University has some immediate budget challenges facing us in 2014-15: although we did get some traction on the issue of state contributions to the pension system, there is no agreement from the state about how to fund capital projects. The governor has also said he does not want to see a tuition increase. We are updating our long-range model to demonstrate the impact of a tuition freeze. If UC had a moderate tuition increase, the only people who would pay that would be families making over $150K. Ideally, predictable and steady tuition increases would be matched by predictable and steady increases in state appropriations.

Funds are available for energy efficiency projects through Proposition 39 and a similar cap-and-trade program. UC is a leader in energy efficiency, and we could make good use of some of that money. However, the governor has put all of that money toward K-12 in order to meet the Proposition 98 guarantee.

We also need to work with the legislature on the details of the middle class scholarship program. It includes a provision that prohibits UC from changing its aid programs, which we do every year. We can guarantee maintenance of effort, which is the true issue.

Q: Is this idea of linking the budget to accountability measures still alive?
A: Performance outcomes are likely to be issued by a policy committee, but will not be tied to the budget. We spent a great deal of time educating the governor on our graduation rates, time to degree and transfer rates, and outcomes.

Q: Is UCOP getting into the energy business?
A: We have a strategic energy partnership with PG&E and two other energy companies wherein we fund energy project upgrades on campuses and the energy companies send us a rebate when we demonstrate energy savings. To go beyond this program, we need to change our energy profile. We are heavily dependent on natural gas. We are considering large scale bio-gas in the Central Valley and expanding UCM's solar fund, or becoming a wholesale energy provider ourselves. We are proceeding with all of these investigations, and are reviewing the business plans now. If it makes sense to do it collectively, OP can do it, but all governance will come from the campuses. Any resulting proposals will be brought to UCPB for review in the fall.

Q: UCFW is concerned about meeting modified ARC for UCRP. $2B is needed over the next two years to prevent the unfunded liability from growing, even though we can pay this year's interest. Last year you talked about the possibility of getting additional one-time money to fund UCRP. If that does not happen, what is Plan B?
A: The return on UCRP will be 12% this year, so we will exceed modified ARC. Every percent above our expectation of 7.5% provides $400M more for UCRP. A member noted that last year's returns were low, so the debt grew. EVP Brostrom indicated that UCRP requires different strategies each year. In a down year, UCOP will consider the possibility of external or STIP borrowing. A member rejoined that this approach provides no predictability for the campuses. EVP Brostrom said UC will make the necessary contributions by borrowing; this is our consistent practice.

Q: How much flexibility will you have in terms of capital projects in the future?

A: The governor would like to give us maximum flexibility on the General Obligation bonds payouts, but the legislature has its own priorities. We need to decide how much capital we can finance centrally, and how much we will push to the campuses through rebenching.

Q: Many faculty are concerned about the rising cost of benefits. Could you comment?
A: The current cost of benefits is $1.6B/year. We are re-bidding our entire health benefits package, as well as starting UC Care, a self-funded package through the UC Medical Centers. It is hoped that this will minimize increases in the short term. In the long term, further changes will be necessary. For example, UC covers dependents and spouses well beyond what our competitors provide; it is becoming too costly for the campuses and may need to be changed.

Provost Dorr's Remarks:

Open Access: There is money in the budget for the California Digital Library (CDL) to improve the deposit tool for the repository; an open access pilot program is being tested on several campuses. The Provost's office is committed to working next year on the issues of who pays for preparing materials for deposit in the open access system and supporting the easy opt-out. If there are other issues that need attention, please contact the Provost's office. The provost and Senate leaders will continue to work together on this project.

ILTI: ILTI represents a sea change in the ways in which the faculty and campuses are engaged in the development of new learning delivery mechanisms. The Provost's office has worked hard on a plan that serves the faculty and campuses while respecting the terms under which UC received the $10M. The governor expects the University to use the money as he intended, and UC will report to the governor and legislature in March. ILTI programs are being designed for matriculated undergraduates in courses that meet general education, major, or gateway requirements on multiple campuses. UC cannot use ILTI funding for graduate or professional courses. This approach is different from previous efforts, because courses will not be developed centrally. Courses are faculty-driven campus decisions. Some Regents have expressed concerns about progress to date being too slow and process-oriented.

The RFP will be released today. The provost's office posted the draft RFP and received over 100 comments. There will be two windows for submission—beginning immediately for six weeks and then again in October. The RFP is for Senate members, but we are engaging with undergraduate deans or provosts to make judgments about what each respective campus needs. Submissions will be reviewed at OP by a team of faculty, students, technical experts, and administrators. Next steps include making enrollment by students on other campuses easy. There will be manual processes for cross-campus enrollments while the hub is developed, and a cross-campus database is also needed.

