

## ACADEMIC COUNCIL

**Minutes of Teleconference Meeting  
February 24, 2016****I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Council minutes of January 27, 2016
3. Approval of new degree programs per Compendium
  - a. UCSD Master of Chinese Economic and Political Affairs (MCEPA)
  - b. UCI Master of Human Computer Interaction and Design (MHCID)

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

**II. Senate Officer's Announcements**

- **Dan Hare, Academic Senate Chair**
- **Jim Chalfant, Academic Senate Vice Chair**
- **Hilary Baxter, Academic Senate Executive Director**

Retirement Options Task Force: President Napolitano informed Chair Hare that she has read the Senate's [comments](#) on the Retirement Options Task Force report and understands its concerns about how the 2016 pension tier will impact faculty recruitment and retention. UCOP is evaluating alternative models for the new tier, including one produced by the Senate chair and vice chair involving a Defined Contribution supplement plan that features DC contributions totaling nine percent made on the first day of hire and on the first dollar earned, irrespective of one's salary below the PEPR cap. Under this model, the 2016 tier would provide a roughly equal retirement readiness benefit compared to the 2013 tier, although the effect of the supplement is not linear with salary. The President has also expressed interest in using salary increases to offset the reduced total remuneration in the 2016 tier. It has been estimated that a permanent nine percent salary augmentation would be needed to align the total remuneration of employees on the 2016 tier and the 2013 tier. Chair Hare's remarks at the March Regents meeting will focus on the major points made in the Senate's commentary.

Nominee to Health Services Committee: The President has sent Council's nominee for the Regents Committee on Health Services to the Regents' Committee on Governance for approval.

CLEP Exam Review Group: Several campuses have submitted names of faculty for the systemwide committees that will be reviewing seven College Level Examination Program (CLEP) exams for possible UC credit.

ICAS Meeting: At the February meeting of the Intersegmental Committee of Academic Senates (ICAS), Chair Hare learned that the College Board has been working with Assembly Member Williams to sponsor [AB 1985](#), which would require the California Community Colleges (CCC) to grant GE credit for students who pass an Advanced Placement exam with a score of 3 or higher. CCC faculty leaders are concerned that the bill intrudes upon the faculty's purview over curriculum, and will in some cases lower academic standards.

UCFW Adoption Benefit Proposal: UCFW has sent Council a letter noting its support for the further investigation of a proposal to offer UC employees up to \$5,000 in reimbursement for adoption expenses.

Vice Chair Nominations: Nominations for 2016-17 Academic Senate Vice Chair are due to the Senate Executive Director by March 16. Council will select a candidate at its March 30 meeting and forward the nomination to the Assembly for consideration on April 13.

ELC Admissions Pilot Program: A new pilot program initiated by UCOP is promoting the admission of more applicants eligible for UC through the Eligibility in the Local Context (ELC) path only, and who attend under-resourced high schools designated as Local Control Funding Formula (LCFF) “Plus.” A high percentage of ELC-only students do not receive an offer from their campus of choice and are sent to the referral pool for an offer from UC Merced. UCOP hopes the pilot will result in the admission of more ELC-only students to campuses across the system, and yield a higher percentage of those students. BOARS initially raised concerns about the extent to which the pilot is an admissions mandate to campuses, and about a lack of shared-governance consultation in the decision to launch the pilot, but UCOP has since clarified that there is no hard target for the admission of the ELC-only students.

### **III. Cybersecurity Update**

#### **o Jim Chalfant, Academic Senate Vice Chair**

Vice Chair Chalfant recently visited the Berkeley campus to meet with faculty concerned about a new threat detection system that is monitoring UC internet traffic for suspicious patterns of activity, managed by the outside firm Fidelis. The Berkeley faculty also met with Chief Information Officer Tom Andriola about the program and followed up with a list of detailed questions. UCOP has been slow to respond to the questions, citing potential legal liabilities related to ongoing lawsuits arising from the UCLA cyber-attack in 2015.

CIO Andriola has informed the Senate that UC’s five health systems are close to an agreement with a new outside vendor, FireEye, on a contract to provide additional cyber-risk security services. The contract will also allow the general campuses to adopt the additional capabilities, but UCOP will not mandate that they do so, and it is expected that decisions will be made in shared governance consultation with campus Senates.

The CIO has proposed adding one additional faculty member to the Cyber Risk Governance Committee, and three more to the Cyber Risk Advisory Board. The UCACC vice chair will join the UCACC chair on the Governance Committee, and UCOC and UCACC will be proposing a structure for the latter three selections.

**Discussion:** A Council member noted that the threat detection program will help prevent external intruders from accessing sensitive information, and UC employees should be far more worried about external threats than about any alleged “snooping” by UCOP. However, it was also noted that the secrecy around the program seems unnecessary, and UCOP’s hesitancy to release details is fueling faculty suspicion and mistrust. UCOP could help stave-off concerns by releasing a set of frequently asked questions that are appropriate to address within legal constraints.

