

## ACADEMIC COUNCIL

## Minutes of Meeting

April 26, 2017

**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council minutes of March 22, 2017

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

**II. Senate Officer's Announcements**

- o **Jim Chalfant, Academic Senate Chair**
- o **Shane White, Academic Senate Vice Chair**

Nonresident Enrollment Policy: In May, the Regents are expected to vote on a compromise nonresident enrollment policy that addresses concerns from legislators about specific elements of the policy. The previously proposed systemwide cap of 20% has been taken off the table and discussion is focusing instead on a campus-specific cap that is likely to be set at around 18% for all campuses except the three campuses currently above that limit, which will be allowed to remain at their current levels.

Council members noted that the removal of the systemwide cap is a positive development, but the policy still has the effect of tiering campuses. Under the policy, campuses with fewer resources will remain the least resourced.

Legislation: UC is following several high-impact bills, including Assembly Bill 1674, which asks UC to ensure that the academic qualifications of admitted nonresident undergraduates generally exceeds the academic qualifications of resident undergraduates; and Senate Bill 677, which would provide "whistleblower protections" to students who record lectures and other classroom activities.

ICAS Legislative Day: The Intersegmental Committee of Academic Senates held its annual Legislative Day meeting at the Capitol in Sacramento on April 3. The meeting featured a series of visits with legislators, legislative staff members and aides from the State Assembly, State Senate, and Governor's Office. The visits focused on three issues: transfer admission, student mental health, and faculty diversity.

Framework for Growth and Support Meeting: UCOP hosted a systemwide all-campus meeting near UC Irvine on April 17 to discuss the 2040 enrollment scenarios submitted by UC campuses as part of the Framework for UC Growth and Support project.

Travel Risk Recommendations: The Office of Risk Services will be consulting with representatives of systemwide Senate committees to discuss recommendations stemming from an independent review of UC's international travel programs. It is expected that one recommendation may be to require all international UC travelers to register their travel plans with the University.

Associate Degrees for Transfer: UC and CCC faculty leaders are discussing possible Associate Degrees for Transfer based on the UC Transfer Pathways for physics and chemistry. UC has invited UC and CCC faculty from those departments to a May 12 meeting at UCOP to discuss a way forward.

Senate Bylaw 182: Campus faculty representatives to the University Committee on International Education are meeting with their respective divisional Senate chairs to discuss revised proposed amendments to UCIE's charge for Council's review in May.

### **III. Update on Letters of Recommendation**

- **Henry Sanchez, BOARS Chair**
- **Eddie Comeaux, BOARS Vice Chair**

A BOARS subcommittee is developing a systemwide policy on Augmented Review (AR) that outlines guidelines and criteria for the use of AR on campuses and the types of additional information that might be solicited, including letters of recommendation (LORs). BOARS will review a final policy on May 5 for subsequent review by Council on May 24 and Assembly approval in June.

The policy will be part of the Senate's response to President Napolitano's request for a systemwide policy on the use of LORs. The issue first emerged in 2015 when concerns were raised that a Berkeley proposal to require LORs for all applicants to that campus could hurt disadvantaged students and would represent a new "condition for admission" that should be approved at the systemwide level. BOARS has consulted a variety of stakeholders including admissions directors, high school counselors, and UCB Professor Jesse Rothstein, who is conducting a study on the effect of LORs in UCB admissions and their differential effect on applicants from underrepresented groups, the results of which are expected in mid-May.

BOARS Vice Chair Comeaux noted that AR, or Supplemental Review, as it is also known, is used by several UC campuses to provide an additional review of a small number of applicants, usually 5-10% of the pool, who fall in the margins for admission, but whose initial application yields an incomplete picture of their qualifications and circumstances. The subcommittee modeled its draft systemwide policy on similar policies in use at specific UC campuses. It wanted to align the systemwide policy with the current research literature, which supports the benefits of multiple LORs in a standardized format and the usefulness of information in the later high school years. The policy outlines three types of supplemental information a campus may request: 1) a questionnaire inviting the candidate to elaborate on special talents, accomplishments, extraordinary circumstances, and their school/home environment; 2) 7<sup>th</sup> semester grades; and 3) two standardized letters of recommendation. The policy also outlines specific criteria for referring an applicant to AR.

