UNIVERSITY OF CALIFORNIA   **ACADEMIC SENATE**

ACADEMIC COUNCIL

Minutes of Meeting
January 27, 2016

I.   Consent Calendar

1. Today's agenda items and their priority
2. Draft Council minutes of December 16, 2015
3. UCLA Master's in Social Science (MaSS) degree program
4. February 10 Assembly agenda

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**

January Regents Meeting: Chair Hare's comments focused on how campuses will meet the challenge of enrolling 10,000 more resident undergraduates over the next three years, and concerns that UC quality could suffer without a proportional number of additional faculty, staff, and physical infrastructure to support a larger student population. UCOP made a presentation on fall 2016 undergraduate application outcomes, and an ensuing discussion noted that the enrollment plan is also an opportunity to increase diversity. UCOP proposed a new mechanism for financing dormitory construction, and the Regents tabled approval of Professional Degree Supplemental Tuition increases for six programs. The terms of Regents Wachter and Ruiz expire March 1; Chair Hare noted that the California Constitution outlines a process requiring the Governor to fill vacancies on the Board only after consulting an advisory committee that includes faculty and students.

Regents Work Group on Principles of Intolerance: The Work Group has forwarded a revised proposed Statement against Intolerance to the chair of the Regents. It condemns acts of intolerance, addresses the need to protect free speech and academic freedom, and distinguishes protected speech from the consequences of unprotected acts of violence and vandalism. The Statement includes appendices cataloging existing intolerance and discrimination policies, and specific examples of intolerance, including anti-Semitism and Islamophobia. And it notes the role of the Public University to bring together diverse communities of students who do not necessarily share the same views in a space that challenges them intellectually and socially.

Joint Committee on Faculty Discipline: The Joint Committee continues to investigate campus and systemwide policies and processes for the investigation, adjudication, and discipline of sexual misconduct cases involving faculty members. The Committee gathered information and input from student, faculty, and staff constituencies at two mid-January meetings. It has found less need to change written policy than to increase understanding about existing policies and the consistency of Title IX policy implementation across campuses. The Committee's final report will undergo a 30-day Senate review in March.

<u>UCOP Budget Cuts</u>: All UCOP units, including the Senate, have been asked to implement a 5% budget cut next year. The Senate will need to absorb most of the cut from its travel budget, and committees will be encouraged to make greater use of teleconferencing technologies. Senate travelers are also reminded to purchase airline tickets no less than 14 days in advance of meetings and to use SWABIZ (non-UCSB travelers) and UCLA Travel (UCSB travelers) to secure the least expensive fares.

<u>LSOE Work Group</u>: A work group is developing proposed revisions to APM sections 285 and 210-3 covering titles in the Lecturer with Security of Employment (LSOE) series, to ensure the APM more appropriately reflects LSOE roles, privileges, and expectations for appointment and advancement.

III. College-Level Examination Program

Council discussed a plan recommended by UCEP for the evaluation of several College Level Examination Program (CLEP) exams for possible UC credit. The state has asked UC to review existing policies for courses and exams taken outside of UC prior to matriculation, including CLEP exams. UC has not accepted CLEP exams since 1980, though CSU and a small number of UC competitors award credit for a limited number of exams at certain score thresholds.

UCEP chose seven exams from a range of disciplines for an initial assessment. UCEP suggests that committees composed of faculty from every UC undergraduate campus evaluate the exams and determine whether they cover in sufficient breadth and depth the content of a lower division UC course or courses in a given department. UCEP has not taken a position on adoption of the exams, and depending on the outcome, additional tests may be evaluated. It was agreed that Senate division chairs should use their preferred local processes for identifying a faculty representative for each of the seven committees. The systemwide Senate will convene the committees, which will report findings to UCEP and BOARS.

It was agreed that the committees should limit their evaluation of the exams to the extent to which they measure UC-level knowledge and cover the content of a lower division UC course. Specific policy decisions about the use of exams— for example, what specific score might allow a student to forego the UC course or courses and whether credit might be awarded for general education and/or degree requirements—are outside the purview of the committees and should not occur until after the initial evaluation.

