

ACADEMIC COUNCIL

Minutes of Meeting

May 25, 2016

I. Consent Calendar

1. Today's agenda items and their priority
2. Approve Appointment of 2016-17 UCOC Vice Chair Patricia M. Gallagher (UCSC)
3. Assembly Apportionment for 2016-17
4. New Master of Computer Science Degree Title at UC Irvine

ACTION: Council approved the consent calendar.

II. Senate Officer's Announcements

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

May Regents Meeting: The Regents discussed UC's response to the recent State audit of the University, and UC administrators described several concerns about the audit's misrepresentation of facts, noting that the extra revenue provided by nonresident tuition helped UC make up several hundred million dollars of state cuts without restricting access for California residents. In his [remarks to the Regents](#), Chair Hare challenged the State Auditor's claims that the faculty lowered admissions standards to admit more nonresidents, and noted that campuses base admission decisions on 14 comprehensive review factors, not just GPA and test scores. President Napolitano announced a plan to allocate \$8.4 million annually for three years to help undocumented students with loans, legal services, and other financial support. She also updated the Regents on her Student Housing Initiative that seeks to address the shortfall in affordable student housing options on and around UC campuses. Following UCOP's presentation of the [Annual Accountability Sub-report on Diversity](#), some Regents expressed unhappiness about the progress of efforts to diversify the faculty and students.

Proposed Legislation: Several proposed bills could affect UC if passed. AB 1711 (McCarty) would require UC, as a condition of receiving state funds, to cap nonresident enrollment at 15%. SCA 12 is a proposed state constitutional amendment that would require UC to give priority in admissions to applicants who are California residents. SCA 1 as amended earlier this month would limit UC Regents to two 10-year terms.

Vice President Search Committees: The search committee for the Vice President for Research and Graduate Studies position has concluded its interviews, and the search committee for the Vice President for Student Affairs is preparing to interview several candidates.

Council Resolution on Outside Activities: Academic Council's May 5 [Resolution on the Review of Policies and Procedures Governing Outside Professional Activities of SMG Members](#) has been forwarded to the Regents Committee on Compensation.

June 1 Meeting with President Napolitano: The President was unable to attend today's Academic Council meeting, but has agreed to meet with the Council via videoconference on June 1.

June 8 Assembly Meeting: The Assembly meeting scheduled for June 8 will be cancelled due to lack of business.

III. Update on Joint Committee of the Administration and Academic Senate

The President accepted several recommendations from the Joint Committee and asked the Chancellors to implement them immediately. She also asked the Joint Committee to reconvene and provide additional recommendations in six areas, including new structures and support to enable Privilege and Tenure Committees to meet year round; reconsideration of the "three-year rule"; institution of a Peer Review Committee on each campus to review and recommend proposed discipline for faculty accused of sexual misconduct; amendments to APM 016 replacing the 10-day deadline to file charges against a faculty respondent placed on involuntary leave with more reasonable provisions; integration of parallel investigations of faculty misconduct cases; and reducing to five months the total timeframe for investigating and adjudicating cases.

Chair Hare noted that the amendments to APM 016 will be released for Senate review in fall 2016. He said the Joint Committee will not specify exactly how campuses should implement the Peer Review Committees; campuses may use existing structures—for example, a Charges Committee may fill the role on some campuses. In response to concerns about the conflicting demands for privacy vs. transparency, Chair Hare said the Office of General Counsel assesses Public Records Act requests for information about confidential Title IX proceedings and early resolution settlements on an individual basis, balancing the public's right to know with an individual's right to privacy; the public's right to know increases with the administrative or leadership position of the individual. Council members noted that a five-month total timeframe for investigating and adjudicating cases may not be realistic, and that further guidance is needed about how the mandatory reporting rule applies to paid graduate or postdoctoral students who have a dual role as students and as supervisors.

