

ACADEMIC COUNCIL

Minutes of Meeting

June 28, 2017

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Academic Council minutes of May 24, 2017
3. Master of Management (M.M.) degree program at UC Merced

ACTION: Council approved the consent calendar.

II. Senate Officer's Announcements

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

Augmented Review Policy: The Assembly of the Academic Senate [approved](#) the policy on Augmented Review in Undergraduate Admissions on June 14. The Regents' Academic and Student Affairs Committee will discuss the policy on July 12.

State Budget: Governor Brown signed the final 2017-18 state budget bill on Tuesday. Academic Council's [June 19 Letter to President Napolitano](#) discusses several provisions in the bill the Academic Senate considers problematic, including the plan to directly appropriate the UCOP budget in 2017-18.

Framework for Growth and Support: Provost Dorr announced that she is suspending the Framework for UC Growth and Support Project, which asked campuses to develop 2040 enrollment scenarios and vision plans describing the resources needed to meet them.

Executive Budget Committee: President Napolitano announced that she is reconvening the Executive Budget Committee (EBC) to advise her on the UCOP budget starting in August. The EBC will include a representative from each campus and the current systemwide Senate chair and vice chair, who will serve staggered, rotating terms.

Employee Benefits: On July 12, the Regents Finance and Capital Strategies Committee will discuss a three-part item from UCOP requesting authorization to 1) increase the UCRP employer contribution rate from 14 percent to 15 percent; 2) increase STIP borrowing to fund UCRP; and 3) remove the 70 percent floor for employer contributions to retiree health care benefits. The first two proposals are consistent with longstanding Senate policy; however, UCOP has not vetted the third with the Academic Senate, and there are great concerns about its effect on retiree welfare.

III. Budget and Framework Topics

- **David Alcocer, Director, Operating Budget, Budget Analysis, & Planning**
- **Stephen Handel, Associate Vice President, Undergraduate Admissions**

State Budget: The 2017-18 state budget divides UC's \$3.3 billion state appropriation into two sections: one to support the campuses and a separate line item appropriation of \$348 million to directly support UCOP and UC Path. The line item appropriation will end the UCOP campus

assessment system for at least one year and effectively impose a \$348 million budget cut on all campus state-funded programs. The appropriation is not revenue-neutral because campuses fund their UCOP assessments from a large cross section of state-funded and non-state-funded sources and because internal campus fund distributions differ. UCOP will expect campuses to distribute their state funding in such a way that state-funded programs are unharmed relative to the UCOP assessment system.

The state budget also withholds \$50 million pending the University implementation of the UCOP audit report recommendations and its demonstration of a “good faith effort” in meeting a 2:1 freshman to transfer student enrollment ratio on all campuses and achieving commitments related to activity-based costing.

2:1 Transfer: UC is meeting the 2:1 ratio on a systemwide basis and at all campuses included in the initiative except UCR and UCSC. Those campuses have developed specific plans for increasing the number of qualified transfer applicants and for meeting the 2:1 target over one, two, and five years. However, each proposal for reaching the 2:1 target projects negative consequences for the access and diversity of California resident freshmen. In addition, on other UC campuses, a larger than expected number of freshman admits submitted statements of intent to register for fall 2017, which will require them to enroll even more transfers to meet the ratio. The 2:1 mandate has raised concerns that the state is intruding into the faculty’s prerogative to set transfer admission standards.

Activity-Based Costing: Chair Chalfant noted that faculty have been monitoring the implementation of the activity-based-costing (ABC) pilot study at UCR, and ABC scoping studies at UCD and UCM, requested by the state to enhance understanding of instructional costs. UCR faculty members fear that administrators will use ABC modeling to justify harmful proposals, and UCM faculty members found that implementing an ABC system on that campus would be cost prohibitive. UC economists note that efforts to identify the relative costs of different majors can have value, but ABC’s profit/loss focus has limited applicability to university budgets with multiple fixed costs, and limited value to decision-making focused on maintaining educational quality. For example, it is not surprising that small classes taught by ladder-rank faculty are more expensive than large classes taught by lecturers.

