

## ACADEMIC COUNCIL

Minutes of Meeting  
October 25, 2017**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Council minutes of September 27, 2017
3. Master of Molecular Science and Software Engineering (MSSE) degree at UC Berkeley

**ACTION: Council approved the consent calendar.**

**II. Senate Officer Announcements**

- o **Shane White, Academic Council Chair**
- o **Robert May, Academic Council Vice Chair**

Visit with Regent Kieffer: Regent George Kieffer will join Council this afternoon to discuss critical issues challenging the University. Regent Kieffer was appointed to the Board of Regents in 2009 and is currently the Chair of the Board.

Council Response to External Events: Following the 2016 election, President Napolitano issued a series of letters co-signed by the ten chancellors in response to federal actions affecting immigration and undocumented students. The Academic Senate was not a signatory to those letters, but Council issued its own letters endorsing two of the UC statements, and a separate statement opposing the Immigration Executive Order. Chair White asked Council to reflect on the appropriate role of Council in responding to external events that impact the academic community.

- Council members agreed that Senate action should be issue-dependent: in some cases adding the Council's signature to an administration letter could help convey a united front, but in other cases issuing a separate Council statement could help convey a different faculty perspective. The faculty perspective generally reflects a more a deliberative and nuanced process and a long-term perspective. Members also noted that some campus chancellors confer with Senate division chairs before signing a letter that speaks for the campus.

September ICAS Meeting: The Intersegmental Committee of Academic Senates (ICAS) agreed to address two projects this academic year that support the common interests of the three higher education segments: 1) a proposal for additional state resources to support faculty diversity; and 2) a catalog of resources available to DACA students and opportunities for resource-sharing across the segments.

AB 97: After its September meeting, Council sent President Napolitano a [letter](#) identifying principles to guide the consideration of cuts to systemwide programs and services, to meet the State budget bill (AB 97) mandate to fund new undergraduate enrollments with up to \$15 million redirected from the UCOP budget. The principles ask the University to preserve programs that benefit the core UC academic mission and that support multiple campuses, in a process that includes Academic Senate input.

Retiree Health: Council also sent President Napolitano a [letter](#) thanking her for agreeing to assemble a working group to develop a retiree health funding policy that maintains the current

benefit design. The letter also recommends a list of constituency groups to include on the working group.

Faculty Salaries Consultative Group: A group led by UCFW that includes the chairs of UCPB, UCAADE, and UCAP, is meeting to discuss a plan for closing the UC faculty salary gap with UC's comparator institutions. The group will address several important issues, including the amount of salary increase to request, a timeframe to close the gap, and specific recommendations for distributing salary increases.

LSOE/Teaching Professor Follow-Up: The Office of Academic Personnel will be revising last year's proposal to modify APM sections related to the Lecturer with Security of Employment (LSOE) faculty series.

APM 015 and 016 Follow-Up Work Group: A work group will be discussing suggestions made by UCAADE and others for additional changes to APMs 015 and 016 that were not directly related to the immediate goals of last year's policy revisions addressing the adjudication of sexual violence and harassment cases.

December Council Meeting: The December 20 Council videoconference meeting is being moved to December 13, and will start immediately following the Assembly videoconference meeting scheduled to start at 10am. Council will meet at 10am if the Assembly meeting is canceled.

### **III. Senate Bill 201: Higher Education Employer-Employee Relations Act**

- **Susan Carlson, Vice Provost Academic Personnel and Programs**
- **Art Ellis, Vice President Research & Graduate Studies**
- **Amy K. Lee, Diversity, Labor, & Employee Relations Director**

Governor Brown recently signed [Senate Bill 201](#), an amendment to the Higher Education Employer-Employee Relations Act that expands the definition of "employee" to include all UC student employees. The legislation provides UC's Graduate Student Researchers (GSRs) with the opportunity to be represented by a union when the bill takes effect January 1, 2018.

The University had asked the Governor to veto the bill, based on concerns that unionization could increase costs and alter the faculty-student educational relationship from mentor-mentee to employer-employee. UC now has a neutral position on the bill and is considering the best process for managing its implementation. To help GSRs make an informed decision about unionization, the University has released guidance for students and faculty concerning the rights of GSRs during an organizing campaign, which emphasizes the need for supervisors and principal investigators to remain neutral.

