

UNIVERSITY OF CALIFORNIA

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VIDEOCONFERENCE OF THE ASSEMBLY OF THE ACADEMIC SENATE

Wednesday, June 14, 2017

10:00 am - 1:00 pm

To participate in the videoconference, contact your divisional Senate office for the location of a central meeting place. If you are off-campus, you may join the video and internet audio at <https://UCOP.zoom.us/j/129922154>

Or join by phone: 1.408.638.0968 Meeting ID: 129 922 154

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I. Roll Call

2016-17 Assembly Roll Call June 14, 2017

President of the University:

Janet Napolitano

Henry Weinstein

Academic Council Members:

James Chalfant, Chair

Shane White, Vice Chair

Robert Powell, Chair, UCB

Rachael Goodhue, Chair, UCD

William Parker, Chair, UCI

Susan Cochran, Chair, UCLA

Susan Amussen, Chair, UCM

Dylan Rodriguez, Chair, UCR

Kaustuv Roy, Chair, UCSD

Ruth Greenblatt, Chair, UCSF

Henning Bohn, Chair, UCSB

Olof Einarsdottir, Chair, UCSC

Henry Sanchez, Chair, BOARS

Kwai Ng, Chair, CCGA

Amani Nuru-Jeter, Chair, UCAAD

Theofanis Tsoulouhas, Chair, UCAP

Barbara Knowlton, Chair, UCEP

Lori Lubin, Chair, UCFW

Isaac Martin, Chair, UCORP

Bernard Sadoulet, Chair, UCPB

Los Angeles (8)

Roman Koropeckjy

Purnima Mankekar

Hanna Mikkola

Frank Petrigliano

Ninez Ponce

E. Richard Stiehm

Dorothy Wiley

Kym Faull

Merced (1)

Patricia LiWang

Riverside (2)

Thomas Cogswell

Jodi Kim

San Diego (5)

Lorraine Pillus

Anna Joy Springer

Nadine George

Gail Heyman

Gentry Patrick

Berkeley (5)

Alexis T. Bell

Kristie Boering

Peter R. Glazer

Fai Ma (alt for Christopher Kutz)

Miryam Sas

San Francisco (4)

Marek Brzezinski

John Feiner

Leah Karliner

Laura Wagner

Davis (6)

William Casey

Stephanie Dungan

Robert L. Powell

Brenda Schildgen

Scott Stanley

Richard Tucker

Santa Barbara (3)

Bjorn Birnir

Julie Carlson

Andrew Norris

Santa Cruz (2)

Kimberly Lau

Dorian Bell

Irvine (4)

John Dobrian

Karamet Reiter

Timothy Tait

Secretary/Parliamentarian

George J. Matthey

MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

April 12, 2017

MINUTES OF VIDEOCONFERENCE MEETING

I. ROLL CALL OF MEMBERS

Pursuant to the call, the Assembly of the Academic Senate met on Wednesday, April 12, 2017. Academic Senate Chair James Chalfant presided and called the meeting to order at 10:00 am. Senate Director Hilary Baxter called the roll of Assembly members and confirmed a quorum. Attendance is listed in Appendix A of these minutes.

II. MINUTES

ACTION: The Assembly approved the minutes of the February 8, 2017 meeting as noticed.

III. ANNOUNCEMENTS BY THE CHAIR

- **Jim Chalfant**

Nonresident Enrollment Policy: Leading up to the March Regents meeting, the Senate assumed that a compromise had been reached on the proposed undergraduate nonresident enrollment policy that would have allowed the three campuses currently above 20% – Berkeley, Los Angeles, and San Diego – to remain at their current levels. However, a week before the meeting, the Regents introduced a new 20% systemwide cap into the planned action item, and then changed the action item to a discussion item with a subsequent plan for action in May, to allow for more discussion with State legislators who wanted a smaller systemwide cap and immediate cuts at Berkeley, Los Angeles, and San Diego.

The Academic Council has been very concerned that a cap in any form would hurt campuses financially. Council believes that a systemwide cap would also stimulate an immediate race to the 20% limit, locking out campuses with low levels of nonresident enrollment from additional revenue opportunities, and affecting their ability to offer a UC-quality level of education. By providing unequal opportunities to achieve the same standard of quality, the policy would implement an explicit tiering of UC campuses.

The Council chair and vice chair have written letters to State legislators most opposed to nonresident enrollment, describing the Council’s concerns about the harmful budgetary consequences of a cap and Council’s alternative policy that would allow an individual campus to expand nonresident enrollments if it can show a precise benefit to residents on that campus, and limit nonresident enrollments on any campus where resident undergraduates are disadvantaged by further expansion. In addition, the policy would require annual systemwide enrollment plans for residents and nonresidents to follow from a sustainable financial plan that ensures UC quality on every campus.

Discussion: Assembly members expressed support for the Senate leadership's efforts to resist the tiering of UC campuses. There was also a concern that the alternative Council proposal should not open the door to micro-management of the campuses by UCOP and the Regents.

IV. REPORTS OF STANDING COMMITTEES

A. Academic Council

- **Jim Chalfant, Chair**

1. Nomination and Election of the Vice Chair of the 2017-18 Assembly

Chair Chalfant introduced UC Davis Professor of Philosophy and Linguistics Robert C May, the Academic Council's nominee for 2017-18 Assembly vice chair and 2018-19 chair. At Chair Chalfant's invitation, Professor May made a statement and left the videoconference. Chair Chalfant asked for any additional nominations from the floor, and hearing none, asked for any objections to Professor May's nomination. Hearing none, he moved that the Assembly give its consent to his election. The motion was seconded, and a roll call vote was taken.

ACTION: The Assembly voted unanimously to elect Robert May vice chair of the 2017-18 Assembly.