IV. Board of Regents Restructure and Bylaws Revision

The Regents are reviewing proposed changes to their governance structure intended to create a more efficient and effective framework for the future operation of the Board and its committees. Several committees with overlapping charges will be merged or eliminated, reducing the number of committees from 10 to 6. Provisions contained in the current Standing Orders will be moved into Regents Bylaws, Policies, Committee Charters, or UC administrative policies, and a new set of Bylaws will incorporate portions of the current Bylaws, Standing Orders, and Policies. Provisions related to the organization, duties, and powers of the Academic Senate will be moved from the Standing Orders to the Bylaws. The new Bylaws are intended to increase the clarity and brevity of the Senate-related provisions, and not alter their substance. In fact, the power of the Senate will be strengthened to the extent that changes to Regents Bylaws require a two-thirds vote of the Regents; while changes to the Standing Orders and Policies require a simple majority. The Regents are expected to vote on the changes at their July meeting.

Council members noted that Senate divisions have different interpretations of Standing Order 105.2(b), addressing the Senate's authority over courses and curriculum at the professional schools. 105.2(b) gives the Senate authority over courses and curriculum, except in professional schools offering work at the graduate level only, although it also notes that no change to the curriculum of a professional school shall be made by the Senate until the change has been approved by the faculty concerned. It was noted that in practice, some campus Senates do exert authority over professional school programs. Council members cautioned against changing language that could impact the substance or understanding of the Senate's authority. Council members also recommended adding language about the faculty's public service role into Bylaw 40.2, and including a separate bylaw section about the eight-year continuation rule as it relates to Lecturers with Security of Employment and Senior Lecturer-Potential Security of Employment.

ACTION: The Regents Analyst will prepare a revised concordance table and additional information for Council's review prior to the June 22 Council meeting.

V. Consultation with Senior Managers

- **Aimée Dorr, Provost & Executive Vice President, Academic Affairs**
- **Debora Obley, Associate Vice President for Budget & Capital Resources**
- **Stephen Handel, Associate Vice President for Undergraduate Admissions**

ILTI Meeting: On May 24, the Provost hosted a day-long, all-campus meeting on the Innovative Learning Technology Initiative, which focused on the accomplishments of ILTI over the past three years and on the future of educational technology and online education at UC.

July Regents Meeting: The Regents have requested a series of presentations from each campus about the financial status of the campus, the performance of its students (graduation rate, time-to-degree, and persistence), and the diversity of its students, faculty, and staff. Campuses will make presentations in groups of three starting in July with San Francisco, Santa Cruz, and Merced. The Chancellors will help lead the discussions.

UCOP will also provide a comprehensive briefing to the Regents about Professional Degree Supplemental Tuition (PDST) fees – how they are set; their benefits; their use at public and private comparison institutions; and their effect on student diversity and debt. UCOP will also propose one policy change to allow campuses to base the maximum PDST charge for California residents on the average of both public and private comparison institutions, rather than just public comparators per current policy.

- Council members noted that professional education costs have increased significantly since PDSTs were first introduced. UCOP should also emphasize the efficiencies that have been achieved over the years and the limitations on future efficiencies based on the need to preserve a UC standard of quality.

Budget Update: The Assembly Budget Committee approved the Governor's proposed base budget adjustment for UC, UC's \$6 million request for graduate student enrollment funding, and \$22 million in one-time funding for the President's Innovation and Entrepreneurship Initiative. The Assembly Budget Committee also adopted a proposal to expand UC's California resident

enrollment by 30,000 and reduce its nonresident enrollment by 10,000 over the next six years. The enrollment plan would be funded through a combination of nonresident tuition increases, additional administrative efficiencies, and state funding. The Assembly Budget Committee rejected the Governor’s proposed \$4 million increase for UC Scout, a Student Academic Preparation and Educational Partnerships (SAPEP) program that develops “a-g”-approved online high school courses to help cover gaps at educationally disadvantaged high schools. It did approve a \$10 million increase to SAPEP and \$2 million to support faculty diversity programs. It also requested a plan from UC for addressing a Public Policy Institute of California (PPIC) projection of a 1.1 million college graduate shortfall by 2030. According to the PPIC, the shortfall will require UC to produce an additional 250,000 baccalaureate degrees and extend eligibility to the top 17.5% of high school graduates in order to meet this target

The Senate Budget Committee adopted an enrollment plan that calls on UC to increase enrollment by 4,000 students in 2017-18 exchange for \$51 million. The Assembly and Senate budget plans will now move to a conference committee of the two houses.