Approximately 8,000 of UC's 50,000 graduate and professional students are GSRs. If a vote is taken on collective bargaining, and fifty percent of current GSRs agree to unionize on a systemwide basis, they will be unionized at all campuses.

- Council members observed that although GSRs are University employees, their wages are often funded through external grants, which makes the outcome of a potential strike for higher wages more uncertain. Members also noted that some students may prefer to resolve disputes through a union, and that unions provide benefits beyond wages, including advocacy concerning grievance rights and other working conditions.

#### **IV. Consultation with Senior Managers**

- **Janet Napolitano, President**
- **Michael Brown, Provost & Executive Vice President, Academic Affairs**

Legislation: The University secured the Governor's approval on all five of its sponsored bills, and his veto of a bill that would have restricted UC's ability to contract for services. However, the Governor did sign a bill creating collective bargaining rights for UC's graduate student researchers, and the University is now preparing for the possibility of GSR unionization. The Governor also vetoed a UC-supported bill that would have codified in State law new UC policies on sexual harassment that align with Title IX guidance issued by the Department of Education in 2011, despite the new Secretary of Education's rescission of that guidance. The Governor indicated in his veto message that he wants to determine the full impact of other new state standards around SVSH before codifying new requirements. Finally, UC supports SB 68, which would expand eligibility for undocumented students to qualify for in-state tuition, and AB 21, which would mitigate the impacts of immigration enforcement on campuses.

DACA: The University has sued the Department of Homeland Security over its decision to rescind DACA and is assembling a set of declarations concerning the effect of the rescission in preparation for a December 20 court hearing. UC has also asked the California legislative delegation to support bipartisan legislation to preserve DACA, and has signed a letter authored by the American Council on Education that calls on Congress to pass a long term fix.

Retiree Health: In early 2018, UCOP will assemble a working group to assess the retiree health care benefit, its cost structure, and funding solutions and programmatic options for achieving a four percent budget target in 2019 and a sustainable long-term financial trajectory. The process will include representatives from a wide range of groups. In the meantime, the 70 percent floor for University contributions to retiree health will remain in place for 2018.

AB 97 and the State Audit: The 2017 budget act requires UC to share the \$15 million cost of enrolling 1,500 new undergraduates in 2018-19. UC will be proposing a \$10 million contribution, using state general funds redirected from systemwide programs and services. UCOP consulted a wide range of stakeholders to develop options for identifying UC's share. Informed by those discussions, UCOP is proposing to redirect \$2.3 million from several small single-campus systemwide programs and \$7.7 million from the UCOP administrative budget. A more comprehensive review of systemwide programs will be done as part of UC's response to the State audit due in April.

Provost Brown thanked Council for suggesting principles to guide the review and the consideration of cuts to systemwide academic programs and services. He wants to prepare budget presentations that highlight the importance of programs housed in the Academic Affairs, and that illustrate their mission and funding sources effectively and transparently. He hopes to mobilize the academic community to help him interface with key State leaders and rebuild the University's relationship with Sacramento.

November Regents Meeting: UCOP will ask the Regents to approve a 2018-19 budget in November. The budget assumes state funding consistent with the four-year framework agreement with the Governor, and it proposes critical new investments in high priority areas and mandatory costs. The budget assumes marginal cost funding for the enrollment of 1,500 new California resident undergraduates, funding for 500 new graduate students, and revenue from 1,000 new

nonresident undergraduates. It includes a request for \$35 million in one-time funds to help address the large backlog of deferred maintenance, and a 2.5 percent net increase in resident tuition (\$288) and a 5 percent increase in the student services fee (\$54), as well as a 3.5 percent increase in nonresident tuition. UC's return-to-aid system will ensure that more than half of CA undergraduates will not pay any of the increase. The budget also includes average salary adjustments of three percent for faculty and non-represented staff, cost increases of four percent for employee and retiree health benefits, and an increase in the UCRP employer contribution rate from 14 to 15 percent. Finally, the budget sets aside \$50 million for reinvestments in academic quality and success at the campuses.

The Regents agenda will also include reports from the Total Cost of Attendance Working Group and the Academic Verification Task Force; a six-month status update on the implementation of the State audit; an update on the UC's re-bid for management of LANL; an update on Merced 2020; and a presentation from the director of the Public Policy Institute of California on a projected shortage of college graduates in California relative to projected workforce needs.