ACTION: The Senate Chair will send a formal request to division chairs to identify faculty representatives to committees that will review the seven CLEP exams.

IV. Course Identification Numbering System (C-ID)

BOARS is considering ways for UC to participate in C-ID and the extent to which C-ID descriptors could be used in the review of a CCC course for UC transferability at the systemwide or campus level. Currently, there is a course articulation review at both levels. First, UCOP staff review a CCC course outline against UC faculty guidelines to determine whether the course meets basic standards for UC transferability. These agreements are reflected in the UC Transferable Course Agreements (TCAs). Next, UC faculty in a campus department review the

course to determine whether it can articulate and satisfy major, breadth, or other requirements at each UC campus.

One possible process would involve an additional review of a course against the C-ID descriptor during the UCOP TCA review. The review would provide guidance to campuses about C-ID equivalency for use in the local course-to-course articulation review, and individual departments would be encouraged to use C-ID to instantly articulate a UC course with multiple CCCs offering the course approved with a specific C-ID descriptor. BOARS is also considering the use of C-IDs at the second level of review for course-to-course articulation of a select number of UC Transfer Pathways.

Council members suggested that UC pilot test C-ID with a select number of UC Transfer Pathways, to establish UC systemwide articulation for as many Pathway course expectations as possible. As part of an initial analysis, UCOP would review existing articulation agreements for courses in the Pathways to identify examples of courses articulating with all nine UC campuses that have C-IDs, as well as examples of Pathway course expectations with C-IDs that no UC campus accepts for course-to-course articulation. Faculty from the Pathway disciplines would review C-ID descriptors against their course expectations and confirm or reject acceptance of the descriptors. UCOP then could use any CCC course with a C-ID to close remaining articulation gaps to achieve completed Pathways, though the pilot results must first be evaluated by BOARS.

V. Executive Session

VI. Consultation with Senior UC Managers

❖ *Debora Obley, Associate Vice President for Budget and Capital Resources*
UCOP will meet with the Department of Finance to discuss the University's plans for implementing an agreement with the state to enroll 5,000 new resident undergraduates in exchange for $25 million, and to eliminate financial aid for nonresidents to cover the full $50 million cost of the additional students. UCOP is working with campuses on strategies for meeting individual enrollment targets through a mix of freshmen and transfer enrollments. UC will need to demonstrate by May that it has taken sufficient action to meet the target; however, uncertainties related to yield, continuation rates, and "summer melt" (students who submit an SIR but change their mind) complicate the timeline. Campuses will need to engage in an unprecedented level of information-sharing this year to meet the overall target precisely.

❖ *Janet Napolitano, President*
January Regents Meeting: The Regents approved UCLA's Herb Alpert School of Music and received updates on Fiat Lux (UC's captive insurance company), UC's participation in the European Organization for Nuclear Research, and the implementation of the UC Path project. All UCOP staff moved to UC Path in December, and Phase 2 will be implemented at UCLA, UCM, and UCR over the next 18 months. UC Path provides a streamlined administrative platform for managing UC's payroll, HR, and academic personnel business processes. UCOP will provide a thorough briefing about professional degree supplemental tuition (PDST) at the March Regents meeting, to help inform a request for PDST increases for several programs.

Budget and Enrollment: The Governor's proposed 2016-17 budget gives UC a 4% base budget adjustment, as promised; however, it does not address UC's request for additional funding to support the enrollment of 600 new graduate students. UC will continue to seek graduate education funding and communicate how important graduate students are to UC's role as a research university. UC is also working with the state to fund new innovation centers and challenge grants that support research of benefit to the state. The University will need all hands on deck to add 10,000 undergraduates over the next three years; the President has announced an initiative to add 14,000 new beds to UC campuses by 2020.

Retirement Options: The President is monitoring comments submitted in response to the report of the Retirement Options Task Force, and will not make a final recommendation until the end of the comment period. The Regents will review the President's recommendation in March.