Discussion: Council members noted that the direct appropriation of the UCOP budget over multiple years could affect the equitable flow of funds to campus departments, and harm campuses that rely more heavily on state funds. In addition, it was noted that meeting the 2:1 ratio on a strict basis could force the University to redirect many transfers from a first choice UC campus to a second or third choice campus. There is a need for closer dialogue between legislators and faculty to help clarify the academic consequences of different policy choices, and avoid misunderstandings and bad choices.

IV. Consultation with Senior Managers

- **Janet Napolitano, President**
- **Aimée Dorr, Provost & Executive Vice President, Academic Affairs**
- **Rachael Nava, Executive Vice President and Chief Operating Officer**

Audit Implementation: The President created a task force led by Chief Operating Officer Nava to implement the California State Auditor’s recommendations on UCOP administrative expenditures. UCOP’s [Audit Implementation Website](#) provides weekly updates on the

implementation status of each of the 33 recommendations. UCOP has already changed several practices related to employee retirement and morale events; partially completed a policy on UCOP budget reserves; initiated a market analysis of employee salaries and salary ranges; and is developing a UCOP workforce planning model.

The President also views the audit response effort as an opportunity to review UCOP's role within the system. She has charged a joint Executive Budget Committee with reviewing the annual UCOP budget, recommending spending priorities, and working with the Audit Task Force to review systemwide funding streams, programs, and initiatives. The Office of Academic Affairs is also reviewing its programs and initiatives and will be looking to the Senate for advice about funding priorities. The University hopes to establish better relations with Sacramento through increased advocacy and enhanced engagement and information sharing with the Governor's office and Legislature.

Provost Search: President Napolitano noted that she has interviewed finalists for Provost Dorr's successor and will make a recommendation to the Regents for confirmation in July.

Augmented Review Policy: President Napolitano supports the Senate's proposed policy on Augmented Review in Undergraduate Admissions as a good resolution among many possible policy choices for the use of letters of recommendation. The policy leaves appropriate room for campuses to request letters should they need additional information not found in the application from a limited number of applicants. She has agreed to put the policy before the Regents in July.

July Regents Meeting: The July Regents meeting will feature a presentation on graduate student diversity, the results of the first graduate student well-being survey, and recommendations for better supporting academic graduate students. The Committee on Compliance and Audit will discuss UCOP's 60-day audit implementation report and the annual UC Accountability Report, and the Regents are expected to vote on a proposal to increase the UCRP employer contribution rate. In addition, campus administrators will discuss activity-based costing pilot projects and scoping studies underway on some campuses. The President shares the faculty's concerns about the effect of making resource-allocation decisions based solely on cost data provided through ABC; she will look to the Senate for advice about alternative measures for making the most efficient use of resources to educate students.

Final Budget Bill: The final state budget includes a four percent base budget increase for the University, the final installment of Proposition 2 funds for UCRP, one-time augmentations of funding to support faculty diversity and address student food insecurity, and permanent new funding to support the enrollment of 500 additional graduate students. The budget also includes an expectation that UC enroll 1,500 more CA resident undergraduates in 2018-19 compared to 2017-18, with costs borne jointly by the state and UCOP.

The President noted that she appreciates the Academic Council's partnership and advocacy during the budget process. The University will be working with the state to demonstrate good faith campus efforts to meet the 2:1 freshman to transfer enrollment ratio. It also hopes to modify a budget provision that asks UC to prioritize the enrollment of CA resident graduate students, and remove from future budget bills the separate line item appropriation of the UCOP budget.

Framework for UC Growth and Support: The University has suspended the Framework for Growth and Support project at the request of campus administrators who are concerned that the

2040 plans will be misconstrued as concrete enrollment growth plans rather than visioning exercises.

Discussion: UCORP wants to increase the Senate’s involvement in the review of systemwide research entities, including Multi-Campus Research Units (MRUs) to assess their utility and achievements; however, there are currently no review procedures for non-MRU entities, and the Committee will be working with UCOP to develop appropriate procedures. Council members noted that activity-based costing is an inappropriate and expensive way to make policy, and the research mission is likely to get lost within the ABC algorithm.