- Council members recognized the University's success in securing state funding for new graduate student enrollment; however, members also expressed concern about UC's ongoing ability to compete competitively for graduate students, particularly academic Ph.Ds. The ability to offer competitive packages, affordable housing, and an appropriate balance between teaching and research are all critical to advancing UC's mission to train the next generation of faculty and knowledge-creators. UC's competitiveness also affects its diversity and access mission. Members also noted the importance of cultivating excellent graduate students internally and creating strong graduate education pathways from within.
- President Napolitano noted that UC draws graduate students from all over the world, and agreed that maintaining competitiveness is important for the University's ability to grow the graduate academic pipeline and meet its research and diversity missions. She noted that the University's new [UC-HBCU Initiative](#) is already drawing significant numbers of new African-American graduate students. Events like Grad Slam and the annual UC Graduate Research Advocacy Day in Sacramento also help highlight the important contributions of graduate education to the state.
- It was agreed that UCOP would provide an update on the implementation of UC Path at the November Council meeting.

## **V. Visit with Regent George Kieffer**

### UC's Relationship with the Public

- Regent Kieffer noted that public disinvestment in higher education is a national trend that is not confined to California. The rise of anti-elitist populism on both the left and the right, and a growing economic divide, have led some to question the value of higher education and the University's role as a public good. The University should not ignore these voices, but consider how well it is supporting the needs of individuals and society and whether it could do some things better or differently. The University should insist on more public funding, but it also needs to do a better job of explaining what it does.
- Restoring public confidence in the University is Regent Kieffer's top priority. The Regents are a bridge between the state and the University, between the popular will and the academy. He

and the Board are working hard to establish and maintain good relationships with individual legislators. He also meets regularly with gubernatorial candidates, internal UC constituents, external UC supporters, and representatives from campus foundations and alumni associations, to hear their views and perspectives.

### Undergraduate Education

- There is an ongoing need to clarify the “meaning” of a UC undergraduate degree and the relevance of UC’s general education requirements in the modern world. The Regents delegated authority over the curriculum and admissions policies to the Academic Senate, but they did not abdicate authority. The Regents require periodic reports from the faculty about the status of undergraduate education, the faculty’s curricular decisions, and how they arrived at those decisions. Regent Keiffer will be inviting Academic Senate leaders to a future Regents meeting to address these questions.
- UC graduates leave the University with three things: knowledge and skills gained from book learning; education gained from the on-campus residential experience; and the benefit of the UC brand. It is important for the brand to be as meaningful in 30 years as it is today.
- UC is a single system of ten great universities, but individual campuses should be encouraged to promote their unique roles and characters within that system. The less competitive UC campuses would be the flagship institution in other states.

### Graduate Education

- The graduate education pipeline runs from California communities to UC graduate programs, and then back again from those programs to the community colleges, CSU, and the state workforce – fueling new research, scholarship, and the California economy.
- UC’s presentations to the Legislature on graduate education must be respectful, responsive and well-informed. Faculty can help articulate the need for state support by providing effective real life examples of graduate education and research impact in a way that is understandable to a lay audience.

### Comments from Academic Council

- The University should emphasize that undergraduates at a research university are taught by scholars on the cutting-edge of new knowledge and research in their disciplines. Faculty prepare young people for the future not only by imparting knowledge, but also by giving them analytical tools to prosper in a changing world. UC helps create a prosperous future by creating new knowledge and training new knowledge-creators.
- Each UC campus has a different and evolving character, but UC is also a single institution where all faculty are evaluated on the same APM criteria. In addition, it is the University of California, not the campus, that confers the Ph.D.
- UC’s manages the three national laboratories as a service to the nation and to national security. UC’s strength and stature as a research university and its depth in resources have contributed to success of research programs at the labs.
- UC has a strong record on access and diversity in undergraduate admissions. UC campuses lead the nation in providing upward social mobility to low-income and first generation

students. UC's comprehensive review system ensures that freshmen applicants are evaluated based on multiple measures of merit. UC also faces challenges in keeping up with demand as the applicant pool increases and campuses become more selective.