Sexual Harassment Policy: New UC policies and procedures for the investigation, adjudication, and sanction of student-on-student incidents of sexual violence, assault, and harassment took effect January 1. A separate joint Committee led by Senate Chair Hare and Chief Compliance Officer Sheryl Vacca is now examining policies and procedures for incidents involving faculty.

Discussion: A Council member noted that a new state Assembly bill would require UC to cap systemwide nonresident enrollment at its current level. Policymakers concerned about the "under-enrollment" of residents may not fully understand that campus budgets now depend heavily on nonresident tuition revenue, and a cap could be financially damaging. It was noted that administrators at one campus have asked the Senate to discuss alternatives for meeting TA demand in the context of planned enrollment growth, including several extreme measures such as using upper division undergraduates as readers for lower division courses, or requiring a TA-ship as a "requirement" for graduate training. A Council member noted that more work may be needed to clarify sexual harassment policy in the context of graduate students who have roles as both students and supervisors of students.
The President noted that enrollment is both an art and a science, as yield can be unpredictable. Last year, she directed UCLA and UCB to cap nonresident enrollments, but capping nonresident enrollment systemwide would hurt other UC campuses that have potential to expand.

❖ *Aimée Dorr, Provost and Executive Vice President, Academic Affairs*

Enrollment and Diversity: As UC increases undergraduate enrollment, it wants to do more to improve diversity, particularly by increasing the yield of African American and Native American students who receive admission offers. The Provost is considering more targeted strategies to increase yield—including campus overnights, phone banks, preview days, and culturally relevant open houses.

PDSTs: The Regents' Committee on Finance raised questions about increases to professional degree supplemental tuition (PDST) proposed for six programs. UC policy requires the total cost of a program for a California resident to not exceed the average cost for a similar program at comparable public institutions, and the Regents have routinely approved PDSTs that do not meet this standard as exceptions to policy. UCOP is currently discussing policy revisions that will update and clarify the comparison standards. PDSTs have become an essential component of UC campus budgets.

Discussion: It was noted that the domestic nonresident population tends to include fewer underrepresented minority (URM) students than the California resident population, and that BOARS policy allows an undergraduate applicant's membership in a federally-recognized American Indian tribe to be considered as a "plus factor" in the admission review process. It was noted that generous financial offers at other universities draw many URM students away from UC, and that without an existing critical mass cohort of minority students and faculty on a campus, it is more difficult to attract additional students and faculty from similar backgrounds. It was also noted that other states provide more generous professional fee subsidies to students at their public universities.

VII.   Openness in Research Proposal
   o   **Wendy Streitz, Executive Director, Research Policy Analysis and Coordination**

UCOP is developing a new Openness in Research policy that clarifies existing UC policies on not accepting publication and citizenship restrictions in research agreements. The policy would also propose a new ability for campuses to accept certain publication and/or citizenship restrictions imposed by the federal government for national security reasons. Some faculty may find the latter controversial. Senate resolutions in 2003 and 2005 represent strong faculty statements in support of UC's current policies prohibiting the acceptance of research grants with restrictive provisions. Those policies are rooted in UC's commitment to open dissemination of research results and nondiscrimination, including the selection of researcher team members on the basis of merit rather than non-scientific criteria dictated by third parties.

Current policy also allows chancellors some flexibility to accept restrictions in narrowly defined circumstances that do not involve the censorship of project results, although this provision is rarely if ever used. The imposition of brief publication delays is also allowable, as are citizenship restrictions for certain student fellowships. The new policy would clarify these limited allowable exceptions and also allow campuses to perform research that is subject to national security restrictions. The allowable national security restrictions would be limited to those imposed by the federal government. The policy would also exclude "classified" work and would require restricted work to be performed in secure, separate facilities. Finally, the policy would require that accepting restricted research would produce no adverse effects on students, and include benefits outweighing any negative impact on academic openness.

Some faculty are pushing for the change, which could expand research opportunities and access to funding, and also help UC address important national and global research questions. On the other hand, the change represents a potential shift away from an open academic environment. Compliance could require significant additional resources, expose UC to increased risk of non-compliance, and jeopardize UC's "fundamental research" exemption under export control regulations. The University should consider the trade-offs between unhindered research exploration and unhindered participation.