2. Amendments to Senate Bylaw 630.D

Following a systemwide Senate review, the Academic Council voted at its March 22, 2017 meeting to endorse a recommendation from the University Committee on Educational Policy (UCEP) to amend Senate Regulation 630.D, which governs residency requirements for the Bachelor's Degree, to recognize the Natural Reserve System (NRS) California Ecology and Conservation course as a systemwide course that can satisfy UC's senior residence requirement along with the Education Abroad Program (EAP), UC Washington, D.C., Program (UCDC), and the UC Center in Sacramento Program (UCCS).

UCEP Chair Knowlton noted that UCEP granted systemwide approval to the NRS California Ecology and Conservation course in November 2014. UCEP found that the course is a systemwide program that satisfies UC's senior residence requirement as stipulated in Senate Regulation 630. UCEP believes it is appropriate to add the course to the list of courses in SR 630 to allow it to come under the same guidelines.

ACTION: A motion was made and seconded to approve the amendments. The motion passed unanimously in a voice vote.

V. ANNOUNCEMENTS BY UNIVERSITY SENIOR MANAGERS

- **Janet Napolitano, President**
- **Aimée Dorr, Provost and Executive Vice President**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

Provost Dorr Retirement: Provost Aimée Dorr has announced her retirement from the University effective this summer. Senate Chair Chalfant is serving on the advisory committee that is leading the search for her replacement. The advisory committee will limit its search to internal UC

candidates. President Napolitano thanked Provost Dorr for everything she has done for the University, noting that she has been a great partner to the President on many issues, and that her experience, expertise, and leadership will be missed. Assembly members gave Provost Dorr a round of applause.

Nonresident Enrollment: The Regents delayed a planned action on a nonresident enrollment policy to May to allow time for more dialogue with members of the State Assembly. UC leaders are working with legislators to understand their concerns, and to communicate the important role nonresident tuition (NRT) plays in supporting the educational mission for all UC students and the detrimental impact of a cap below 20%, in hopes that an acceptable compromise can be identified. Some legislators do not accept that nonresidents do not take spaces away from funded CA residents and are proposing a very strict cap on nonresident enrollment. They have suggested that UC make up the lost revenue by increasing NRT by ten percent annually for five years. UC leaders emphasize that the Legislature's budget appropriation to UC is the key driver of resident enrollment, and that UC adds nonresidents only after it ensures a place for all eligible state-funded students. Moreover, the state in 2017 is providing UC with 34% less funding on per-student basis compared to 2000, adjusted for inflation. They also note that nonresident applications are down this year and additional price increases would affect demand even more.

Assembly members encouraged UC officials to describe the educational benefits of nonresident enrollment in the most precise terms possible – how NRT helps campuses enroll more California students, hire more faculty, offer more classroom and laboratory sections, reduce impact in specific majors, and bolster the systemwide financial aid pool.

Preventing Sexual Violence and Harassment: In March, the Regents approved revisions to University policies that implement recommendations from the Joint Committee of the Administration and Senate for strengthening and clarifying investigation, adjudication, and disciplinary procedures in cases of alleged sexual violence or sexual harassment (SVSH) involving faculty respondents. President Napolitano said that the revisions are important to UC's overall efforts to create and maintain an atmosphere free of harassment, exploitation, and intimidation. She thanked Assembly members for supporting the changes to APMs 015 and 016. To help prepare campuses for the July 1 implementation, UCOP has sent guidance to them on the expected composition and membership of local peer review committees charged with approving Title IX reports, the kind of cases those committees should consider, and protocols they should use. The University is also taking steps to inform the UC community about the "responsible employee" requirement, which obliges any UC employee, including faculty, to report incidents they become aware of to the Title IX Officer. The President has asked UC's new systemwide Title IX coordinator Kathleen Salvaty to oversee systemwide implementation of the changes.

Title IX Release: In response to a Public Records Act request, UC released redacted investigative reports on 113 Title IX cases from the past three years involving substantiated allegations against UC employees. Approximately 75% of cases involved staff and 25% involved faculty. The allegations ranged from inappropriate comments to assault, although the majority (54%) involved no physical contact between complainant and respondent. All fell under the old SVSH policy framework. As UC implements new policies and procedures, faculty are invited to share productive ideas for additional changes and improvements with Title IX Coordinator Salvaty.

International Travel and Security: The University’s systemwide international accident, medical, and security program provides services to all UC faculty, staff, and students traveling outside the US. The program, managed by the Office of Risk Services in conjunction with the campuses, provides pre-travel information and advice regarding health, safety, and security issues in different parts of the world; real-time updates and assistance for registered travelers; and emergency medical assistance and security response.

Following several tragic overseas events in 2016 involving UC students, UC commissioned an independent review of its international travel program. The Office of Risk Services has asked the Senate and other constituencies to consider the resulting recommendations, which include improving awareness and preparedness about travel to high-risk areas and developing a formal systemwide international travel security policy that includes a pre-travel registration requirement.

UC Budget Outlook: The University expects to receive a base budget adjustment of 4%, or \$132 million, and the third installment of Proposition 2 funding for UCRP that was committed under the budget framework agreement and included in the Governor’s January budget. UC also expects to receive funding for 2,500 new 2017-18 undergraduate enrollments, and has requested a continuation of Proposition 2 funding for UCRP, one-time monies for deferred maintenance, and funding for new graduate student enrollments. The University is monitoring how potential changes to federal budget policy and the Affordable Care Act could affect funding for the research enterprise and the medical centers. UC hopes the state will return to general obligation bonds and lease-revenue bonds as mechanisms to help finance capital growth and renewal on campuses.