UCOP is holding monthly calls with campuses to discuss plans for accommodating their share of the 5,000 new enrollments. Campuses are taking actions to increase the number of course sections, particularly for impacted courses, and identifying additional and sometimes nontraditional space that can be used as classrooms.

- Council members noted that UC may be expanding access to more students, but the access is to increasingly overcrowd classrooms and perhaps a lower quality of education. A major effort is needed to communicate the value of maintaining a quality public research university with public funds.

Audit Response: UC continues to push back on several false claims made in the State audit report: that the faculty changed to a “compare favorably” standard for nonresident admission as an explicit strategy to increase nonresident enrollment; that UC is admitting nonresidents who are less qualified than residents; and that UC is giving admission priority to nonresidents and displacing residents in the process. The report also criticized UC’s use of resources to recruit nonresidents and its use of the referral pool to invite eligible students who were not admitted to their first choice campus to consider a guaranteed offer from Merced. UC emphasizes that BOARS implemented the compare favorably policy to hold individual campuses accountable for the students they admit; that UC’s comprehensive review policy considers 14 factors, not just GPA and test scores, to make admissions decisions; and that UC policy prioritizes residents over nonresidents. In addition, UC spends the vast majority of recruiting expenses to attract California residents. UC also notes that it would like to place more residents at their first-choice campus, but needs better state funding to make that possible.

VI. UC Mexus Review Report

- **Judith Habicht Mauche, UCORP chair**

Council reviewed the *Joint Senate Review Committee’s 15-Year “Sunset” Review of the UC Institute for Mexico and the United States (UC MEXUS)*, a Multi-campus Research Unit (MRU) based at UC Riverside that supports research collaborations with Mexican scholars on all ten campuses on issues related to Mexico, U.S.-Mexico relations, and U.S. Latino studies. Under the

Compendium, the Senate works with the administration to review MRUs. The University Committee on Research Policy (UCORP) leads the effort in consultation with the University Committee on Planning and Budget (UCPB) and the Coordinating Committee on Graduate Affairs (CCGA).

UC MEXUS has existed since 1980, and this is its second 15-year review. A 15-year review requires a thorough evaluation of an MRU's systemwide contributions to scholarship, teaching and service, and a consideration of its potential renewal, modification, or disestablishment. The Review Committee coordinated the internal and external reviews of UC MEXUS, and interviewed members of the UC MEXUS Advisory Committee, its program directors, and director. In the end, the Committee found UC MEXUS to be a successful and well-managed MRU that serves the ten campuses well. It has asked Council to forward its report and recommendation for continuation to Provost Dorr for the Vice President of Research and Graduate Studies.

The Joint Committee report also makes recommendations around a number of challenges for consideration by UC MEXUS in consultation with the Office of Research and Graduate Studies. Some of the challenges relate to the long-term fiscal sustainability of UC MEXUS and its relationship with the President's new UC-Mexico Initiative. UC MEXUS programs are cost-shared with Mexico, and the funding UC receives from the *Consejo Nacional de Ciencia y Tecnología* (CONACYT), a Mexican government agency similar to the NSF, has a multiplier effect that allows UC to leverage additional fellowships and grants. However, the new agreement between UC and CONACYT under the UC-Mexico Initiative has also raised expectations about UC's ongoing contribution and support for fellowships that may not be sustainable under current funding levels. The report recommends clarifying the relationship between UC MEXUS and the UC-Mexico Initiative and notes that effective collaboration and support from UCOP will be needed to address the challenges facing UC MEXUS' long-term fiscal sustainability.

ACTION: Council agreed to forward the Joint Senate Review Report to Provost Dorr.

VII. Executive Session

VIII. Election to UCRS Advisory Board

The Senate office received two nominations of candidates to fill an upcoming vacancy on the UC Retirement System Advisory Board left by Senate Vice Chair James Chalfant, who will give up his seat effective June 30, 2016. The position is a two-year term running from July 1, 2016, to June 30, 2018. No nominations were received from the floor.

ACTION: Council voted to appoint Professor David Brownstone of UC Irvine to the UCRS Advisory Board.