Discussion: Several Council members spoke in favor of moving the policy forward for systemwide discussion. Others expressed concern about implementing a fundamental change to UC's open research environment in which discrimination against one group of faculty (foreign nationals) would now be acceptable. There were also concerns that an expensive new compliance infrastructure would be required to implement the policy, rendering it impractical. It was noted

that UC's existing partnerships with the national laboratories provide avenues for faculty to take part in restricted research.

ACTION: It was agreed that Executive Director Streitz will send the draft policy to the Senate for discussion.

VIII. Recommendations of the Retirement Benefits Advisory Task Force

The Task Force has sent President Napolitano its final report, recommending options for a new retirement plan that caps pensionable income at the PEPRA limit for UC employees hired after July 1, 2016. The recommendations were released for review on January 15, with comments due February 15. The Senate chair and vice chair also collaborated on a Guide to Reviewing the Report which focuses on key points. Several campuses have held or plan to hold Town Hall meetings to promote awareness and discussion of the recommendations.

The Task Force report recommends that UC offer new employees a choice of two plans: under Plan A, employees would be covered by a Defined Benefit (DB) plan up to the PEPRA limit, plus a supplemental benefit that includes an additional, fixed employer/employee contribution equivalent to 10%/7% of pay on income over the PEPRA limit. Under Plan B, employees would be covered by a stand-alone Defined Contribution (DC) plan with an employer/employee contribution of 10% /7% up to the Internal Revenue Code (IRC) limit.

Council reviewed preliminary comments from UCFW and its Task Force on Investment and Retirement; UCFW's final comments will be informed by an upcoming analysis of the two plans' impacts on total remuneration, which is expected by January 31. Chair Moore noted that UCFW supports the recommendation to offer to all employees whose salaries exceed the PEPRA cap the DC supplement in Option A. It also supports an employer contribution of 14% for both options A and B that extends to the IRC limit in Option A, to maintain the current trajectory for reducing UCRP's unfunded liability. UCFW is concerned that the projected income replacement offered under both A and B is substantially less than the 2013 UCRP tier, even with a 10% employer DC contribution. As they stand, neither provides a competitive or "retirement ready" option for employees. UCFW proposes an additional 6% "retirement readiness" DC contribution from the date of hire, and additional cash compensation to close the total remuneration gap. Finally, UCFW is unhappy about the truncated 30-day review period for the ROTF report, and about the lack of Senate consultation in the negotiation of a budget deal with far-reaching impacts to faculty welfare.

UCPB shares many of UCFW's views. It also supports equal treatment of all employee groups, an additional 5-7% DC contribution from the date of hire, and consistent employer contributions across both plans to remove any employer incentive to push employees into a particular plan. UCPB supports offering employees a choice point both at the time of hire and again 5-7 years later, and it recommends collecting an Unfunded Actuarial Accrued Liability surcharge on all salary sources to help protect UCRP. UCPB recommends including low-cost investment vehicles in the DC plan that are designed to protect employees from unwise decisions, and it notes that UC will need to increase cash compensation significantly to preserve competitive total remuneration. UCPB notes that the 2016 tier could have a particularly harmful effect on the recruitment and retention of faculty on the Health Sciences Compensation Plan, who tend to begin careers later in life, at salaries that are already close to the PEPRA cap.

UCAAD is concerned that the 2016 tier could exacerbate existing systemic financial disparities by race, ethnicity, and gender, and further impair UC's ability to recruit and retain diverse faculty.

Discussion: Council members noted that competitive total remuneration is essential to the recruitment, retention, and renewal of great faculty. The Senate has a stewardship responsibility to the University, and although the 2016 tier will not affect current employees, it jeopardizes the future quality of the University and the education of future Californians. Some members questioned whether the damage likely to be done to the University by the new tier is worth the money promised by the state. Members noted that it will be important to remind the Regents about the results of the August 2014 Total Remuneration study which showed that UC benefits no longer make up a lack of competitive cash compensation. Under the new tier, this gap will worsen and UC will need to direct even more resources to salary to remain competitive. It was noted that campuses may need to react to the 2016 tier by increasing off-scale salaries, further exacerbating the problems of inversion and compression.