V. Recommendations for the Future of the UC Open Access Mission

o Eric Bakovic, Chair, University Committee on Library and Scholarly Communication

A letter from UCOLASC asks the Academic Council to act on three issues related to the University’s Open Access mission. Open Access refers to the free online availability of research articles and the rights to full digital use of the articles online. Open Access aligns with UC’s Mission to serve society by “transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge.” The [Open Access Policy](#) for faculty publications approved by the Academic Senate in 2013 was rolled out on all UC campuses in November 2014. The policy grants UC a limited, non-exclusive right to make scholarly articles published by UC faculty freely available in an open-access repository (eScholarship) maintained by the California Digital Library (CDL).

1. Statement on Commitment to Free and Open Information, Scholarship, and Knowledge Exchange

In March, the UC Office of Scholarly Communication (OSC) and the UC Libraries issued a joint statement expressing their commitment to the free and open exchange of information and scholarship, “in response to recent actions by the new federal administration and in order to address resulting concerns about continued open access to and preservation of information, scholarship, and knowledge.” The key claim made in the statement is that information access is an essential public good. It goes on to say that the unfettered exchange and careful preservation of information are fundamental to democracy and intellectual freedom; and that UC faculty and staff participation in the University’s open access policies is fundamental to ensuring access to valuable data and research. UCOLASC asks the Academic Council to endorse the statement on behalf of all Senate faculty to signal the faculty’s continued collective commitment to the mission of the University and to validate its support for continuing efforts to make the products of UC research as freely and as openly available as possible.

2. Review of the Academic Senate Open Access Policy

UCOLASC has initiated the three year review of the Academic Senate’s Open Access Policy. The review will focus on the goal noted in the last line of the policy, “to develop and monitor mechanisms that would render implementation and compliance with the policy as convenient for the faculty as possible.” UCOLASC views the policy as a success. It notes that compliance has been made convenient through the support of campus librarians and CDL staff and the Symplectic Elements harvester tool, which automatically collects information about faculty-authored articles and facilitates their deposit into eScholarship. The harvester has dramatically increased deposits of previously published papers into eScholarship. However, the policy’s

continued success requires funding for this support infrastructure. Symplectic Elements has not yet been implemented in support of the Presidential Open Access policy, which was approved in 2015 and applies the provisions of the Senate policy to non-Senate UC authors, and will require the same implementation support infrastructure. UCOP ended its support after the 2015-16 year, and the program has become an unsustainable unfunded mandate for the CDL. UCOLASC believes the cost should be shared by the UC system, and asks the Academic Council to support the current policy implementation approach and request the necessary funding support and resources to maintain the policy infrastructure.

3. Support for the OA2020 Expression of Interest

UCOLASC supports an international initiative (“OA2020”) that seeks to convert the dominant subscription-based scholarly journal publishing model to one rooted in Open Access. UCSF, UCB, and UCD have signed the “OA2020 Expression of Interest,” which supports the ultimate goal of the effort, and an OA2020 roadmap, a potential framework for open access transformation at U.S. institutions. UCOLASC asks the Academic Council to support the effort as a public affirmation of UC’s open access mission.

Discussion: Council members noted that moving away from a subscription-based publication model to a purely open access model could disadvantage researchers in some disciplines. Journal payments help subsidize research activities and academic costs such as conference fees that benefit the wider academic community, and the OA model could shift new costs from the institution to individual faculty that would be drawn from the author’s grant support. Moreover, some publishers require authors to contribute a fee in order to publish material in an open access setting, and researchers in some disciplines, especially the humanities and social sciences, do not have research budgets to pay OA fees.

ACTION: A motion was made and seconded to support the statements. The motion passed unanimously with two abstentions.

VI. University Committee on Academic Freedom Statement

- **Christopher Elmendorf, UCAF Vice Chair**

The University Committee on Academic Freedom asks the Academic Council to endorse three statements:

1. On the Free Exchange of Information

“On the Free Exchange of Information” responds to a number of recent high-profile incidents on UC campuses and other university campuses, in which speakers with controversial views threatened by protests have been prevented from speaking when campus administrators felt unable to guarantee their safety or the safety of campus community members. The statement affirms that free speech is one of the key principles on which the university is founded, and that it is vital to the university’s mission is to allow all viewpoints and opinions to be expressed and considered, including speakers that some students may consider offensive and even abhorrent.