PDSTs: Provost Dorr stated that modern circumstances require the University to be flexible and resourceful about securing revenue to support the academic enterprise. Professional Degree Supplemental Tuition (PDST) is one important means of supporting graduate and professional programs. The Regents approved a new PDST policy in March. The revised policy allows the Regents to approve PDSTs on a multi-year basis instead of annually, removes a fixed cap on PDST increases, allows programs to set fees based on fees charged at both comparison private and public institutions; and requires programs to show they are meeting diversity goals.

Teaching Professor: UCOP recently released for systemwide review [proposed revisions](#) to APMs 285, 210-3, 133 and 740, related to the current “Lecturer with Security of Employment” (LSOE) faculty series. The revisions propose a new name for the series, “Teaching Professor,” with enhanced expectations for teaching excellence and professional and scholarly achievement.

Framework for UC Growth and Support: UCOP will host a systemwide all-campus meeting at UC Irvine on April 17 to discuss the 2040 enrollment scenarios submitted by UC campuses as part of the Framework for UC Growth and Support project. Campuses will present their individual 2040 vision plans and describe the resources they would need to meet them.

Q: What is the potential timing for a lease-revenue bond?

A: The state is unlikely to issue a bond during Governor Brown’s administration, so we will need to wait until the 2019 Legislative session. However, there has been talk of placing a P-16 General Obligation bond measure on the 2018 California ballot.

Q: Does the University have policies in place to help UC employees traveling abroad who are denied re-entry to the United States due to immigration issues? Would UC help such employees access legal services?

A: We are handling these issues on a case-by-case basis. We recently helped one undergraduate student get back into the country from a study abroad program in France. We intend to do more outreach to students, faculty, and staff by encouraging them to inform us in advance about intended travel.

Q: Does UC have a policy to guide how employees should respond to a potential border request for the surrender of UC-issued electronics, especially if they include sensitive information like patient records and IRB data?

A: There is no easy answer to that question. We will consider it and follow-up later with systemwide advice.

Q: Are faculty who are interested in moving from the LSOE series to the Teaching Professor series in danger of losing their pre-2016 pension status. Will the Teaching Professor affect the Health Sciences clinical series?

A: The current policy assumes that the faculty member would apply for transfer into the new title. We will look into this more, but because the transfer would not involve a break in service it is unlikely to be an issue. The Teaching Professor title would be available to clinical departments, although most are likely to choose a clinical series.

An Assembly member noted that the dramatic increase in LSOE hiring on at least one campus (0% to 44% of all new Senate hires in a few years) has decreased the role of the department in their evaluation, and shifted that authority to the administration.

VI. NEW BUSINESS [None]

VII. UNIVERSITY COMMITTEE ON FACULTY WELFARE REPORT [None]

VIII. SPECIAL ORDERS

A. Consent Calendar [None]

IX. REPORTS ON SPECIAL COMMITTEES [None]

X. PETITIONS OF STUDENTS [None]

XI. UNFINISHED BUSINESS [None]

The meeting adjourned at 12:00 pm

Minutes Prepared by: Michael LaBriola, Academic Senate Analyst

Attest: Jim Chalfant, Academic Senate Chair

Attachments: Appendix A – Assembly Attendance Record, Meeting of April 12, 2017

Appendix A – 2016-2017 Assembly Attendance Record, Meeting of April 12, 2017

President of the University:

Janet Napolitano

Academic Council Members:

James Chalfant, Chair

Shane White, Vice Chair

Robert Powell, Chair, UCB

Rachael Goodhue, Chair, UCD

William Parker, Chair, UCI

Susan Cochran, Chair, UCLA

Susan Amussen, Chair, UCM

Dylan Rodriguez, Chair, UCR (absent)

Kaustuv Roy, Chair, UCSD

Ruth Greenblatt, Chair, UCSF

Henning Bohn, Chair, UCSB

Olof Einarsdottir, Chair, UCSC

Henry Sanchez, Chair, BOARS (absent)

Kwai Ng, Chair, CCGA (absent)

Amani Nuru-Jeter, Chair, UCAAD

Theofanis Tsoulouhas, Chair, UCAP

Barbara Knowlton, Chair, UCEP

Lori Lubin, Chair, UCFW

Isaac Martin, Chair, UCORP (absent)

Bernard Sadoulet, Chair, UCPB

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Alexis T. Bell

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Christopher Kutz

Jennifer Bussell (alt for Miryam Sas)

Davis (6)

William Casey

Stephanie Dungan (absent)

Robert L. Powell

Brenda Schildgen

Scott Stanley

Richard Tucker

Irvine (4)

John Dobrian

Karamet Reiter (absent)

Timothy Tait (absent)

Henry Weinstein (absent)

Los Angeles (8)

Roman Koropecjy

Purnima Mankekar (absent)

Hanna Mikkola (absent)

Frank Petrigliano (absent)

Ninez Ponce

E. Richard Stiehm

Dorothy Wiley (absent)

Kym Faull

Merced (1)

Patricia LiWang

Riverside (2)

Thomas Cogswell (absent)

Jodi Kim

San Diego (5)

Lorraine Pillus

Anna Joy Springer

Nadine George (absent)

Gail Heyman

Gentry Patrick (absent)

San Francisco (4)

Marek Brzezinski

John Feiner

Leah Karliner

Laura Wagner

Santa Barbara (3)

Bjorn Birnir (absent)

Julie Carlson

Andrew Norris

Santa Cruz (2)

Kimberly Lau

Dorian Bell

Secretary/Parliamentarian

George J. Matthey

A. Apportionment of Representatives to the 2017-18 Assembly [INFORMATION]

In accordance with [Senate Bylaw 105.A.4](#), the Academic Council approved at its May 24 meeting the apportionment of the 40 Divisional Representatives for 2017-18. On the basis of Divisional Academic Senate membership as of March 2017, the Webster Method of Calculation was used to determine the number of Divisional Representatives as follows:

DIVISION	NUMBER OF REPRESENTATIVES
Berkeley	5
Davis	6
Irvine	4
Los Angeles	8
Merced	1
Riverside	2
San Diego	5
San Francisco	4
Santa Barbara	3
Santa Cruz	2

V. REPORTS OF STANDING COMMITTEES

Academic Council

- **Jim Chalfant, Chair**

1. Nomination and Election of 2017-18 UCOC Vice Chair [ACTION]

CANDIDATE FOR 2017-18 UCOC VICE CHAIR

Kevin Plaxco

Professor of Chemistry and Biochemistry, UC Santa Barbara since 1998. Prior to joining the UC Santa Barbara in 1998, Dr. Plaxco received his Ph.D. from Caltech and performed postdoctoral studies at Oxford and the University of Washington. Dr. Plaxco has co-authored more than 180 papers on protein folding, protein dynamics, folding-based biosensors and folding-based smart materials. He has also co-authored a popular science book on Astrobiology and more than a dozen patents. Dr. Plaxco is actively involved in the commercialization of the novel technologies emerging from his laboratory and serves on the scientific advisory boards of a half dozen companies. On the UCSB campus, Dr. Plaxco serves as both the Director of the Center for Bioengineering and vice-chair of the Department of Chemistry and Biochemistry, and holds appointments in Chemistry and Biochemistry, the Biomolecular Science and Engineering Graduate Program, and the Department of Mechanical Engineering.

Senate Service

Systemwide

2015-2016 University Committee on Committees

Divisional Senate Service at UC Santa Barbara

2015-16 Committee on Committees, Chair

2013-15 Committee on Committees, Member

V. REPORTS OF STANDING COMMITTEES

Academic Council (continued)

- **Jim Chalfant, Chair**

2. Amendment to Academic Senate Bylaw 336 [ACTION]

Following a systemwide Senate review, the Academic Council unanimously recommended at its May 24, 2017 meeting that Senate Bylaw 336, which describes the procedures and timelines for Privilege and Tenure proceedings in discipline cases, be amended as noted below. The Committee on Rules and Jurisdiction has certified that the legislation is consonant with the Code of the Academic Senate.

Justification for Revisions to Senate Bylaw 336

Bylaw 336 prescribes the procedures and timelines for Privilege and Tenure proceedings in faculty discipline cases. The proposed revisions to Bylaw 336 derive from recommendations made by the Administration-Senate Joint Committee (2016) on investigating and adjudicating processes for sexual harassment and sexual violence cases involving faculty. They also reflect feedback from a systemwide Senate review of changes required to align the bylaw with recent revisions to APM 015 and 016 that resulted from the Joint Committee work. The revisions to APM 015 and 016 were approved by the Assembly in February 2017 and by the Regents in March 2017. Proposed additions and amendments to SB 336 Section B (Prehearing Procedures in Disciplinary Cases) respond to the need to keep all parties informed of schedule changes and to eliminate unnecessary delays; to clarify that P&T committees do not have the authority to refer a case to mediation; to reflect a requirement for the P&T committee to hold a hearing if the case has not been settled and the accused has not waived the hearing right; and to

implement the Joint Committee recommendation to align the Bylaw 336 and APM 015 descriptions of the start of the “three-year rule” period. Proposed additions to Section C (Early Resolution) respond to the Joint Committee recommendation that discipline not be put on hold pending settlement negotiations.

ACTION REQUESTED: The Assembly is asked to endorse the Academic Council’s recommendation to amend Senate Bylaw 336 as noted below.

336. Privilege and Tenure: Divisional Committees -- Disciplinary Cases (En 23 May 01)

A. Right to a Hearing

In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or against other faculty members in cases where the right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents (Appendix I), proceedings shall be conducted before a Divisional Privilege and Tenure Committee (hereafter, the Committee). Under extraordinary circumstances and for good cause shown, on petition of any of the parties and with concurrence of the other parties, the University Privilege and Tenure Committee may constitute a Special Committee composed of Senate members from any Division to carry out the proceedings.

B. Prehearing Procedure in Disciplinary Cases

1. In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or termination of appointment of a member of the faculty in a case where the right to a hearing before a Senate committee is given under Section 103.9 or 103.10 of the Standing Orders of The Regents, proceedings shall be initiated by the appropriate Chancellor or Chancellor's designee, once probable cause has been established. Procedures regarding the establishment of probable cause are determined by APM 015/016 and Divisional policies. The charges shall be in writing and shall contain notice of proposed disciplinary action and a full statement of the facts underlying the charges. Upon receipt of the charges, the Chair of the Divisional Privilege and Tenure Committee shall promptly deliver a copy to the accused faculty member or send it by registered mail to the accused's last known place of residence.
2. The accused shall have 21 ~~twenty-one~~ calendar days from the date of the receipt in which to file an answer in writing with the Committee. The Committee shall immediately provide a copy of the answer to the Chancellor or Chancellor's designee. Upon receipt of a written application, the chair of the Committee, may grant a reasonable extension of time for filing of an answer and shall immediately notify the Chancellor or Chancellor’s designee of the extension.
3. The Privilege and Tenure Committee shall consider the matter within 21 calendar days after receipt of an answer or, if no answer is received, after the deadline for receipt of an answer. The committee shall evaluate the case and establish time frames for all subsequent procedures. The committee may suggest refer the case to mediation (SBL 336.C.2) or appoint a hearing committee (SBL 336.D). All parties are expected to give priority to scheduling of the hearing. A hearing shall not be postponed because the faculty member is on leave or fails to appear. As a general guide, a prehearing conference (SBL 336.D.2) shall be scheduled (though not necessarily held) within 30 calendar days and a hearing (SBL 336.D) shall be scheduled (though not necessarily held) within 90 calendar days of the appointment of a hearing committee. Ideally, a hearing should be scheduled within 90 days of the date on which the accused faculty member was notified of the intent to initiate a disciplinary proceeding. The accused shall

be given, either personally or by registered mail, at least 10 calendar days' notice of the time and place of the hearing. The Chancellor, Chancellor's designee, or Chair of the Privilege and Tenure Committee may for good reason grant an extension of any of these time limits.