#### **IV. Course Identification Numbering System (C-ID)**

##### **o Ralph Aldredge, BOARS Chair**

BOARS has endorsed a plan to pilot the use of C-IDs in the course-to-course articulation of a select number of UC Transfer Pathways. The Mathematics, Chemistry, and Physics Pathways were selected based on their having a high level of overlapping course expectations. UC faculty from the relevant discipline will review each course expectation against the relevant C-ID descriptor to determine a match. The pilot project will help UC establish systemwide articulation for courses in the Pathways. UC will then need to address campus variation around general education requirements. One key challenge associated with the pilot is the extent to which courses across the nine undergraduate campuses can map to a single C-ID descriptor.

#### **V. UCOLASC 12-month report on Open Access Implementation**

Council received a letter from the University Committee on Library and Scholarly Communication (UCOLASC), transmitting the California Digital Library's October 2015 [progress report](#) on the implementation of the Senate's Open Access policy, adopted by the Senate in 2013. Chair Hare noted that ongoing implementation of the policy and the automated publication harvesting tool requires a sustained investment from UCOP.

#### **VI. Proposed Amendment to Bylaw 182, University Committee on International Education (UCIE)**

UCIE has revised its proposed amendments to [Senate Bylaw 182](#) based on feedback from a [spring 2015](#) systemwide Senate review. The revisions would formally expand the committee's charge into a broader range of international topics. Last year, some reviewers expressed concern about a potential intrusion of UCIE into the purview of other committees, particularly related to research activities, which led to the revisions not being adopted. Chair Hare asked returning Council members to opine on whether the new revision adequately addresses the concerns of last year's Council.

Some Council members expressed general support for UCIE's goals, noting that the revision is a bottom-up effort that mirrors the expanding role of some campus Committees on International Education. UCORP also indicated that it was satisfied with the new wording in the bylaw about UCIE working on international education and research issues in consultation with other Senate committees. However, several Council members noted that UCIE had not adequately addressed last year's comments, nor provided sufficient justification for the revised bylaw. Moreover, it was not clear from the materials provided exactly what changes were being proposed to the existing bylaw or what had changed from the prior proposal. Council members also wanted more detail clarifying the specific mechanism for consultation and how Senate functions would need to change to adapt to the new bylaw. It was agreed that Chair Hare would convey Council's comments to UCIE.

**ACTION: Chair Hare will request further explanation and clarification from UCIE.**

#### **VII. Report of the Joint Committee of the Administration and Academic Senate**

President Napolitano established the Joint Committee to review disciplinary policies and processes for incidents of sexual violence, assault and harassment involving faculty. She asked the Joint Committee to make recommendations around 1) processes for investigation, adjudication, and sanction of cases; 2) University policies and procedures; 3) reporting mechanisms; and 4) interim measures. Former Senate Director Winnacker and Academic Personnel Policy Manager Lockwood collaborated to write much of the Joint Committee's final report, which has been released for systemwide review.

The Committee found that existing systemwide and campus policies and procedures are, in general, fundamentally sound, but are not well understood by faculty and administrators. It also found that the roles and responsibilities given to Title IX officers and offices in disciplinary cases are inconsistent across campuses.

The Joint Committee is recommending several small amendments to APM 015, and other more significant actions intended to clarify, improve, and increase awareness about existing policy, procedures, and timelines. These include closer integration of the Title IX and the Privilege & Tenure investigations to reduce duplicative efforts, better communication between Title IX officers and chancellors and among all parties about faculty discipline processes; more educational outreach to faculty, graduate students, and administrators about reporting policies, responsibilities, and mechanisms; the designation of a confidential resource on each campus who is familiar with faculty and graduate students issues and exempt from reporting; clarification of existing policy governing interim measures that administrators may impose during an investigation; and better and more transparent collection of data about incidents and their resolution.

With regard to the latter, the committee is recommending more transparent communication about investigation outcomes to complainants, and clarification of the "three-year rule," which refers to the time the Administration has to conduct an investigation and initiate disciplinary action after it becomes aware of an allegation. For cases of sexual violence and harassment, the three-year period begins when a department chair or Title IX Officer first learns of a complaint. Finally, the Committee commended that the President direct the Provost and Council Chair "to consider ... how misconduct might factor in review of merit and promotion cases," which could potentially lead to a number of different approaches.

**Discussion:** It was noted that APM 210 does not explicitly allow for past formal or informal disciplinary complaints or actions to be a factor in the criteria for appointment, promotion, or appraisal. However, the administration can impose interim measures (e.g. physical separation) within a few days of the issuance of a complaint and can delay a decision on a merit or promotion until the conclusion of the investigation.

A Council member noted that the three-year rule could function awkwardly in the hypothetical case of an accused assistant professor who enters the tenure process during the three-year period. One member noted that disciplinary procedures should remain completely separate from the merit and promotion system, although another noted that it is important to distinguish between a single event and a persistent and longstanding pattern of behavior, and it may be appropriate to consider the latter in an academic review.

A member expressed concern about the recommendation to disclose to the complainant any disciplinary actions or early resolution outcome, and noted that full transparency can carry unintended consequences. Members also emphasized the need to ensure due process rights for the accused and to ensure that there are consequences for intentionally false complaints. It was noted that a complainant must be identified in order to move a case forward, although the Title IX Officer can bring forward a case on behalf of a complainant who chooses to remain anonymous. It was noted that department chairs will largely be responsible for implementing the recommendations, and campuses will need additional resources to support training and educational outreach.

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Meeting adjourned at 1:00 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Dan Hare, Academic Council Chair