Discussion: Council members expressed general support for the statement. Although members noted that not all speech is appropriate for a campus setting, and that a tension exists between speech that is valuable in an academic setting and speech that is harassing, discriminatory, or

racist. Moreover, it is the individuals most targeted by hate speech who are asked to be tolerant of that speech, and public universities also have an obligation to protect vulnerable individuals on campus. The notion of what constitutes a “crackpot” speaker has shifted, and the copycat effect can change the climate on a campus quickly.

Vice Chair Elmendorf noted that part of the teaching mission of a university is to develop in students a tolerance of others’ rights to freedom of expression. The UCAF statement emphasizes that the University is bound by the First Amendment law and cannot engage in viewpoint discrimination; however, the statement does not imply that the University cannot speak out against offensive speakers or take steps to prevent harassment or illegal activity. The statement encourages faculty to use teach-ins and other constructive forms of response to controversial speakers to ensure healthy debates.

2. In Support of Assembly Concurrent Resolution 21

The second UCAF statement supports the CA Legislature’s [Assembly Concurrent Resolution 21](#) (Public postsecondary education: free speech policy). The resolution calls on all California universities to adopt statements consistent with the principles articulated by the UC Irvine Chancellor, and the University of Chicago reaffirming existing commitments to free speech and academic freedom and the development of a culture among students and faculty in which ideas can be expressed freely, including ideas that are regarded as offensive by some.

ACTION: Council will discuss the statement and legislation again in July.

3. On the Anti-Semitism Awareness Act

The third UCAF statement expresses concern about the Anti-Semitism Awareness Act passed by the U.S. Senate in 2016, which encourages the Department of Education to apply the State Department definition of “anti-Semitism” in investigating and responding to alleged Title VI violations at educational institutions that receive federal funding. UCAF is concerned that the Act could equate criticism of the state of Israel with anti-Semitism, and in doing so chill speech that might be seen as critical of Israel in an academic context. The UC Regents engaged in a similar debate last year over a policy statement of Principles Against Intolerance. The Regents accepted an amendment to the Statement’s pre-amble proposed by the UCAF and endorsed by Council clarifying that “anti-Semitic forms of anti-Zionism” rather than “anti-Zionism” should be considered discrimination, to distinguish Zionism – a political viewpoint protected under the First Amendment– from anti-Semitism – unprotected racial discrimination. The federal legislation should be changed to reflect a similar sensitivity to academic freedom.

ACTION: A motion was made and seconded to approve the statement and send to the President. The motion passed unanimously.

VII. Systemwide Review of Proposed Revisions to APMs 285, 210-3, 133 and 740

Council reviewed responses from Senate divisions and systemwide committees to a set of proposed revisions to APMs 285, 210-3, 133 and 740, related to the Lecturer with Security of Employment (LSOE) faculty series. The revisions would replace the LSOE series with the “Teaching Professor” title series, a new series with a rank-and-step system parallel to the Professor series (including the Above Scale rank), sabbatical privileges equivalent to the Professor series, enhanced expectations for teaching excellence and professional and scholarly

achievement relative to the LSOE series, and a new research requirement with an emphasis on pedagogy.

Some Senate reviewers supported the proposed new series and the revised APM criteria defining standards for review and promotion. Others encouraged additional development and clarification of specific aspects of the proposal, particularly around the APM criteria. Others expressed strong concerns that the new series would harm the research and teaching missions of the University, and urged the Senate to reject it altogether.

The Council discussion was similarly mixed. Some Council members noted that the proposed “Teaching Professor” title could help highlight and clarify contrasts between the scholarship expectations in the LSOE series and the duties of Unit 18 lecturers, whose mission is also teaching-focused, and the broader expectations and more explicit criteria could also provide additional flexibility and help clarify expectations for individuals in the series and for CAPs. Other Council members noted that the existing APM criteria do not present a unique challenge to their campus CAPs in their review of LSOEs. However, some fear that the title could encourage an external perception that ladder-rank faculty do not teach, or that teaching is not important to their role at UC, and could reduce the distinction between full professors and lecturers.

