

**Academic Senate Chair Jim Chalfant  
Remarks to the University of California Board of Regents  
March 2017**

Thank you, Chair Lozano. Today I would like to discuss three items before the Board.

First, I would like to speak in favor of item A2, the proposed Regents policy on Professional Degree Supplemental Tuition, or PDST. I can summarize what matters about this policy very succinctly: if a program wants to charge a PDST, it will need to say what the money is for, and faculty and student consultation must be documented. This transparency is the same principle the Senate used for our preferred nonresidents policy—explain what the money is used for and how it makes things better. Under this new policy, you will still be able to compare our costs to our comparators—public or private—but you won't be asked to approve a PDST just because it now costs more to attend some other program, whether private or public.

Second, Item A4 is the revised Faculty Code of Conduct, which I also urge the Board to support. The changes were recommended by last year's Joint Committee, co-chaired by Dan Hare and Sheryl Vacca, and received unanimous support from both the Academic Council and the Academic Assembly. I don't know whether to call it ironic, awkward, or good timing that the Public Records Act release of the details of over one hundred past cases of sexual harassment or sexual assault occurred recently. But I have the same thing to say about the PRA release and the Code of Conduct revisions: sexual violence or assault and sexual harassment are unacceptable violations of the faculty Code of Conduct; there is no nuance, ambiguity, or caveat here. Calling out this behavior in the Code of Conduct, one could argue, does nothing but send a signal, but that signal is an important one.

The Senate does not protect bad behavior. As Dan Hare discussed in November, 2015 remarks, tenure certainly does not protect it. Even one bad actor

undermines the reputation of a campus and certainly its faculty; there is a faculty discipline process on every campus and the Senate expects the administration to be willing to use it. When an early resolution seems more appropriate, it is imperative that the new peer-review committees help ensure that the measures taken are the right ones.

Shane and I share President Napolitano's goal stated in item A4 that UC be the national leader in prevention and response to sexual violence and sexual harassment. We have had the opportunity to meet with Kathleen Salvaty, the UC system-wide Title IX coordinator. The Senate applauds the decision by the President to create this position, and we are very enthused about our opportunity to work collaboratively with Kathleen. Where improvements can be made, we will make them.

I'd like to turn now to discussion item B4, nonresidents policy. Anyone listening likely already knows that the Academic Senate does not support this policy. We disagree over the various caps and the implicit tiering of the campuses by funding and quality, something that the Board has never before undertaken. The differential treatment of some campuses suggests a permanence to funding differences already present. These differences undermine our principle that we support all students equally and they also harm staff and faculty morale. We recognize that a policy is needed, but the proposed caps harm every campus in one way or another.

Much emphasis has been placed on projections showing that UC will not reach 20% nonresidents for several years. This misses the point. Nonresidents turned away from campuses that are capped will not be providing Return to Aid that benefits students on every campus. Nor will they provide campuses with much-needed additional revenues, significantly above educational costs for these nonresidents. We could use those funds on the campuses that can generate them, to upgrade teaching labs or offer fellowships, or on campuses with critical unmet needs but few nonresidents. Under any policy modeled on item B4, we are instead sending these funds to Michigan and Alabama.

Every member of the Academic Council preferred the policy I described in my January remarks. That policy would allow expansion of nonresident enrollments as long as residents can be shown to benefit—a different kind of accountability than an arbitrary cap. The Senate would like to see UC work with the state to develop a better plan; not a punitive policy to make even more cuts, but a plan like ours that addresses the state’s concerns. That work begins with understanding. Why is the Senate so out of step with so many other people? As is so often the case, reasonable people differ in their policy preferences because they make different assumptions about the behavior targeted by the policy.

Supporters of the proposed nonresidents policy believe that it will create space for California residents that is currently occupied by nonresidents. That might seem obvious, but it just isn’t correct. Campuses do not determine their total enrollment, enroll nonresidents, and then give Californians the leftover seats. The Senate recommendation follows UC’s actual enrollment policy described in B4: the University enrolls every eligible California resident undergraduate for whom it receives enrollment funding from the State. Nonresidents are an add-on; a much-needed one, I should emphasize. The state has not come close to restoring the cuts we experienced during the Great Recession, not to mention cuts sustained over many more years. Offering less than the state’s historical share of marginal cost, and instructing UC to find the money elsewhere, is not a plan. Even full funding of incremental enrollment of California residents ignores the massive budget cuts UC has absorbed.

Contrary to popular opinion, the Senate does not just say No to things. We put an alternative plan on the table, and would welcome the chance to develop it in partnership with the administration, the Regents, and the state. But we should also acknowledge everyone at UCOP who has listened to our criticisms of the nonresidents policy and worked to make the proposal in item B4 less harmful than it could have been.

I also thank the Board for listening to me yet again on this topic. The share of my remarks it has occupied this year reflects the importance the Senate attaches to this topic, and our deep concerns about the policy in B4. If you vote in May to adopt anything like this policy, I think it is important to have appropriate expectations. In approving such a policy, you would not be creating an opportunity to add a single California resident undergraduate. To me, this only reinforces the Senate's view that all of us need to work together to change the conversation with the state. We can do better.

Chair Lozano, this concludes my remarks.