4. The Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when it is reported to any academic administrator at the level of department chair or above or, additionally, for an allegation of sexual violence or sexual harassment, when the allegation is first reported to the campus Title IX Officer. The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the respondent no later than three years after the Chancellor is deemed to have known about the alleged violation. There is no limit on the time within which a complainant may report an alleged violation.

~~No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee, who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, dean) has actual knowledge about an alleged violation, then it will be conclusively presumed that the Chancellor or Chancellor's designee should have known about the alleged violation. (AM9 March 05)~~

C. Early Resolution

1. Negotiation:

a. The Chancellor or Chancellor's designee and the accused may attempt to resolve the disciplinary charges ~~informally~~ through negotiations. If such negotiation takes place after the charges have been filed, timelines for completing the hearing process may be extended to accommodate such negotiations only if the Chancellor or Chancellor's designee, the Chair of the Committee on Privilege and Tenure, and the accused faculty member agree.

b. Such negotiations may proceed with the assistance of impartial third parties, including one or more members of the Committee.

c. A negotiated resolution is permissible and appropriate at any stage of these disciplinary procedures. If a negotiated resolution is reached after written charges are filed, then the Chancellor or Chancellor's designee is encouraged to consult with the chair of the Committee on Privilege and Tenure prior to finalizing the settlement and should inform the Privilege and Tenure Committee ~~should be given notice that if~~ the matter ~~has been is~~ resolved.

2. Mediation:

The disciplinary charges may also be resolved through mediation in cases where such mediation is acceptable to the administration and the accused. With the consent of the administration and the accused, the Committee may assist in the selection of an appropriate mediator. Other relevant parties, including members of the Committee, may participate in the mediation.

3. Once charges have been filed with the Committee, the Chair of the Divisional Privilege and Tenure Committee should request that the Chancellor or Chancellor's designee consult with the Committee or its chair prior to the completion of any early resolution.

D. Hearing and Post-hearing Procedures

1. The Privilege and Tenure Committee shall appoint a Hearing Committee for each disciplinary case that is not resolved through a negotiated resolution or mediation. The Hearing Committee should consist of at least three Division members. At least two of the members shall be members of the Committee on Privilege and Tenure, one of whom shall chair the Hearing Committee. The Committee may not appoint a member of the department or equivalent administrative unit of any of the parties to the Hearing Committee. Hearing Committee members shall disclose to the Hearing Committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate. A quorum for the conduct of the hearing shall consist of at least half but not less than three members of the Hearing Committee, including at least one member of the Committee on Privilege and Tenure.
2. Prior to the formal hearing, the chair of the Hearing Committee shall schedule a conference with the accused, the Chancellor or Chancellor's designee, and/or their representatives. This conference should attempt to:
 - a. Determine the facts about which there is no dispute. At the hearing, these facts may be established by stipulation.
 - b. Define the issues to be decided by the Hearing Committee.
 - c. Set a time consistent with the timelines laid out in 336.B.3 for both sides to exchange a list of witnesses and copies of exhibits to be presented at the hearing. The Hearing Committee has the discretion to limit each party to those witnesses whose names were disclosed to the other party prior to the hearing and to otherwise limit evidence to that which is relevant to the issues before the Hearing Committee.
 - d. Specify whether prehearing and post-hearing briefs will be submitted by the parties as well as the deadlines for those briefs.
 - e. Attain agreement about whether any person other than the Chancellor, the Chancellor's designee, the accused, and their representatives may be present during all or part of the hearing. In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.
3. The Chancellor or Chancellor's designee, the accused, and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received. Each party shall have the right to be represented by counsel, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.
4. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. All confidential information introduced into evidence shall remain so within the Hearing Committee. The Hearing Committee may call witnesses or make evidentiary requests on its own volition. The Hearing Committee also has the discretion to require that all witnesses affirm the veracity of their testimony and to permit witnesses to testify by videoconferencing.
5. Prior discipline imposed on involving the same accused faculty member after a hearing or by negotiation may be admitted into evidence if the prior conduct for which the faculty member was disciplined is relevant to the acts alleged in the current disciplinary matter.

Under these conditions, prior hearing reports and records of negotiated settlements are always admissible.

6. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that the Hearing Committee may take notice of any judicially noticeable facts that are commonly known. Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to object to the Hearing Committee's notice of such matters.
7. The Divisional Committee on Privilege and Tenure may, at its discretion, request the appointment of a qualified person or persons, designated by the Chair of the University Committee on Privilege and Tenure, to provide legal advice and/or to assist in the organization and conduct of the hearing.
8. At the hearing, the Chancellor or Chancellor's designee has the burden of proving the allegations by clear and convincing evidence.
9. The Hearing Committee shall not have power to recommend the imposition of a sanction more severe than that proposed in the notice of proposed disciplinary action. In determining the appropriate sanction to recommend, the Hearing Committee may choose to consider previous charges against the accused if those charges led to prior sanctions either after a disciplinary hearing or pursuant to a negotiated or mediated resolution.
10. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, the Chancellor or Chancellor's designee, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the proceedings shall be confidential to the extent allowed by law and UC policy. The Hearing Committee may, however, with the consent of the accused, authorize release of the findings, conclusions, and recommendations to other individuals or entities, to the extent allowed by law.
11. The hearing shall be recorded. The Hearing Committee has the discretion to use a certified court reporter (whose cost is borne by the administration) for this purpose, and the parties and their representatives shall have the right to a copy of the recording or transcript. The cost of the copy shall be assumed by the requesting party.
12. The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision and that were not reasonably discoverable at the time of the hearing.