Berkeley Division Chair Powell noted that Berkeley changed its admission policies in 2015 to address a sharp increase in applications and the need to better distinguish the most highly qualified applicants. LORs were intended to help provide that additional granularity. Berkeley is sensitive to concerns about diversity and believes that LORs will help some underrepresented students make their case for admission. Berkeley has asked BOARS to delay making policy until the Rothstein study results are available. Berkeley also believes that individual campuses should be free to craft admissions policies that meet their unique needs. If BOARS intends the policy to limit Berkeley's use of LORs outside of AR, it should be clear on that point.

#### **IV. Consultation with the Systemwide Title IX Coordinator**

- **Kathleen Salvaty**

Before joining UCOP as its first systemwide Title IX Coordinator, Ms. Salvaty was the Title IX Coordinator at UCLA. From her position on campus, she saw how valuable a systemwide coordinator could be in ensuring strong and consistent prevention and response efforts to sexual violence and sexual harassment (SVSH) across campuses.

Coordinator Salvaty is overseeing systemwide implementation of the Joint Committee's recommendations. At the end of March, she sent a letter to campuses describing the expected composition and membership of local peer review committees (PRC), the types of cases PRCs should consider, and protocols they should use. PRCs are charged with advising chancellors on the appropriate resolution when a Title IX investigation has found a faculty member in violation of the UC SVSH policy. More recently, Coordinator Salvaty sent a letter to campuses asking for comment on a draft framework and process for the investigation and adjudication of SVSH cases involving Senate and non-Senate faculty.

*Discussion:* Council members noted that some campuses intend to use their Charges Committee as their PRC; others will use Senate COCs to populate their PRCs. The systemwide guidance should acknowledge the diversity of campus processes. Coordinator Salvaty clarified that some of the recommendations about the composition of the PRC—for example, that it include an individual with insight into a staff or student complainant's perspective, and that it include campus counsel, are indeed recommendations and not mandates. She added that the goal is to have a single investigation process that is credible, that results in good decisions, and that provides enough information on which to act. It was noted that some Senate divisions are considering changes to their P&T bylaws to modernize and align them with the new structure.

#### **V. Consultation with Senior Managers**

- **Janet Napolitano, President**
- **Aimée Dorr, Provost & Executive Vice President, Academic Affairs**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

UCOP Audit: On Tuesday, the California State Auditor released a report criticizing the Office of the President's budget policies and practices. UC has accepted most of the recommendations in the audit related to reporting and managerial practices, and the President has formed a work group to develop an implementation plan. However, the report also claimed incorrectly that UCOP has \$170 million in undisclosed budget reserves that could otherwise be used to support students. In fact \$83 million, of the funds identified are restricted monies that support a range of systemwide programs and Presidential initiatives, including the Lab Research Grant Programs, UC Health, and the Wholesale Power Program. \$49 million of the remaining \$87 million of funds with more spending flexibility has been committed to initiatives related to Food Security, Cybersecurity, and the President's Postdoctoral Fellowship Program. UCOP maintains the remaining \$38 million in reserves to address extraordinary circumstances and fast moving issues.

The report also claimed incorrectly that UCOP interfered with the content of campus responses to the surveys they received from the auditor. UCOP's assistance to campuses focused only on helping them respond to the surveys with accurate information. President Napolitano said she

looks forward to clarifying these and other misunderstandings at the Joint Legislative Audit Committee hearing next Tuesday. The Regents are also objecting to a recommendation in the report that the Legislature should appropriate the UCOP budget separately from campus budgets.

Nonresident Enrollment: UCOP continues to meet with members of the State Assembly to discuss the importance of nonresident enrollment and to emphasize that the University enrolls all funded CA residents. In these meetings, UC officials emphasize that nonresidents enhance the educational experience for all students and augment the systemwide financial aid system that benefits in-state students, and they note that it is unwise to constrain the campuses' ability to generate revenue when the proposed Federal budget threatens many other UC fund sources. The legislators who are most concerned about the policy have agreed to eliminate the systemwide cap and to hold campuses currently above the cap harmless.