IX.   Best practice recommendations for the UC President's Postdoctoral Fellows and Campus Chancellor's Fellows programs

Council reviewed best practice recommendations from the University Committee on Affirmative Action, Diversity, and Equity (UCAADE) for hiring President's Postdoctoral Fellows (PPFs) and Chancellor's Fellows (CFs) into UC faculty positions. UCAADE is concerned that underrepresented minority faculty hiring at UC has not met the goals established by the President's Task Force on Faculty Diversity in 2006, and has actually declined since 2006, even as the availability pool has increased. The PPFP was created to promote a pipeline to being hired as UC faculty for URM and women faculty, and faculty whose research, teaching, and service contribute to diversity and equal opportunity. The CF programs are locally-administered and funded programs similar to the PPFP. The programs are highly competitive; 15 two-year PPFP fellowships are awarded each year, and UCOP provides five years of partial salary support to a campus that hires a Fellow.

The success of the PPF and CF programs in promoting a pipeline to UC for URM and women faculty is well-documented; however, UCAAD notes that while 67% of Fellows enter a tenure-track faculty position, only 32% do so at a UC campus. UCAAD believes its recommended practices should strengthen the pipeline, help keep more Fellows at UC, and better support UC's interconnected missions of excellence and diversity. The practices include recommendations to always consider the pool of available Fellows in faculty searches, to increase the use of Early Career Target of Excellence search waivers to hire Fellows, and to increase communication from campus leaders to faculty hiring units the possibility of applying search waivers to Fellows.

ACTION: Council voted unanimously to endorse UCAAD's recommendations and forward them to the Provost with a request that they be distributed to campus Executive Vice Chancellors and Vice Provosts for implementation.

X.   Issues in Cyber-security
   o   **Tom Andriola, Chief Information Officer**

CIO Andriola joined Council to discuss revisions to systemwide policy and other actions underway to shore up UC cyber-security following a criminal attack at UCLA last year.

He noted that the University is an institution designed for openness, which also makes it an attractive and vulnerable cyber-attack target. He said the source of the UCLA breach was an Advanced Persistent Threat (APT) that targeted intellectual property, sensitive data, and assets, damaged the University's reputation, and inspired numerous lawsuits that may have significant financial consequences for the University. UC must now demonstrate to the public, insurance underwriters, and other stakeholders that it is taking steps to reduce network security risk. Following the attack, the university mobilized resources to strengthen its ability to prevent, detect, and respond to attacks. UCOP implemented a new escalation protocol for security incidents and mandatory cyber-security training for all employees. It established a Cyber-Risk Governance Committee with broad representation, including the Senate, to manage systemwide cyber-security strategies and plans. A Cyber-risk Responsible Executive (CRE) was identified on each campus to coordinate local action plans.

In addition, CIO Andriola recently met with a group of Berkeley faculty who have raised concerns about a new program that is monitoring UC internet traffic for suspicious activity. He clarified that the cybersecurity firm employed to manage the program is looking for significant patterns of unusual activity across UC networks and will not have access to specific files, emails, or web-browsing information. UCOP understands the critical link between information security and privacy. The APTs, not the University, want to violate privacy and access personal information.

CIO Andriola noted that UC's information security policy is under revision. UCOP will be working with the new University Committee on Academic Computing and Communications (UCACC) to channel faculty views to the Governance Committee to help ensure faculty views are incorporated early in the process.

XI.   Nominees for Senate Representative to Regents Committee on Health Services

The qualifications of the four nominees were discussed in executive session. It was noted that the nominee will provide a link back to the Senate through his or her role as ex-officio member of the UCFW Health Care Task Force.

ACTION: Council voted to nominate UCSD Professor Joel Dimsdale as representative.

Meeting adjourned at 4:00 pm
Minutes prepared by Michael LaBriola, Principal Committee Analyst
Attest: Dan Hare, Academic Council Chair