VII.   Enrollment Management

ISSUE: Debora Obley, Associate Vice President for Budget and Capital Resources, discussed the enrollment planning process with the Academic Council.

DISCUSSION: AVP Obley stated that campuses have submitted their enrollment plans. A summary of the campus' initial proposals will be circulated when ready. Most campuses intend to grow resident California undergraduates by varying amounts, except for Berkeley, Riverside and

Santa Cruz (UCB intends to reduce the number of residents); all intend to grow graduate students. Overall, the growth projections total less than 1%, and they are heavier on graduate student growth. Some state officials may have concerns with these targets.

All campuses propose aggressive non-resident growth, except Merced. Each targets 20% non-residents, except UCSB, UCR and UCSC, who are aiming closer to 10%. Most propose modest increases of CCC transfers and do not plan to expand summer enrollment dramatically. Most plans include additional PDST increases. UCM wants to slow its growth.

AVP Obley said that her staff will summarize the plans and begin negotiations with the campuses. The planning process is complicated by the arrival of the new president, so the plans will not be final until the end of this calendar year. Additional changes may occur once allocations for 2014-15 are known.

Q: Some divisional chairs reported that their Senate was not consulted or asked to contribute to the long range plan. Campus administrations should be instructed to send the report to the Senate before submitting it to OP.
A: We asked for thorough consultation. To the extent it did not happen, we would like to know.

Q: Who is shepherding the enrollment planning process?
A: Institutional Research, the budget office, and the Provost's office are jointly stewarding the planning process.

Q: Is there a plan for managing enrollment this year?
A: Michael Treviño, Director of Undergraduate Admissions, and Judy Sakaki, Vice Provost for Student Affairs, could answer that question better.
Q: By what metrics or methodology will OP evaluate the plans—through the lens of the Master Plan?
A: Politically, the system cannot increase non-residents if it does not accommodate all eligible undergraduates under the Master Plan, even though the Master Plan is beleaguered. Some also question the ability of campuses to grow their graduate enrollments as much as they have planned. UC will be penalized if it tries to increase non-residents as much as suggested while constraining resident undergraduates. This ratio is also important for capital projects: UC now has the opportunity to have a state-funded capital program. There will be a desire on some campuses to build facilities because they are increasing non-residents. But enrollment growth is not a viable justification for building facilities unless a campus expands resident undergraduate enrollment.

Q: Are we going to be able to continue to offer a referral guarantee? It will be a difficult task if campuses are allowed to set their own enrollment goals, especially since campuses get to keep the funding from non-residents. And if Merced has no space for resident undergraduate students, it will be inflammatory.
A: It is critical to think about the referral guarantee. Can you define eligibility?
Discussion: Eligible students are those who are in the top 9% statewide and students who are in the top 9% at their school, defined by GPA. The current index has captured too many students, and fixing that will shrink the number of enrollees, and will probably negatively affect diversity. AVP Obley indicated that the enrollment numbers used in rebenching will be the targets, not the actual

number of students on campus. Reliance on the targets, then, underscores the need for an agreed upon plan which specifies that if any campus does not meet its targets, then that campus will not receive funding. There must be an incentive for campuses to adhere to the enrollment plan, and central leadership needs to agree on the numbers and penalties.

Q: Merced currently has no MOU with UCOP, and needs a revised, attainable enrollment plan. UCM has to prioritize graduate students if it is to become equal to other UC campuses; currently only 5% of its population are graduate students.
A: Merced will do itself a disservice if it does not stick to its 10-year plan. UCM cannot get to self-sufficiency without a minimum level of undergraduate enrollment.

Q: Who will set the systemwide cap on non-residents? The Regents have an unofficial cap of 10% non-residents systemwide, which we will surpass this year. All of the campuses have high non-resident goals.
A: Strategically, it may be advantageous to be aggressive on non-residents because enrollment is UC's only leverage in Sacramento, as long as we accept all funded California residents. We must support for the principle that UC needs a certain level of funding per student.

Q: The student-faculty ratio is rising, and there is no prediction that it will level off. What is the trade-off between capital projects and student-faculty ratio?
A: The relative priority of competing goals will be determined by the new president.

Q: Shall we convene BOARS, UCEP, UCPB and CCGA with your staff to address these interlocking issues? If we wait until the new president gets here, the budget will need to be submitted soon thereafter and it will be difficult to have meaningful dialogue in such a short time period.
A: A joint task force on this topic is a good idea. We will work on this next week.