May Regents Meeting: In May, the Regents will discuss best practices for enhancing diversity in academic graduate programs; financial aid fund sources and goals for students in programs that charge Professional Degree Supplemental Tuition; the results of the recent survey of graduate student well-being; and campus efforts to meet the 2:1 freshman-to-transfer enrollment ratio target in the Budget Framework Agreement with the state.

UC-Mexico: As part of the UC-Mexico Initiative, President Napolitano led a delegation to Mexico City to meet with education, government, media, and business leaders. She joined the Mexican Secretary of Energy to announce \$10 million in new funding to support joint energy efficiency research projects, and made plans for UC to host a joint meeting of scholars to discuss US-Mexico relations. UC also agreed to launch initiatives related to training English teachers in Mexico and examining the educational needs of “The Students We Share”—K-12 students from both countries who cross a border for their education.

Undocumented Student Support: The University continues to monitor changes to federal immigration law that affect members of the UC community. UCOP issued detailed guidance to campuses on President Trump's executive order related to visa restrictions for citizens of designated countries, and produced for campus Undocumented Student Services centers wallet-sized cards informing students about their rights in the event they are approached by an immigration officer and the legal aid available through UC. UC maintains an [immigration website](#) that houses all statements, resources, policies, and FAQs from across the system.

In response to a faculty member's question at the April Assembly meeting, the President has asked the Office of General Counsel to issue guidance to UC faculty and researchers about how to handle potential border searches of UC-issued electronics that contain privileged or protected data.

Framework Meeting: The Academic Senate was well-represented at the April 17 systemwide Framework for Growth and Support meeting where campus leaders gathered to discuss campus scenarios for their overall size in 2040 and the resources needed to fulfill them. The project is a “visioning exercise” and not intended to lead to formal plans for growth. The meeting clarified that capital is one of the University's biggest hurdles to expansion, and that UC will need to think more creatively about how to accommodate enrollment growth in ways that may not be tied to physical space.

*Discussion:* Council members expressed concern about the partisan tone of the auditor’s report, and dismay that the report is likely to further erode the public’s trust in the University. The President noted that the University’s finances are audited by an independent third party, and the most recent reports from UC’s rating agencies were uniformly complimentary about the financial management of the University.

## **VI. Consultation with the Office of Research and Graduate Studies (ORGS)**

### **o Arthur Ellis, Vice President for Research and Graduate Studies**

#### **1. Collective Excellence**

Council reviewed a document entitled “The Pursuit of Collective Excellence in Research at the University of California.” The document is intended to raise awareness of how “collective excellence” in academic units, campuses, and the UC system makes the whole greater than the sum of its parts, and the many ways individuals can help UC academic units meet their collective responsibilities that relate to UC’s research enterprise. It lists as examples contributions to 1) team-based scholarship; 2) the stewardship of research tools; 3) translational research; 4) the teaching-research nexus; and 4) a diverse, globally-engaged research workforce.

The document is not intended to advance a new set of merit and promotion review criteria; rather, it is an aspirational document which emphasizes that scholarship trends necessitate greater recognition of both individual and collective research excellence in reviews of individual faculty and academic units. CCGA, UCORP, and UCAP have discussed the document, and UCAP shared it with campus CAPs.

*Discussion:* Council members noted that some of the document’s questions would be appropriate for graduate program reviews. It would also be useful for ORGS to develop materials about how to succeed in unique research positions. It was also noted that faculty, especially junior faculty, need to establish individual excellence to earn tenure and advance. It was noted that mentorship of graduate students is part of departmental collective excellence and that CCGA is synthesizing results from its survey of mentoring best practices from around the UC system.

#### **2. UC-NIH Initiative**

The Initiative is focused on enhancing diversity in postdoctoral and faculty hiring in the biomedical sciences. It grew out of a meeting between President Napolitano and the Chief Diversity Officer for the National Institutes of Health (NIH), UC’s largest extramural funder.