IX. Budget and Enrollment Issues

Council members discussed upcoming plans to monitor and report on the effects of adding 5,000 resident undergraduates to UC campuses in the 2016-17 academic year, as well as how to

accommodate an additional 5,000 over the following two years. On some campuses, the Senate has been closely involved in decision-making, while decisions on other campuses have been made with little or no Senate consultation.

Council members noted that campuses are implementing creative strategies for accommodating their share of new resident enrollments with new housing, faculty, classrooms, and laboratory space. Campuses are adding new class sections and some are scheduling classes and lab sections on Saturdays, Sundays, and evenings. One campus is converting its art gallery into classroom space. Another is inviting a portion of a given class to attend lectures in person, and a portion to watch the lecture remotely. Another has reduced class length to fit an additional class into the day. Still, classrooms are at capacity; waiting lists for popular classes are common; and some students report that they have been unable to enroll in any class related to their major. Campuses were already struggling with increasing class sizes and a growing number of majors being designated as impacted; the new enrollments are accelerating concerns about enrollment disparities across disciplines.

Campuses will also rely more on contingent faculty to handle the extra teaching load. One campus may require graduate students to participate in TA-ships. Faculty are concerned that permanent solutions, including hiring new ladder-rank faculty, will be delayed indefinitely, and that educational quality will suffer. Campuses are also concerned about how upper division curriculum will be affected when students in the enrollment bubble reach junior status. It was noted that campuses continue to have issues with deteriorating physical infrastructure.

Council members noted that anecdotes can be powerful, but it will also be important to use quantitative measures to illustrate the impact of the new enrollments—for example, the proportion of student credit hours delivered by non-Senate faculty, the number of quarters graduate students work as TAs, and the number of students on class wait lists.

X. UCACC Recommendations for Cyber-Risk Advisory Board

Council discussed a plan from the University Committee on Academic Computing and Communications for the addition of Senate faculty representatives to the Cyber-Risk Governance Committee (CRGC) and its technical Advisory Board. UCACC recommends that the three representatives to the CRGC be the UCACC chair and vice chair, and a representative from either UCAF or UCFW selected by UCOC. UCOC will also consult with the Senate divisions to select three faculty members with appropriate technical expertise to represent the Senate on the Advisory Board.

ACTION: Council voted unanimously to support the plan.

XI. Systemwide Review of Proposed Revisions to APM - 360, Librarian Series and APM - 210-4, Instructions to Review Committees

Council reviewed comments received from Senate divisions and systemwide committees in response to proposed revisions to APM 360, outlining the criteria for appointment and promotion in the Librarian series, and to APM 210-4, providing instructions to review committees that advise on appointment and promotion.

In general, reviewers supported the proposed revision. Council members also made several suggestions for further revisions. These included recommendations for language regarding contributions to diversity made by academic appointees within the Librarian Series and language recognizing their academic freedom rights with respect to research and teaching activities.

ACTION: A motion to approve the revisions was made and seconded. The motion passed unanimously.

XII. Systemwide Review of Revised APM 278, 210-6, 279, 112 and New APM – 350

Council reviewed comments received from Senate divisions and systemwide committees in response to proposed revisions to APM policies defining the duties and responsibilities of the non-Senate Clinical Professor (APM 278) and community-based Volunteer Clinical Professor (APM 279) titles, the appointment and advancement criteria for Clinical Professors (APM 210-6); and a new policy covering non-faculty clinical associates (APM 350). Senate reviewers noted that the changes help clarify the evaluation criteria, review expectations, and review timelines, but they also made a number of suggestions for additional revisions and clarifications.

Council members noted that the revisions were motivated in part by a need to clarify the differences between the Health Sciences Clinical Professor series and the Volunteer Clinical Professor series so that the titles are used correctly, as the UC medical centers increase their affiliations with providers in non-academic hospitals to increase their networks and compete in the current marketplace. The Volunteer Clinical faculty are among these providers – professional doctors employed by the medical centers who may also teach. The Health Sciences Clinical Professor title is reserved for individuals who perform not only clinical work but also meet the full research and teaching missions of the university and are appraised through the normal process. As such, one change is to supplement the research scholarship requirement to the Health Sciences Clinical Professor series designation.