ACTION: **Divisional chairs should report to Chair Powell the level of consultation in preparing their campus' enrollment plans; the findings will be shared with the administration.**

Q: Could you discuss Professional Degree Supplemental Tuition?
A: AVP Obley stated that the process for determining PDST has been frustrating this year. The new PDST policy will not be completed until January, so we UCOP will not ask for new 3-year plans; there will be an abbreviated process next year. We will instruct campuses that if their plan is to request the PDST previously proposed (but not received), or to lower it, a new plan is not needed. If a campus wants a higher fee, the Provost must approve that change. This approach is intended to clearly demonstrate the need for more revenue. The governor believes the Department of Finance projections that UC does not need more money, but this analysis is flawed. In its calculations, the DOF counted fund generated by efficiencies that were used to weather the recent cuts as continuing revenue.

VIII.   Open Access Proposal

ISSUE: Senate Executive Director Winnacker introduced Laine Farley and Catherine Mitchell from the California Digital Library who will be involved in any implementation. Chair Powell also

invited UCOLASC Chair Chris Kelty to join Council for this item. Chair Powell noted that if Council decides to send the proposal out for review again, the review will need more focus.

Chair Kelty outlined three reasons why Council should endorse the Open Access proposal: 1) Do not let the perfect triumph over the good. Each review has generated the same list of questions, concerns, misunderstandings and demands to make the policy perfect. If it is sent out again, it will result in more of the same, with no further improvements. 2) It need not be implemented on all 10 campuses immediately or simultaneously. A phased implementation is possible: deposit can begin on two campuses that are interested in participating in a pilot, in addition to the already well-functioning one at UCSF. We should allow the campuses where there is consensus to proceed, and allow the other campuses to join once implementation issues are worked through. 3) The policy is reversible. UC faculty own our copyrights. The policy says that we collectively grant our rights to the University, and we can take our rights back.

DISCUSSION: A member noted that currently, there is no open access policy in place, but UC has a *de facto* opt-in policy. If we pass the policy, one does not have to ask permission of the publisher.

Other members observed that there are questions of implementation and cost that need to be answered before some are comfortable adopting the change. Council could stipulate that the project should proceed on a "do no harm" basis. Chair Powell indicated that faculty have to trust that the CDL can implement the policy effectively, and Chair Kelty is confident that they can. If nothing else, the Senate should move forward with the policy in the spirit of experiment, collect data, and monitor its effects.

Q: UCPB appreciates the work you have done. Our remaining concerns address the truism that what works for some disciplines probably will not work for others. We think an opt-in policy would be preferable and would protect those disciplines. We also suggest adding a sentence that states explicitly that UC will not use this right for profit. It is in the Provost's letter, but it should be in the policy. A third concern is that the open access business model works in Europe, but will not work in the U.S. There also should be a mechanism for continued discussion if it is approved. **A**: Differential publishing business models are part of why we want to pass an OA policy. Having sat in with talks with the publishers and CDL, it is clear that if UC had the negotiating chip of an OA policy, we would be in a stronger position. The negotiations have moved from cost of subscriptions to mechanisms for OA. For example, one thing on the negotiating table is that we could institute a sixth month embargo and publishers, in turn, would automatically deposit submissions in an OA repository of our choosing. There are already 177 universities with OA policies, and publishers are acclimatized to them. Publisher responses cannot be predicted, and thus problems cannot be preemptively solved by redrafting the policy. External trends indicate that most faculty will choose a non-commercial license, another 40%, including many in the Humanities and Social Sciences, will choose a derivative license, and 10% of faculty will want to make submissions available for commercial use.

Q: On the Irvine campus, the library has asked the Senate to collaborate on evaluating a pilot project. Will that pilot go forward only if a policy is passed? **A**: Yes. The librarians are ready to work with the Senate on this project. **Comment**: The faculty end of the business model causes concern, especially as the Open Access Publishing Fund has already been set up. Chair Kelty clarified that some publishers are implementing "Gold Open Access," in which faculty pay page rates to publish. This is distinct

from UC's proposal and will happen piecemeal – if at all - and will depend on what resources the provost commits to it, what different publishers in different fields do, etc. The policy before us is a "Green Open Access" policy, which only reserves for faculty the right to make our scholarly work available publicly. Nonetheless, several journals have established funds to support OA publishing. There is virtue in openness of submission, and there is virtue in the pay to publish model.