E. Relation to Prior Grievance Cases

A disciplinary Hearing Committee shall not be bound by the recommendation of another hearing body, including the findings of the Divisional Committee on Privilege and Tenure in a grievance case involving the same set of incidents. However, the Hearing Committee may accept into evidence the findings of another hearing body or investigative agency. The weight to be accorded evidence of this nature is at the discretion of the Hearing Committee and should take account of the nature of the other forum. In any case, the accused faculty member must be given full opportunity to challenge the findings of the other body.

V. REPORTS OF STANDING COMMITTEES

Academic Council (continued)

- Jim Chalfant, Chair

3. Amendment to Academic Senate Bylaw 182 [ACTION]

The Academic Council recommends that Senate Bylaw 182, which describes the duties and responsibilities of the University Committee on International Education (UCIE), be amended as noted below to formally expand UCIE's charge into a broader range of international topics and activities. Council's recommendation follows a systemwide Senate review of the proposed amendments in fall 2016, and subsequent efforts by UCIE to modify the proposal to address comments raised in that review.

Justification for Amendments to Senate Bylaw 182

The University Committee on International Education (UCIE) was established in 1965 to provide faculty Academic Senate governance over the university-wide study abroad program.¹ At that time and for many years thereafter, the University's principal systemwide activities in international education took the form of the education abroad program, which is now called the University of California Education Abroad Program (UCEAP).² Given this, UCIE's bylaws have only covered faculty governance of student exchange programs associated with UCEAP. Over time however, and especially in the last decade, the University has expanded both its formal and informal international activities. While UCEAP's activities in student exchanges remain a significant part of UC's international portfolio of international activities, it is no longer the principal expression of this activity, which now includes the enrollment of significant numbers of international students, formal and informal international research collaborations, international service learning by undergraduates, an increasing number of MOUs and other international agreements between UC campuses and institutional partners, and even Presidential Initiatives such as the recently formed Academic Planning Council's International Activities Working Group. The increase in these activities necessitates an expansion in UCIE's purview from a committee that simply oversees student exchanges through UCEAP to one that has an advisory role in all of the University's systemwide international activities. This advice is frequently given by UCIE to the particular Senate Committee having the primary responsibility for some issue with an international component. With that in mind, the following justification will briefly describe UC expansion in international activities, the role of shared governance in such activities, and an explanation of the amendments being proposed.

Over the last decade, UC's international presence and engagement has expanded significantly. One example of this phenomenon is the growth in the enrollment of international students, which have risen from 9,576 in fall 2002 to 23,863 in fall 2013.³ The increase from just 2012 to 2013 was 37%. Although the University does not keep records on the international research collaborations by its faculty, data from the National Science Foundation (NSF) show that such collaborations on a national basis are increasing significantly. From 1997 to 2012, the number of science and engineering (S&E) articles in peer-reviewed journals by co-authors from different countries increased from 14% to 25%. The NSF now reports that 35% of U.S. S&E co-authored articles are international in scope.⁴ In addition, more and more students are

¹ In its earliest form in the 1960s, UCIE was constituted as the "Committee on Education Abroad Program" under Bylaw 122. Originally the Senate shared responsibility with a separate administrative committee, until it gained complete control over courses taken abroad in 1971. UCIE took its current form in May 2003 under Bylaw 185.

² UCEAP should not be confused with the acronym for the original University Committee on Education Abroad Program or "UCEAP".

³ See Statistical Summaries and Data on UC Students, Faculty, and Staff, UC Institutional Research and Academic Planning, <http://legacy-its.ucop.edu/uwnews/stat/>.

⁴ See National Science Board (2014). Chapter 14. In Science and Engineering Indicators 2014. Arlington VA: National Science Foundation (NSB 14-01). Retrieved from <http://www.nsf.gov/statistics/seind14/>.

now taking part in independent research activities abroad (usually with faculty), which have increased by almost 47% between 2010 and 2011-12.⁵ At UC, a number of internationally-themed Presidential initiatives have recently been launched as well. These include the UC Mexico Initiative, the Global Food Initiative and the Academic Planning Council's International Activities Working Group. These initiatives leverage the international activities already taking place on the campuses, such as UCSF's Global Health Sciences Group and UC Mexus to name only a few.

It is clear that a significant number of universities are internationalizing, which necessitates the creation and maintenance of policy dedicated to international activities. For instance, a recent UC survey found that Harvard, MIT, Stanford, Yale, the University of Illinois, the University of Michigan, the University of New York at SUNY-Buffalo, and the University of Virginia have all instituted policies on international activities. Indeed, many of these universities have set up administrative committees to address such policy.⁶ Given that most international activity is driven by faculty interests and research and initiated and supervised by the campuses, it is essential that the Academic Senate not only be consulted, but also play an instrumental role in forming such policy. To that end, Academic Council endorsed and sent the UCIE-drafted Vision Statement on International Engagement to President Napolitano last summer. UCIE also had a representative on the Academic Planning Council's International Activities Working Group, which drafted a Presidential Policy on International Activities. The amendments to Bylaw 182 formalize faculty governance in this area, and lay out reporting relationships between Senate agencies and Administrative entities. The amendments expand UCIE's purview from simply student exchange associated with UCEAP to advising on a broad range of matters concerning international engagement and education. They also allow UCIE to initiate policy proposals; rather than only consider matters referred to it by the President of the University, the Academic Council, the Assembly, or a Divisional or any Senate Committee. Finally, they formalize the consulting, reporting, and feedback mechanisms between UCIE and Administrative and Senate agencies. The amendments also help align UCIE's bylaws to those in place at a number of Senate Divisional Committees on International Education (or their equivalents).

