

MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

December 13, 2017

MINUTES OF VIDEOCONFERENCE MEETING

I. ROLL CALL OF MEMBERS

Pursuant to the call, the Assembly of the Academic Senate met on Wednesday, December 13, 2017. Academic Senate Chair Shane White 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 June 14, 2017 meeting as noticed.

III. ANNOUNCEMENTS BY THE CHAIR

▪ **Shane White**

University Budget: The Governor will release a proposed budget for the University in early January, but the University does not expect the budget to reflect the Governor’s prior commitment to a 4% base budget increase for UC. In addition, a federal tax reform bill making its way through the U.S. Congress includes provisions that will have negative financial impacts for the University and its students.

The University’s response to last year’s State Auditor report on UCOP budget practices and administrative spending is due in April. UCOP accepted the Auditor’s recommendations, including those related to improving UCOP budget and accounting practices around travel reimbursement, staff compensation, and accounting procedures for systemwide academic programs and presidential initiatives.

In September, the Academic Council endorsed a [set of principles](#) to guide UCOP’s review of budgets for centrally-funded programs and services in the Division of Academic Affairs and the consideration of cuts to those programs. The principles support giving priority to programs that benefit the core UC academic mission and that support multiple campuses, in a process that includes input from the Academic Senate.

GSR Unionization: The Governor has signed [Senate Bill 201](#), amending the Higher Education Employer-Employee Relations Act to expand the definition of “employee” to include all UC student employees, and providing Graduate Student Researchers with the opportunity for union representation beginning January 1, 2018. The University had requested a veto of the bill, based on concerns that unionization could alter the faculty-student educational relationship from mentor-mentee to employer-employee. UC now has a neutral position on the bill and is considering the best process for managing its implementation.

SVSH and the Regents: The University of California Student Association passed two resolutions calling for the removal of UC Regent Norman Pattiz following substantiated allegations of sexual harassment and workplace misconduct.

IV. ANNOUNCEMENTS BY UNIVERSITY SENIOR MANAGERS

- **Janet Napolitano, President**
- **Michael T. Brown, Provost and Executive Vice President**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

State Audit: President Napolitano said that she accepts responsibility for UCOP's interference in the surveys administered to campuses as part of last year's State Audit. She is focusing on reforming policies and procedures, improving governance, mending key relationships, and re-setting UCOP's relationship with the campuses. The re-set will involve changing the organization of the President's Advisory Group; increasing her one-on-one meetings with campus leaders; streamlining UCOP approval processes; delegating more authority to the campuses; and considering other ways to streamline the UCOP bureaucracy.

In addition, the President said she is acting on three Academic Council recommendations for improving University governance: 1) appointing a senior faculty advisor not currently involved in the day-to-day operation of the University to advise her on ideas and proposals; 2) enhancing the Provost's role and including the Provost in all major decisions; and 3) incorporating Senate leadership into the President's Advisory Group.

Faculty Salaries: President Napolitano met with the University Committee on Faculty Welfare last week to discuss faculty salaries. She said recognizes the importance of competitive faculty salaries and the need to address the salary gap, although decisions about faculty salaries must also take into account the larger UC budget situation.

University Budget: The 2013 budget agreement between UC and the Governor promised UC annual 4% base budget increases through the Governor's term, and authorized the University to implement modest inflation-based tuition increases beginning in 2017-18. However, UC has learned that the Governor may propose only a 3% increase to UC's budget. In addition, the State has sequestered \$50 million from the University pending its progress 1) implementing recommendations in the State Auditor report; 2) completing Activity-Based Costing pilot projects at UCR, UCD, and UCM; and 3) demonstrating a good faith effort to meet a 2:1 freshman to transfer enrollment ratio on all campuses. UC believes it has made progress in these areas sufficient to warrant release of the funds. The Regents will discuss a proposed 2018-19 University budget in January after more is known about the State's intentions.

