

University Committee on Faculty Welfare

Minutes of Meeting

June 10, 2022

I. Chair's Announcements

Jill Hollenbach, UCFW Chair

1. Academic Council of May 25, 2022

- This meeting will be CUCEA Chair Powell's last. New incoming CUCEA Chair Joanne Boorkman will begin her term in July.
- The Council continues to discuss fully online undergraduate degree programs. Drawing distinctions between courses, minors, majors, and degrees could be a useful strategy. Clarifying the residency requirement could be another useful strategy.

2. TFIR Update

David Brownstone, TFIR Chair

- Members are encouraged to share and circulate the Second Choice planning tool.
- The Office of the Chief Investment Officer (OCIO) has purged fossil fuel holdings from the Retirement Savings Program.
- An ad hoc COLA for certain UCRP cohorts will go to the Regents in July. Final numbers are still to be announced, but the expectation is to true-up all cohorts to 85% purchasing power.
- The faculty scales will get a 4% increase this year. Next year may see a larger increase due to inflation. Members noted that the October 1 implementation date for faculty, but not other employee groups, is odd and can make personal fiscal planning difficult.

II. Report: UCFW Health Care Task Force

Michael Ong, HCTF Chair

1. HCTF of May 20, 2022

- Navitus: The CUCEA/CUCRA Joint Benefits Committee has issued a report detailing, among other concerns, the retiree experience with this pharmacy transition. CUCEA has representation on the Retirement Administration Service Center (RASC) advisory board. HCTF met with Navitus executives, highlighting problems with the prior authorization process and certain formulary differences. UC may have a bad market reputation, as Navitus is the fourth Rx administrator in six years.

- Affiliations: The Joint Clinical Advisory Committee (JCAC) is being populated. Contracts are being renegotiated. UC Legal is developing options for working with federal entities in a post-Dobbs era.
- UC Care: There will be no change in third party administrator (TPA) for UC Care after an extensive RFP process. A “virtual first” program will be added, but final details are still to be determined. Vice Chair Dalton, who represented the Senate in the RFP process, noted that the process is onerous. Being held to Napolitano’s 4% cap limited plan options. HR may issue an RFP for a behavior health overlay for the self-funded plans, and adding fertility benefits, too, would further strain the 4% tradition. Medical inflation is still unknown.
- Canopy Health: This Santa Cruz provider is seeking a subsidy to compete with Kaiser. The campus needs more provider choices than just Dignity Health and Kaiser.
- MediCal: A recent op-ed in the LA Times impugned UC for not taking enough MediCal patients. Responses defended UC practices.

III. Systemwide Review Items

➤ Determine Committee Position

- Presidential Policy on Affiliations with Certain Healthcare Organizations

HCTF, Lead Reviewers

Chair Ong noted four flaws in the Policy: 1) Differences between this Presidential Policy and the existing Regents Policy should be addressed. Definitions should be clarified. Is a statute a policy? References to government agencies might be reconsidered. 2) The Policy indicates it is acceptable to discuss treatment options and then transfer a patient. Many feel that on-site treatment would be superior. A lack of impact data impedes discussion. 3) The metrics listed for reporting are general hospital indicators, not targeted to the issue at hand. Specific reporting on “abortion, contraception, assisted reproductive technologies, gender-affirming care, and end-of-life care” should be required. 4) Still no guidance has been issued for trainees and clinicians assigned to these affiliate providers.

❖ Analyst Feer will draft a memo for transmittal to Council.

- Report of the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce

UCR Representative Heraty and UCSC Representative Orlandi, Lead Reviewers

Several concerns with the program were identified with the “trial” program that now seems permanent. Most of the identified issues focus on equity. Since the program is not equally useful in all disciplines, some expect the rich to get richer. Unequal implementation across and within campuses exacerbates these concerns. Participation by faculty from underrepresented groups is low. Assessment of how NIH and NSF grants, state funds, and summer salaries are calculated could indicate additional equity gaps. How graduate student funding and grant accounting and administration are impacted should also be closely monitored.

More broadly, the incentive structure for seeking grants may be changing in unanticipated and negative ways, perhaps even leading to Conflicts of Interest.

Constitution of the task force lacked a sufficient balance of Senate faculty and administration, and future reviews should observe Shared Governance more faithfully.

❖ Analyst Feer will draft a memo for transmittal to Council.

- Proposed Revisions to APM 715 and 760 (Leaves of Absence/Family and Medical Leave and Family Accommodations for Childbearing and Childrearing)

UCB Representative Nelson, Lead Reviewer

These proposed changes are improvements on existing policy. They increase the benefit to 100%, up from 70%. Two concerns arise: 1) The benefit is only available after 12 months of service, which is industry standard. UC should consider shortening or eliminating any waiting period. 2) The Family Medical Leave Act (FMLA) limits time-off to 12 weeks, which is awkward for semester campuses.

❖ Analyst Feer will draft a memo for transmittal to Council.

- Second Systemwide Review of Presidential Policy on Abusive Conduct in the Workplace

UCB Representative Nelson and UCSD Representative Cooper, Lead Reviewers

Note: Item deferred.