ACTION REQUESTED: The Assembly is asked to endorse the Academic Council's recommendation to amend Senate Bylaw 182 as noted below.

182. International Education

(Formerly 165 Education Abroad Program) (Am 28 May 2003)

- A. Membership shall be determined in accordance with Bylaw 128, except that the Chair shall normally serve a two-year term. One undergraduate student and one graduate student shall sit with the Committee. [See Bylaw 128.E.] The Vice Chair shall be chosen in accordance with Bylaw 128.D.2. and 3. On a campus that has no equivalent committee, a member shall be an at-large Senate member. (Am 28 May 2003)

- B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 May 2003)
 1. Consider and report, in consultation with other Academic Senate committees, on matters of international education and engagement referred to the Committee by the President of the University, the Academic Council, the Assembly, a Divisional or any Senate Committee. (Am 28 May 2003)

⁵ See Open Door 2013 Report, Institute for International Education, <http://www.iiie.org/en/Research-and-Publications/Open-Doors>.

⁶ Harvard has set up one such policy committee, the University Committee on International Projects and Sites, which is mainly populated by a mix of faculty and administrators. See <http://provost.harvard.edu/university-committee-international-projects-and-sites>.

- a. Report to the Academic Council and other agencies of the Senate and confer with and advise the President and agencies of the University Administration on matters concerning international engagement.
- b. Initiate policy recommendations regarding international engagement programs and the status and welfare of international students and scholars at UC, particularly policies that will better serve to integrate international education and research into UC academic programs.
- c. Evaluate and advise on UC's international service learning or experiential learning programs, except programs whose authorization- and supervision is performed independently by the campuses.

~~4.~~2. Provide Continuing review of the Education Abroad Program and its policies. (EC 28 May 2003)

- ~~2.~~ a. Consult with the University Office of Education Abroad Program on future program development, including modification of the programs of existing Study Centers, establishment of new Study Centers, and disestablishment of EAP Programs. (Am 28 May 2003)
- ~~3.~~ b. Represent the Senate in the selection of Study Center Directors. (Am 28 May 2003)
- ~~4.~~ c. Maintain liaison with the Council of Campus Directors. (Am 28 May 2003)
- ~~5.~~ d. Advise the University Office of Education Abroad Program Director on all matters of international education. (Am 28 May 2003)
- ~~6.~~ e. Have the responsibility for the final academic review of new Study Centers and Programs after the first three years, and for regular reviews of all centers and programs every ten years or as conditions may require. (En 4 May 89; Am 4 Jun 91; Am 28 May 2003)
- ~~7.~~ f. Authorize and supervise all courses and curricula in the Education Abroad Program (Am 2 Dec 71; Am 4 May 89; Am 28 May 2003)

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V. REPORTS OF STANDING COMMITTEES (CONTINUED)

Academic Council (continued)

- **Jim Chalfant, Chair**
- **Henry Sanchez, BOARS Chair**

3. UC Augmented Review Undergraduate Admissions Policy [ACTION]

At its May 24 meeting, the Academic Council voted to recommend to the Assembly a systemwide Augmented Review Undergraduate Admissions Policy that originated with the Board of Admissions and Relations with Schools (BOARS).

The Proposed Policy

The systemwide UC policy on Augmented Review (AR) outlines guidelines and criteria for the use of AR on campuses and three types of supplemental information a campus may request from up to 15% of applicants: 1) a questionnaire inviting the candidate to elaborate on special talents, accomplishments, extraordinary circumstances, and their school/home environment; 2) 7th semester grades; and 3) up to two letters of recommendation (LORs). It states that campuses may solicit LORs only from applicants selected for AR, applicants considered for admission by exception, or applicants given a special review in other specific situations such as athletic admissions.

Justification for Augmented Review Undergraduate Admissions Policy

The policy responds to a charge from President Napolitano for a systemwide policy on letters of recommendation (LORs) that is uniform across campuses, as well as concerns about the role of LORs in the admissions process and UC Berkeley's desire to require LORs from all of its applicants. The University does not yet have a policy on augmented review (AR) or LORs, and the proposed policy will provide guidance to campuses about the use of supplemental information, including LORs.

The policy adopts the perspective that an LOR is meant to convey additional information about an applicant. Given that, the policy outlines criteria for an additional admissions review for a select pool of applicants who fall in the margins for admission, but whose initial application yields an incomplete picture of their qualifications or presents extraordinary circumstances that invite further comment. BOARS based the policy on existing processes at several campuses that use AR for about 3-5% of applicants. Concerns have been raised that seeking LORs broadly tilts the admissions playing field in favor of those who can obtain the best letters; most likely, this is correlated with attending a well-resourced high school. It seems reasonable that even a determined critic of LORs would accept that, if a trained reader has identified an area in which more information would be desirable, campuses should attempt to obtain that information. This is the basis for embedding a policy about LORs within a policy on AR; moreover, the absence of any systemwide policy on AR was a deficiency that BOARS needed to address. This is another advantage of the approach taken. Under the AR policy, a first read of an application by a human reader and a finding that specific information is lacking in the application would be required before a letter could be requested. The policy is also consistent with the current research literature, which supports the benefits of multiple LORs in a standardized format and the usefulness of information in the later high school years, such as 7th semester grades, in forecasting college success. The policy emphasizes that AR is a limited mechanism.