Retiree Health: The President is establishing a working group to assess the retiree health care benefit and explore potential strategies for preserving the benefit that ensure its long-term financial viability. The group will begin work in January and include representatives from the Academic Senate, represented and non-represented staff, retiree groups, UC Health leadership, and campus leadership in the areas of budget, Human Resources, and administration.

Federal Tax Legislation: The Congressional Conference Committee has reached an agreement on a federal tax reform bill. UC will conduct an analysis of the final bill after more details are known. UC opposed both the House and Senate versions of the bill, and directed advocacy

efforts against the potential repeal of the higher education tuition tax waiver benefit, tax-exempt bond financing options, Unrelated Business Income Taxation, and charitable giving. UC engaged its Advocacy Network (UCAN) in a call-to-action campaign that delivered more than 4,000 messages to the CA congressional delegation about the impact of the bill. UC also accelerated an Advance Refunding Bond sale, in anticipation that the tax-exempt bond provisions would pass.

DACA: The University's "belt and suspenders" approach to preserving the Deferred Action on Childhood Arrivals (DACA) program seeks action both in Congress and the courts. In September, the University sued the Trump administration over its decision to end DACA, and in November, it filed a joint motion asking the U.S. District Court to allow DACA to continue pending a final ruling on the main motion. Hearings on UC's request for a preliminary injunction will begin on December 20. UC anticipates a quick ruling in recognition of the March 5 termination date for DACA. Democrats in Congress are also working on a compromise bill that combines preservation of DACA with increased funding for border security.

Q: Does the agreement with the Governor for a 4% increase exist in writing, and what recourse does the University have if the Governor reneges? Would the University raise tuition in response?

A: The University can express disappointment, but the framework negotiated with the Governor was not a contract, and a formal written agreement that excludes the Legislature could also hurt the University. An additional shortfall in State funding would be another argument in support of a tuition adjustment. The University has not made a final decision, but is considering an in-state tuition increase of 2.5% (\$288), a student services fee increase of 5% (\$54), and a nonresident tuition increase of 3.5% (\$335). Roughly 60% of CA resident students would pay none of the increase and close to 50% would see additional financial aid benefits from the increase.

Provost Brown: Provost Brown noted that he was deeply honored to join the University as its chief academic officer in September. The President has asked him to increase connections with faculty to ensure that UCOP's policy considerations are well-seasoned with academic concerns and consultation. He is touring UC campuses to learn how the Division of Academic Affairs can best support their missions. His first trip was to Merced, which has risen quickly in academic standing, demonstrating the University's commitment to supporting its newest research campus's aspirations to a UC level of excellence. Provost Brown said he wants to help make the case for improved State support of graduate students and programs, and wants to work with the campuses to consider pedagogical innovations that maintain academic excellence and advance inclusivity and faculty diversity. He said he supports efforts to address the faculty salary gap. He said the plan to address the State mandate to fund 1,500 new undergraduates with \$15 million redirected from UCOP resources focused on reducing administrative expenses and shielding academic programs.

UC Sesquicentennial: UC will celebrate its 150 year anniversary in 2018. The year-long event kicks-off in January with an interactive timeline featuring an individual associated with each of the 150 years. President Napolitano will give a series of talks focusing on the past, present, and future of the University. In addition, the Provost is working with the Academic Senate to organize an academic conference intended to highlight the importance of the University's academic mission to California and the world; convey the faculty's passion around UC's

teaching, research, and service missions; and foster a deeper understanding of and appreciation for the University.

UC Path: UC Path will be deployed at UC Merced, UC Riverside, and the Associated Students of UCLA effective with January 1 paychecks. The original December 2017 deployment plan included the greater UCLA campus and medical center, but data conversion issues that arose during testing that made it difficult to guarantee success. UCLA and UCOP made a joint decision to delay deployment at UCLA until at least August 2018.