- It is important that faculty feel supported to achieve their teaching and research missions. Campuses are struggling with over-enrollment, space pressures, and deteriorating infrastructure. Some campuses lack the laboratory space and equipment needed to accommodate all students in some majors. As we expand the pipeline, we also need to enlarge the "pipe" to ensure that students have access to a quality educational product.
- Council members asked Regent Kieffer to consider how the University might best frame a request to the state for additional resources to support increasing faculty diversity. He noted that the real work is done through UCOP and SGR but that many legislators support the faculty diversity goals. He suggested beginning with a purpose and goal and defining the resources needed to archive it.
- Regent Kieffer encouraged Council to forge a closer connection with the Board by inviting more Regents to meetings. He offered to return to a future Council meeting to continue the conversation.

## **VI. Emeritus/Emerita Policy**

A Regents workgroup has proposed clarifications to a range of University policies and procedures, including policy for conferring emeritus status on employees. Under current policy, emeritus status is conferred on every professor and associate professor upon retirement. It may also be conferred on other members of the Academic Senate with the approval of the Senate, and on academic appointees who are not Senate members by the President. The Regents or President may also confer emeritus status on senior administrators who may or may not have underlying faculty appointments, including principal officers of the Regents, Regents, chancellors, systemwide senior leaders, other non-academic university employees.

The Senate has asked the Regents to clarify that Professor Emerita is sometimes used for women and that the title emeritus/emerrita is a suffix. The Senate also asked to shift authority for conferring emerita/emerritus status on academic appointees who are not members of the Senate from the President to the Senate.

**ACTION: A motion was made and seconded to endorse the proposed changes. The motion passed unanimously.**

## **VII. Conflict of Interest Statement/Policy**

- Patricia Gallagher, UCOC Chair (Phone)
- G.J. Matthey, UCRJ Chair (Phone)

In response to a specific issue on one Senate task force last year, UCOC was asked to develop a systemwide policy governing conflicts of interest on Senate committees and task forces.

UCOC created a draft proposal for a systemwide policy adapted from an existing Berkeley Senate policy. The policy articulates broad principles and outlines circumstances in which a committee member should consider abstaining from a vote, meeting discussion, or meeting. The policy

names the committee chair as the final decision-maker; and the vice chair if the situation involves the chair. UCR&J is named as the final arbiter in uncertain situations.

The UCRJ chair suggested several possible homes for the policy, including the UCRJ bylaw, other Senate bylaws, or the systemwide Senate committee guidelines. One possibility was to amend [Senate Bylaw 128](#) to state that the conduct of Senate committees is governed by rules set by the Academic Council; the conflict of interest verbiage could then exist as a rule. However, Council agreed that it is important for the Senate bylaws to include procedures governing conflicts of interest. It was also agreed that UCRJ would propose language for the bylaw drawn from the UCOC draft proposal. The proposed revisions will circulate for systemwide Senate review.

### **VIII. Domestic Partner Benefit Equity**

In February 2017, Academic Council [endorsed](#) a University Committee on Faculty Welfare report calling on UC to extend health and welfare benefits to the domestic partners of all active UC employees and retirees, regardless of gender or age.

Vice Chair May observed that the University applies one definition of domestic partner to health and welfare benefits, and another to survivor retirement benefits. Same sex domestic partners have access to both sets of benefits. Opposite sex domestic partners who are registered are eligible to receive survivor benefits, but UC requires one opposite sex partner to be at least 62 years old to be eligible for health and welfare benefits.

The University responded to the February 2017 proposal by noting that it adds expense to provide equity in benefits to opposite sex domestic partners and that substantial health plan design changes would be required to offset the \$21 million estimated cost.

UCFW believes the cost is sustainable and notes that the University has no moral or legal defense for the current policy, which has lost even more relevance in the context of the state's new non-binary gender category.

UCFW asked Council to reaffirm its position. Vice Chair May noted that the University advertises itself as a leader in domestic partner benefits. Its stance has always been to respect the privacy and individual life choices of employees and to respect domestic partnerships as a legitimate way of living in a committed relationship. The current policy also amounts to discrimination based on binary gender.

**ACTION: A motion was made and seconded to support the UCFW letter. The motion passed unanimously.**

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Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Shane White, Academic Council Chair