In addition, faculty, administrators, and Regents have raised numerous concerns about the effect of LORs on disadvantaged populations. These concerns center on the view that LORs conflict with UC principles of access and fairness because students attending under-resourced schools or from disadvantaged backgrounds will find it more difficult to obtain high-quality letters, and could be disadvantaged by a LOR requirement. Some applicants might simply decide not to apply to a campus expecting LORs, which might represent an additional adverse effect on certain groups of students. There are also widespread

concerns that allowing a single UC campus to require LORs as a separate and different condition of admission is inconsistent with the principle that UC is a system. The Academic Council has attempted to address the latter concern during the past two years. When the controversy first arose in July 2015, the Council endorsed a compromise that allowed the Berkeley campus to invite LORs from all applicants ranked as “possible” admits under its new admissions process. In July 2016, however, the Council viewed data on candidates who applied to both Berkeley and UCLA that showed substantially better diversity outcomes at UCLA; Academic Council voted to oppose the continuation of the pilot and its expansion to all applicants.

President Napolitano’s request for a systemwide policy on LORs furthered the urgency to resolve the matter in this current year. The BOARS policy is a reasonable compromise that provides specific guidance to campuses about AR and LORs as well as flexible parameters for implementing local processes for addressing a specific information gap in the application. The policy ensures access, opportunity, and fairness on a systemwide level, and responds to the need to maintain common UC application and admissions requirements across the nine undergraduate campuses. BOARS has indicated that it views the policy as a starting point that it can revisit if relevant new information comes to light.

In particular, Berkeley campus representatives to BOARS and to the Academic Council have emphasized their preference that the results of this year’s admissions process including LORs be studied. BOARS expects to hear a presentation on the topic in July. The results of this study, the broader experience that accumulates under the AR policy, and admissions data should provide for a deeper understanding of the role that letters can play in the admissions process. While it is incumbent upon the Senate and BOARS specifically to continue to learn from the Berkeley pilot and the wider literature, the support from both BOARS and the Academic Council for the proposed policy reflects a desire to establish a policy now.

ACTION REQUESTED: The Assembly is asked to endorse the Academic Council’s recommendation to the President of the University that the Regents adopt the augmented review undergraduate admissions policy.

UC Augmented Review Undergraduate Admissions Policy

Overview of the Augmented Review Process

The augmented review (AR) process is designed for participating campuses to provide additional review for a select pool of applicants who fall in the margins for admission, but whose initial application yields an incomplete picture of their qualifications, or presents extraordinary circumstances that invite further comment. Applicants, for example, might demonstrate special talents, potential, or accomplishments in specific areas that promise to contribute to the educational environment of the campus, but may require further explication. Or, the information provided on an application may fail to adequately explain the impact of what appear to be major disadvantages that the applicant has encountered. A range of potential AR selection criteria are described in the “Criteria for Referral” section below. Consistent with the Guiding Principles the faculty have articulated for undergraduate admissions, applicants referred for the AR process must demonstrate levels of academic preparation and personal qualities that indicate a reasonable chance for academic success given the available support services on the admitting campus.

Admissions readers and officers should use their professional judgement to identify potential AR candidates during the initial review process. They should also select from among the candidates a pool of applicants from whom supplemental information items can be solicited to better inform an admissions decision. The AR pool should be limited in size to around no more than 15% of all applicants. Candidates are invited to submit one or more of the following supplemental information items:

1. A questionnaire that requires paragraph length narrative responses and that allows AR candidates to provide additional details concerning their special talents and accomplishments, extraordinary circumstances, and school and home environment.
2. Seventh-semester high school grades, or equivalent most recent grades.
3. Up to two letters of recommendation, or other input from third parties, including a teacher, counselor, coach, program coordinator, or anyone familiar with the candidate's academic background and extracurricular skills/talents. Letters of recommendation should focus on both cognitive and psychosocial abilities of candidates.

Note: Letters of recommendation can be requested only for applicants selected for augmented review, and applicants considered for admission by exception (AxE), or applicants given a special review.¹

Criteria for Referral to Augmented Review

For campuses participating in AR, admissions readers and officers should depend on their professional judgement to evaluate each applicant on a full range of selection criteria, using all of the application information available in the context of opportunity and demonstrated capacity to contribute to the campus. While the AR referral criteria outlined below aim to cover likely circumstances that admissions readers and officers might encounter, they may not capture every possible applicant experience that might warrant an additional review. It is therefore imperative that admissions readers and officers use their professional judgement in these circumstances. The criteria for referring an applicant for AR include the following:

1. Evidence of focus on an area of special talent which may have limited a student's time to participate in a broader range of activities.
2. Evidence of character traits that imply a strong likelihood of making a significant contribution to campus life.
3. Evidence of significant academic achievement or the potential for academic achievement at the University in spite of extraordinary or compound disadvantage or other disability or other unusual circumstances.
4. Evidence of significant improvement in the academic record accompanied by one or both of the following: (1) reasons for the initial poor performance; and (2) sustained and in-depth participation in educational outreach programs, which demonstrate the applicant's commitment to succeed academically within a challenging environment.
5. Evidence of relative lack of access to, counseling about, or support to take college preparatory, honors, or Advanced Placement (AP) classes or required college entrance examinations.

¹ Because the student may be applying to a major, school, or college that already has a long-standing supplemental application requirement, which specifically includes a letter of recommendation, in addition to the general application for undergraduate admission. Such supplemental applications have included questionnaires, transcripts, personal statements, interviews, auditions, and/or portfolios, but only very rarely require letters of recommendation. Such programs typically focus on the creative arts, performance arts, and nursing.