Council members expressed support for encouraging more research and creative activity from these titles, but in requiring them, we need to ensure they align with UC standards and expectations.

ACTION: A draft will be circulated to Council for approval.

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

ACADEMIC COUNCIL

Minutes of Teleconference Meeting

June 1, 2016

I. Consultation with President Napolitano

The President noted that the Regents have high expectations for increasing student and faculty diversity. The University is making progress, and the numbers look good in many respects, but the Regents want faster progress on both a systemwide and campus-specific basis. Last month, the Regents heard about a plan to improve the financial situation at UC Berkeley. Each of the next three Regents meetings will feature presentations from three campuses about their financial picture, faculty and student diversity, and educational outcomes. The first three campuses will be Santa Cruz, Merced and UCSF.

The President said she expects the UC system to meet its goal of enrolling 5,000 new California resident undergraduates this fall. The new enrollments will help meet the expectations and needs of Californians, and the University community will work its way through challenges to ensure that students have access to classes, bed space, and a quality education. Both the state Assembly and Senate have included additional funding for undergraduate and graduate student enrollment in their proposed budgets. UCOP is working with the campuses on detailed multi-year enrollment scenarios that will help make academic planning easier.

The UC budget includes funding for the faculty merit program and 3% salary increases. As planning for the 2017-18 budget begins, the President hopes to identify revenues that can help address longer-term salary priorities, particularly in the context of the new pension tier.

The President said her decision to place the Davis Chancellor on investigatory leave was a difficult one, but necessary based on the circumstances. She said it is in everyone's interest to have a neutral, prompt, and transparent investigation. UC appointed Melinda Haag, a former U.S. attorney for the Northern District of California, to lead the investigation. Ms. Haag represented the President in the past in name only in the sense that Ms. Haag was listed as the attorney for purposes of federal civil litigation in which Homeland Security was sued and the President was listed on the papers as a party, in her official capacity, as the former Secretary of that department. This is standard practice when federal agencies are sued and the cabinet members are named, and resulted from the location of the suit being filed in the Northern District of California where Haag was the U.S. attorney, not a personal relationship between Haag and the President.

Q & A:

Q: Do you have plans for involving the Academic Senate in the investigation of the chancellor? Will you commit to sharing the investigator's report with the Senate before it is released to the public?

A: I did not consult the Senate prior to my decision to place the chancellor on leave because that decision is the responsibility of the President of the University and not a function of shared

governance. I consulted the Davis Senate leadership immediately after the decision, and established a mechanism to ensure that the Senate has access to all documents and information. However, the University is not running the investigation and does not have information about its progress. I appreciate the request to share the report with systemwide and Davis Senate leadership before it is released to the public, and will accommodate it if I am able. How far in advance depends on when we receive the report.

Q: We have seen proposed legislation that would mandate enrollment growth, but we need to ensure that any growth is tied to sufficient funding. How can we convince the Legislature to fully fund their proposed enrollment scenarios?

A: It is encouraging that the State Senate enrollment bill funds enrollment at the established marginal cost level of \$10k per student, although the Assembly bills do not. We are also trying to ensure that the Legislature does not tie funding to hard enrollment targets but allows the University some flexibility as long as it makes reasonable efforts to meet the targets.

Q: How can Regents meetings be made more deliberative and productive for the University?

A: I share your concerns that all members of the Board of Regents do not always have time to read or digest meeting materials. We are encouraging Regents to visit UC campuses more often. The individual campus presentations planned for the next three meetings will also help the Regents analyze what is happening.

Q: I am concerned that the Assembly's budget proposal says UC will not receive Proposition 2 funding for UCRP if the DC supplement and the DC choice option are not removed from the 2016 tier.

A: The Senate's budget proposal does not include that language, and I think there is a very good chance that it will not be included in the Governor's final budget. I see the bigger challenges as being the upcoming negotiations related to enrollment and enrollment funding.

Meeting adjourned at 10:15 am
Minutes prepared by Michael LaBriola, Principal Committee Analyst
Attest: Dan Hare, Academic Council Chair