The Initiative was inspired by the work of Dr. Kenneth Gibbs of the NIH, who has published a number of articles on diversity-related faculty hiring issues in the biomedical sciences ([1](#), [2](#), [3](#), [4](#)), which were recently featured in the [Atlantic](#) magazine and that provide a unique scholarly basis for making postdoctoral hiring more inclusive. The NIH has invited UC to submit a proposal for a national summit that would address the key findings from the research. The summit is a great opportunity for UC to take a leadership role in the national conversation.

#### **3. Providing Undergraduates with Research Experiences**

ORGS has been working with campuses on strategies for expanding undergraduate research opportunities, in recognition that undergraduate research benefits students and the University – by promoting self-confidence and creativity, increasing the pool of potential graduate students,

creating new opportunities for intellectual property, and minting student ambassadors for the research enterprise.

Council members noted that the academic personnel review process provides faculty little incentive to involve undergraduates in research. Moreover, many faculty do not have time for additional mentoring, and undergraduate research opportunities differ greatly across disciplines. Campuses should consider how to better recognize and reward faculty for their undergraduate research programs and also increase financial support for those programs.

## **VII. Increasing Diversity in Senate Service**

### **o With Robert Clare, Chair, University Committee on Committees (UCOC)**

UCOC tries to ensure an overall diverse balance in the make-up of systemwide committee membership and leadership with respect to gender, racial/ethnic background, discipline, and campus representation, both within individual committees and across the systemwide Senate. To help ensure that balance, UCOC is also doing more to coordinate efforts across campuses and to review the make-up of divisional Senate committees.

*Discussion:* A Council member noted that the Senate needs a larger, more diverse pool of candidates for the systemwide vice chair position, suggesting that Council's goal each year should be to find a diverse pool of at least five candidates willing to serve as vice chair. Additional suggestions included that Council should also identify barriers that may be causing diverse candidates to decline nominations, consider best practices for ensuring diversity in leadership recruitment, consider a flat rate of compensation for any Senate vice chair rather than one based on the individual's salary, and seek to settle compensation matters before candidates appear at Council. Council also should have adequate time at the March meeting, or in a subsequent videoconference, to discuss the candidates.

Council members noted that the lack of a critical mass of diverse faculty across campuses contributes to a less diverse pipeline to Senate committee membership and leadership. Moreover, URM faculty are often balancing multiple requests for service. Council members also noted the more general challenge of convincing faculty to participate in Senate service, resulting from a lack of recognition of Senate service by CAPs and other structural impediments like the ability of faculty to get approval for teaching relief in exchange for service.

## **VIII. UCAADE's Developing Recommendations for Faculty Diversity**

In preparation for its May 11 meeting with President Napolitano, UCAADE is developing a set of best practices and possible recommendations for enhancing faculty diversity in the UC system.

UCAADE is basing its recommendations on four principles: 1) that only 7.2% of ladder rank faculty are domestic under-represented minorities, a percentage that has hardly moved in 25 years; 2) that a critical mass of URM faculty is key to fostering a climate of inclusion for URM faculty, staff, and students on campuses; 3) that a climate of inclusion is key to retaining URM faculty and meeting UC's commitment to diversity; and 4) that UC leadership must make a financial commitment in support of faculty diversity.

UCAADE has been discussing a variety of best practices, including cluster hiring to build a critical mass of diverse faculty; funding Faculty Equity Advisors on all campuses; using resources to incentivize diversity hiring in departments; and ensuring diversity on search committees. UCAADE is also discussing how the merit and promotion system rewards faculty for their contributions to diversity; the need for campuses and units to look beyond a one-to-one replacement strategy; the importance of using Targets of Opportunity for faculty hires and funding additional faculty positions; the need to provide start-up funds and housing subsidies; and the need to increase funding for retention.

*Discussion:* Council members noted the importance of leveraging UC's diverse undergraduate student population into a pipeline that leads to graduate school and faculty positions. They also noted that opportunities for diversity vary greatly across disciplines and are also challenged by strong competition from wealthier institutions for a small number of candidates. It was noted that Deans share a large responsibility for increasing diversity and supporting an inclusive environment conducive to retention, and that preemptive retention actions can be as important as retention actions that follow an outside offer.