V. UNIVERSITY COMMITTEE ON FACULTY WELFARE REPORT

▪ Roberta Rehm, Chair, University Committee on Faculty Welfare

Retiree Health: In June, UCFW learned about a UC administration proposal to eliminate the 70 percent floor on the University's contribution to the retiree health care benefit. The item was postponed to the November Regents meeting after the Senate and other constituencies expressed strong concerns. Over the summer, UCFW analyzed cost projections and financial models for retiree health and found that the benefit is sustainable. At the September Council meeting, the President announced her intention to postpone action and assemble a working group charged with making recommendations to the Regents about retiree health affecting the 2019 budget.

Faculty Salaries: UCFW has been working with UCAP, UCPB, and UCAADE to identify goals and priorities for addressing the faculty salary gap between UC and its Comparison 8 group of institutions. In its meeting with President Napolitano on December 8, UCFW noted that the total remuneration gap between UC and the Comparison 8 has been growing and that UC's benefits no longer compensate for lagging salaries. The salary gap has consequences for faculty recruitment, retention, and educational quality; exit surveys show that uncompetitive salaries are the biggest factor in faculty decisions to leave the University. Chair Rehm said she was encouraged by the President and Provost's acknowledgment of the salary gap and their commitment to restoring UC faculty salary competitiveness. 8.4% is the accepted figure for the gap.

Gold Book: In January, a UCFW-led Task Force will begin reviewing the UC Police Policies and Administrative Procedures manual (the "Gold Book") and other systemwide public safety directives and policies. The task force also will consider the creation of a standing systemwide public safety advisory board that would advise UCOP on policing policy and review annual reports from campus public safety advisory boards.

Leave Policy: The Office of Academic Personnel has agreed to initiate a systemwide review of UC policy around leaves and other family accommodations, particularly in an effort to equalize the ability of quarter- and semester-based campuses to award the same period of Active Service-Modified Duties to their faculty.

MOOP: UCFW's Health Care Task Force has received cost savings data from the recent consolidation of maximum out-of-pocket (MOOP) expenses in UC Care, and is awaiting experience and usage data to see if any pattern of disadvantage emerges in any subpopulations or treatment groups.

VI. REPORTS OF STANDING COMMITTEES

A. Academic Council

▪ Shane White, Chair

State Audit: Chair White discussed a recent State audit of the University and actions taken by the Regents at their November 16, 2017 special meeting pertaining to the President's conduct during the audit. The April 2017 State Auditor report on UCOP budget practices and administrative spending included 33 recommendations to UCOP for changing or examining budget and accounting practices, including those related to travel reimbursement, compensation, and accounting procedures for systemwide academic programs and presidential initiatives. UCOP accepted the recommendations and is examining budgets for all centrally-funded programs and services.

However, the Auditor also found that UCOP had interfered with the Auditor's confidential campus survey about the quality of UCOP's services. In response, the Regents commissioned an investigation led by former CA Supreme Court Justice Moreno. The Regents discussed Justice Moreno's [report](#) in a special closed meeting on November 16, and produced a [statement](#) criticizing the President for her role in the interference but also supporting her continued leadership.

The Academic Council held a special meeting on November 17 to discuss the matter, and the [minutes](#) of that meeting record Council's concern. At its subsequent November 29 meeting, Council asked the President to make three governance improvements: 1) the appointment of a senior advisor not otherwise involved in the day-to-day operation of the University, possibly a former Senate chair; 2) the elevation of the Office of the Provost to its historic level of responsibility and its inclusion in the President's cabinet; and 3) the formal or informal inclusion of the Senate chair in the President's cabinet or major planning meetings.

Chair White encouraged Assembly members to bring the documents to the attention of their faculty. He noted that although UC administrators broke no State laws or statues, the Moreno report depicts a troubling failure in governance, ethics, and leadership. He added that the State has imposed on UC a series of damaging directives related to the budget, enrollment, and employee welfare. The University needs strong and stable leadership that can make an effective case to the State for full funding of the University's mission and its continued autonomy. Creating a leadership vacuum at this time would not help the University. Nevertheless, the Senate should monitor the current administration's ability to advance the University's priorities in the upcoming budget cycle.