Council members raised the issue of academic freedom in the context of the increased emphasis on research expectations for individuals in the title, and the extent to which the criteria prioritize pedagogical research over disciplinary research. They noted that support for a research requirement in the new series emphasizing pedagogy should be contingent on the addition of language that also allows research in the underlying discipline. Members also noted that there should be a prohibition on new hires in the LSOE series following implementation of the new series.

MOTION: A motion was made and seconded to endorse the concept of a new title series to replace the LSOE series that includes the following components: a new Teaching Professor title, a rank and step system, sabbatical privileges, a research requirement that emphasizes pedagogy but allows research in the underlying discipline, and that precludes new hires in the LSOE series.

The vote failed in a vote of 8 in favor and 9 opposed with one abstention.

MOTION: A motion was made and seconded to endorse the concept of a new title series to replace the LSOE series that includes a rank and step system, sabbatical privileges, a research requirement that emphasizes pedagogy but allows research in the underlying discipline, and that precludes new hires in the LSOE series.

The motion passed 12 in favor 5 opposed with one abstention.

Council agreed to make its endorsement subject to additional modifications that address the concerns and questions raised by Senate reviewers and that allow more time for the Senate to decide what it wants from the series. It was proposed that a joint Senate-administration working group meet over the summer to give more specific guidance to the administration about the next round of proposed revisions.

VIII. UCFW Issues

- **Lori Lubin, UCFW Chair**

1. Letter requesting notification to UC retirees about CPRA release of individual data

A UCFW letter asks UCOP HR to inform UC retirees about a California Public Records Act (CPRA) request from a major California newspaper for UC retiree pension information, including names, for over 60,000 UC retirees that may result in the publication of their personal information. Chair Lubin clarified that Council action is no longer needed, because the University has addressed the issue by posting a notice in the Retiree section of UC Net, and noticing the retiree associations (CUCEA and CUCRA) with the information.

2. Letter on proposed changes to the retirement funds menu

The Chief Investment Officer has asked the Senate to support a plan to change the UCRP retirement funds menu. The changes include removing two UC-branded funds from the lineup and repackaging and renaming other funds to make them more transparent and include, in some cases lower fees and expense ratios. UCFW asks Council to join it in support of the changes.

ACTION: Council endorsed the letter and agreed to forward notification to the UC Chief Investment Officer.

3. Systemwide Public Safety Task Force

UCFW asked Council to endorse a proposed charter for a temporary Systemwide Academic Senate Public Safety Task Force charged with 1) reviewing the UCPD Policy Manual (the “Gold Book”) and other systemwide policies related to public safety next year and 2) determining the need for a permanent standing systemwide public safety advisory board that would advise UCOP on policing policy and review annual reports from campus public safety advisory boards. It is expected that the Task Force will be appointed by UCOC and conclude its work by the end of the 2017 calendar year. UCFW is also encouraging campuses to implement a Campus Public Safety Advisory Board if they do not already have one.

ACTION: Council approved the charter.

4. Proposed Changes to Retiree Health Benefits and Valuations

A letter from UCFW asks Council to oppose a proposed Regents item scheduled for discussion in July that would remove the 70% floor for aggregate expenditures on retiree health, and allow placement of a cap on the rate of growth of the maximum UC employer contribution to an individual retiree’s health coverage at 3%. UCOP has not vetted the 70% proposal with UCFW, its Health Care Task Force, the Task Force on Investments and Retirement, or any stakeholder group, and has not responded to UCFW’s request for additional modeling that would allow the Senate to evaluate the effect of the proposed changes on costs for current and future retirees.

ACTION: Council endorsed the UCFW letter. A draft letter summarizing and expanding on UCFW’s concerns will be circulated to Council for approval.

IX. UCAP Letter on Promoting Diversity on Divisional Committees on Academic Personnel

A letter from the University Committee on Academic Personnel urges divisional Committees on Committees to do everything in their power to increase gender and ethnic diversity on CAPs,

including expanding the membership of CAPs and reducing teaching loads for CAP members. It was noted that the letter might be communicated to the campus EVCs through Senate division chairs, and/or to campus COCs through the UCOC chair and UCOC representatives.

ACTION: Council tabled the letter pending clarification from UCAP about the intended audience.

Meeting adjourned at 4:15 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Jim Chalfant, Academic Council Chair