## **IX. Draft Presidential Unmanned Aircraft System (Drone) Policy**

Council received responses from Senate divisions and systemwide committees to the proposed Presidential Unmanned Aircraft System Policy. The revisions are intended to establish minimum standards for the use and operation of UAS and Small Unmanned Aircraft Systems, including drones, at any UC location or as part of any University activity, to ensure safety, security, and privacy, as well as compliance with Federal Aviation Administration (FAA) laws and regulations.

Senate reviewers expressed a significant number of concerns about the policy related to its lack of clarity, its redundancy with existing federal regulations, and the extent to which it would impose inappropriate new administrative requirements on faculty, inhibiting their use of drone technologies in research and instruction. There was also a concern that the policy should specifically prohibit the use of drones for surveillance on campus.

**ACTION: A draft summary letter will be circulated to Council for review and approval.**

## **X. LSOE/ Teaching Professor Policy**

Following a management review, systemwide Senate committees and divisions are reviewing a set of [proposed revisions](#) to APM - 285, 210-3, 133 and 740 related to the non-Senate Lecturer with Security of Employment (LSOE) faculty series. The revisions propose a new name for the series – “Teaching Professor” – with enhanced expectations for teaching excellence and professional and scholarly achievement that emphasize innovations in pedagogy. They also allow the Chancellor in consultation with the Senate to establish a quota on the number of appointments in the series at the campus, school, or department level. Comments are due to the Senate office on June 21.

Council members noted that the proposed quota could work as a limit on some campuses, while serving as an enticement to increase hiring up to a given cap on others. It was noted that teaching innovation is a ripe, but not limitless, area of scholarship.

## **XI. UCFW Letter on Salary Administration**

Council reviewed a letter from UCFW expressing concern about the distribution of a 3% faculty salary increase program planned for 2017-18, in which 1.5% will be allocated as an across-the-board increase to total salary – including the salary scales and any off-scale and above scale components – and the remaining 1.5% through a discretionary salary program designed by the campus to address issues of inequity, compression, inversion, and exceptional merit.

Council also reviewed a white paper authored by Chair Chalfant and Vice Chair White discussing the importance of maintaining competitive salary scales that have a meaningful connection to UC's merit review-driven academic salary scale and step system.

UCFW is concerned that the salary plan, which mirrors the plan implemented the last two years, fails to acknowledge the high priority that should be placed on fixing the published salary scales by bringing them closer to market reality. The scales reflect a system of merit, and faculty who have achieved a given step have demonstrated merit. The full 3% pool should be applied to the scales only, to help make them more relevant and to reduce off-scale differentials that may be based on a faculty member's negotiating skills or ability to secure an outside offer. UCFW is also concerned that the widely different implementation plans and eligibility criteria campuses use for the discretionary 1.5% portion of the increase will exacerbate existing salary differences across campuses. Moreover, the 3% pool is small, and the work involved in administering the 1.5% discretionary pool is not worth the payoff.

**ACTION: UCAP, UCFW, and UCPB will work together on next steps.**

## **XII. Clinical Affairs Task Force**

Council discussed its preferred composition for the proposed Academic Senate Clinical Affairs Task Force. One model would have a very broad representation, and include division chairs or their designee, from at least six or seven campuses, as well as the chairs of CCGA, UCFW, UCORP, and UCPB, the chair of the UCFW-HCTF, and the Senate's representative to the Regents Health Services Committee. Another model would include a smaller roster with more focused subject matter expertise, similar in nature to the Academic Council Special Committee on Lab Issues. The Senate representative to the Regents Health Services Committee would chair the Task Force.

Council members supported the proposal for the Senate representative to the Regents Health Services Committee to chair the Task Force. Division chairs agreed to send Chair Chalfant views on the membership structure.

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Meeting adjourned at 4:30 pm  
Minutes prepared by Michael LaBriola, Principal Committee Analyst  
Attest: Jim Chalfant, Academic Council Chair