Assembly members noted that they were encouraged by the President's response to Chair White's three requests, but the Senate should monitor their implementation and effectiveness. Others questioned the genuineness and candidness of the President's apology and expressed support for a separate Senate appraisal of the situation based on publically available material. It was noted that Senate bylaws give the Assembly the right to communicate with the President and also provide a process for the Assembly to memorialize the Regents on matters of Universitywide concern. It was noted that a memorial is a profound action that should not be taken lightly. It was agreed that the Assembly should consider making a statement directly to the President that her mistake was a violation of expected ethical behavior.

ACTION: A motion was made and seconded to authorize Academic Council to appoint a group of Council members to draft a letter for the Assembly's review at its next meeting. The motion passed unanimously with one abstention.

VII. SPECIAL ORDERS

A. Consent Calendar [None]

B. Annual Reports. [Bylaw 120.D.3](#) requires that standing committee annual reports be included in the first Assembly agenda of each academic year.

VIII. REPORTS ON SPECIAL COMMITTEES [None]

IX. PETITIONS OF STUDENTS [None]

X. UNFINISHED BUSINESS [None]

XI. NEW BUSINESS [None]

The meeting adjourned at 1:30 pm

Minutes Prepared by: Michael LaBriola, Academic Senate Analyst

Attest: Shane White, Academic Senate Chair

Attachments: Appendix A – Assembly Attendance Record, Meeting of December 13, 2017

Appendix A

2017-18 Assembly Attendance December 13, 2017

President of the University:

Janet Napolitano

Henry Weinstein
Masashi Kitazawa
Amy Powell

Academic Council Members:

Shane White, Chair
Robert May, Vice Chair
Lisa Alvarez-Cohen, Chair, UCB
Kristin Lagattuta (alt for Rachael Goodhue,
Chair, UCD
Maria Pantelia, Chair, UCI
Sandra Graham, Chair, UCLA
Susan Amussen, Chair, UCM
Dylan Rodriguez, Chair, UCR
Farrell Ackerman, Chair, UCSD
David Teitel, Chair, UCSF
Henning Bohn, Chair, UCSB
Olof Einarsdottir, Chair, UCSC
Henry Sanchez, Chair, BOARS (absent)
Karen Duderstadt, Chair, CCGA (absent)
Tanya Golash-Boza, Chair, UCAAD
Michelle Yeh, Chair, UCAP (absent)
Edward Caswell-Chen, Chair, UCEP
(absent)
Roberta Rehm, Chair, UCFW
Jeffrey Richman, Chair, UCORP
Joshua Schimel, Chair, UCPB (absent)

Berkeley (5)

Victoria Frede-Montemayor
Fai Ma
Ted Slaman (alt for Daniel Boyarin)
Christopher Kutz
Kristie Boering (alt for Mark Richards)

Davis (6)

Stephanie Dungan
Robert L. Powell (absent)
Brenda Schildgen
Scott Stanley (absent)
S.J. Ben Yoo (absent)

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Irvine (4)

Arvind Rajaraman (alt for John Dobrian)

Los Angeles (8)

Rafael Ostrovsky (alt for Noel Boyle)
Mansoureh Eghbali (absent)
Kym F. Faull
Roman Koropecykj (absent)
Sandra Loo
William Marotti
Peter Tontonoz
Dorothy Wiley

Merced (1)

Shawn Newsam

Riverside (2)

Thomas Cogswell
Manula Martins-Green (absent)

San Diego (5)

Anna Joy Springer
Deborah Hertz
Robert Kluender
Elizabeth Komives (absent)
Joseph Pogliano

San Francisco (4)

Elena Flowers
Marek Brzezinski (absent)
Leah Karliner
Vineeta Singh (absent)

Santa Barbara (3)

Bjorn Birnir (absent)
Susan Cassels
Eric Matthys

Santa Cruz (2)

Kimberly Lau (absent)
Dorian Bell

Secretary/Parliamentarian

George J. Matthey