IV. Consultation with Academic Senate Leadership

Robert Horwitz, Academic Council Chair

Susan Cochran, Academic Council Vice Chair

- State Budget: State revenues are up, allowing the governor to fulfill this year's 5% base budget increase. One-time funds were less than asked. President Drake has indicated his intention to allocate more funds for faculty salaries next year. Members noted that the physical plant has urgent needs, but securing funding is difficult.
- Regents: 1) Regent Leib is the Board Chair, and Regent Eliot is the new vice chair. 2) The Board endorsed the UCOP budget and approved several capital projects. 3) A UC "central bank" to help the campuses with debt management was approved. 4) Senate successes with the Climate Memorial and AB 928 compliance were lauded. 5) A Native American tuition support program was recognized. 6) A presentation on the "hidden curriculum" faced by first-generation students was well-received. 7) The Advancing Faculty Diversity report was well-received, but more resources are needed to build upon the steady progress. Cluster hires have proven successful. 8) The final Mitigating the Impact of COVID on Faculty report was also well-received, and members are encouraged to circulate it widely. The provost will cost-out the recommendations. The report contains only guidance and suggestions which may not apply in every circumstance. 9) Cybersecurity discussions are not advancing. 10) A working group is being formed to investigate persistent clinician morale concerns.
- Academic Council: 1) BOARS has been asked to consider again possible changes to SR 424.A.3 that would add an ethnic studies requirement for first-year admission. 2) Council endorsed recommendations from the University Committee on Academic Freedom (UCAF) regarding disclaimer requirements for political statements posted on department websites. Public comment at the Regents has kept the issue alive, though.

UC Legal may also become involved. 3) The Council may reinvigorate the residency requirement in response to calls for fully online undergraduate degree programs. 4) The Navitus issue has raised concerns about the procurement process writ large, which have been shared with President Drake.

- Online Student Tutoring Services: A cross-segmental coalition is being considered to lobby the legislature to change the state code of education to protect these types of intellectual property, too. For now, faculty are encouraged to use watermarks and the like to strengthen copyright claims. OCIO is investigating whether UC has any holdings in these companies.
- Affiliations: Contract negotiations continue. The JCAC is just starting. The Senate will press for more specifics regarding procedures and locations. The Dobbs decision has made clarity urgent. Concerns with federal partners are being addressed. Members wondered if the Senate should issue a resolution in support of reproductive rights.

V. California Abortion-related Legislation and Relevance for UC

Lori Freedman, UCSF

Daniel Grossman, UCSF

In light of the recent SCOTUS decision in the Dobbs case, protecting access to services provided by UC is paramount. How the UC can best influence the state, and how the Senate can best influence the Regents, chancellors, and UCOP should be one focus. Pending state legislation may establish additional protections, and some have discussed a state constitutional amendment to protect providers and patients. Legal issues include cross-state jurisdictional concerns and possible extradition concerns; travel bans may be expanded. How to handle threats of violence must be taught. Out-of-state patients may not have adequate insurance coverage, leading to resource questions. A Memorial to the Regents is one strategy.

- ❖ Chair Hollenbach and Analyst Feer will draft a memo for transmittal to Council.

VI. Consultation with the Office of the President – Academic Personnel and Programs

Susan Carlson, Vice Provost

1. ARO Beyond COVID

VP Carlson noted that most of the proposals for the Advancing Faculty Diversity this year included COVID-related concerns. The only permanent solution is to amend the APM, but that process is slow. Short-term options could include statements of support from the president and provost to supplement release of the final Mitigating the Impact of COVID on Faculty report. Sometimes an unsuccessful review can generate positive discussion and even positive outcomes. More communications are needed to help overcome resistance on the campuses.

2. Policy Review Update

A revised vaccine policy will soon come for expedited review. This revision would combine flu, COVID, and probably more, vaccine requirements into a single policy. The goal is September 1

issuance for the interim policy, with a full review to follow in the fall. Members noted that support for vaccines does not lead to policy overreach that could impact civil liberties. VP Carlson noted that UC Health is working to create a vaccine dashboard. Lack of clarity around the goal of these policies allows confusion to continue. Reducing spread is different from reducing severity, for example. Use of data in this field is also unclear and inconsistent.

This is Vice Provost Carlson's last meeting. The committee wishes her a happy retirement.

VII. UCFW Business

1. ARO Beyond COVID Next Steps

Faculty face many challenging life situations, beyond COVID. Changing timeline expectations does not involve changing excellence standards. Protecting privacy is important, but no one wants anyone to suffer in silence. Since accommodations that respected privacy could be made during COVID, they can be made outside of it. Some deans already discourage use of FMLA benefits. The legacy academic culture is to power through. Privacy review boards could be a solution, and HIPAA protections may also apply. NDAs could be employed. An appeals process may need to be developed.

❖ Chair Hollenbach and Analyst Feer will draft a memo for transmittal to the Council.

2. Proactive Planning for the Next Crisis

Note: Item deferred.

3. Other Campus Updates

UCB: More Shared Governance is needed across the board, especially in crisis planning. Planning for both major events (earthquakes) and single-situations (active shooters) are both needed.

UCLA: Inconsistent enforcement of parental exemptions or of accommodations for immunocompromised faculty is frustrating many. The data underlying decision-making is unclear, and reportedly, sometimes the data are ignored. Some accommodations seem to have been unofficially phased out – without consultation. A new policy will be developed for the fall.

UCR: COVID policy whipsaws continue. The local Senate is trying to secure a place on the emergency response team.

UCSD: Communications remain poor.

VIII. New Business

None.

Adjournment 3:35 pm.

Minutes prepared by Kenneth Feer, Principal Analyst

Attest: Jill Hollenbach, UCFW Chair

Attendance:

Jill Hollenbach, UCFW Chair

Terry Dalton, UCFW Vice Chair

Laura Nelson, UCB

Karen Bales, UCD

Carson Schutze, UCLA

Jayson Beaster-Jones, UCM

John Heraty, UCR

Kim Cooper, UCSD

Hunter Lenihan and Subash Sun, UCSB Alternates

Nico Orlandi, UCSC

David Brownstone, TFIR Chair

Michael Ong, HCTF Chair

Henning Bohn, UCRS Advisory Board Faculty Representative

Harry Powell, CUCEA Chair