ACTION: **The proposal is adopted by a vote of 13 in favor, 0 opposed, 2 abstentions.**

ACTION: The transmittal letter will include requests for 6-month reports, inclusive of data from UCSF, for phased adoption, and for continued discussion and adaptation of the policy and its implementation guidelines.

IX.   Systemwide Course Approval Guidelines

ISSUE: UCEP submitted a draft set of guidelines for systemwide course approval. Tracy Larrabee, incoming UCEP Vice Chair, stated that UCEP believes that each campus should trust the campus of origin to determine if a course is UC quality. Sister campuses would then certify what local requirements a systemwide course will satisfy. Under the proposed guidelines, if a course is submitted to be a systemwide course, approval will be granted provisionally; if no other campus uses that course at the end of 2-3 years, it will cease to be a systemwide course. It is proposed that articulation be automatic for classes originating within a parallel department, but wider uses must be petitioned through UCEP. This process places the burden of articulation on the course proposer. The definition of a systemwide course is: a course that more than one campus will use to fulfill a general education or departmental requirement.

DISCUSSION: Vice Chair Jacob relayed some questions from the Provost: 1) Can courses other than systemwide courses be listed in the systemwide course catalog? Professor Larrabee indicated that all systemwide courses will be in the database; the listing of other courses is beyond UCEP's jurisdiction. 2) Item 3 is very detailed and could impose extra work on some course proposers. If UCEP does not seek to review courses, why include these requirements? Professor Larrabee reported that UCEP found that the campus online course approval forms vary tremendously. For example, the UCSC form did not indicate whether the infrastructure is available to deliver the online course. It is a reminder that logistical details must be documented by the originating campus before systemwide approval is granted. Vice Chair Jacob suggested that course proposers submit all of the original course approval documents and that UCEP include item 3 as an appendix, indicating what proposers and approvers at the campus level should evaluate. Professor Larrabee accepted this recommendation as a friendly amendment.

Other concerns with the proposal included: students may get baccalaureate unit credit, but may not meet a requirement if a course approval is provisional; the database must be clear about what requirements a course fulfills at any given campus; it is unclear how to allot credit between semester and quarter campuses; IGETC may need to be amended since the systemwide courses are accessible to non-matriculated students; and non-UC students must have access to all required course materials. Professor Larrabee noted that articulation is a thorny issue, and is not in UCEP's purview.

Q: Why do we need to designate a course systemwide other than to advertise it, especially if campuses can already articulate courses?
A: The ILTI RFP requires that courses be offered systemwide.
Comment: Members observed that ILTI needs a minimum number of systemwide courses; how they benefit students seems to be a secondary consideration. Vice Chair Jacob noted that ILTI aims to have courses accessible on multiple campuses, and that UC's current policy is unwieldy. UC and the Senate need to be able to show the Regents and governor that we are responsive. Having a clear policy would also focus discussions regarding non-matriculated students.

ACTION: **UCEP should revise the policy and resubmit it in the fall, carefully articulating the purpose and definition of a systemwide course.**

X.   APM 241 – Appointment of MRU Directors

ISSUE: UCORP Vice Chair Robert Clare reported that the goal of the revision is to align the APM with Regents' policy and the Compendium. An MRU, by its nature, is multi-campus, so it makes sense that the president would appoint the director. The specific textual suggestions parallel language used in the relevant Regents policy.

DISCUSSION: Members suggested that, since it is an internal position for the continuity of the MRU, it would be better for the members of the MRU to nominate candidates, rather than have a lead campus official participate. Others, however, thought that the chancellor of the lead campus should have an opportunity to opine on the nominees, even if the final choice will still be made by OP. Having either the local campus or OP be entirely responsible is not wise. There should be a balance, with consultation at both the campus and systemwide levels. The Cal ISI review guidelines are collaborative in tone and may serve as a good model.

Members agreed that the original draft language does not engage the chancellor of the lead campus, but subsection 24-c's addition of nominations to the search committee is an improvement. New subsection 24-d is viewed as contradictory by some; better language to ensure a more collaborative process should be sought.

MOTION: A motion was made to approve the alternate language for 24-c, minus the last sentence, and replacing "VP ORGs" with "President or his/her designee" in the first, second and fourth sentences (3rd line, 4th line and 6th lines).

ACTION: The edited language was passed unanimously.

XI.   New Business

No new business was discussed.

XII.   Chair's Remarks

Chair Powell thanked the Council for their service, support, and good humor.

Meeting adjourned at 4:30 pm
Attest: Robert Powell, Academic Council Chair
Minutes prepared by Kenneth Feer, Principal Committee Analyst