

MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE

April 10, 2019

MINUTES OF VIDEOCONFERENCE MEETING

I. ROLL CALL OF MEMBERS

Pursuant to the call, the Assembly of the Academic Senate met on Wednesday, April 10, 2019. Academic Senate Chair Robert May 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 December 12, 2018.

III. ANNOUNCEMENTS BY THE CHAIR**▪ Robert C. May**

Proposed APM 011: A Joint Task Force on Scholarly Obligations and Protections for Non-Faculty Academic Appointees has circulated a proposed APM 011 for systemwide review. The Task Force was co-chaired by UCSC Chancellor Blumenthal and Chair May, The new APM addresses academic freedom for non-faculty academic appointees, including the represented librarians by committing UC to recognizing the professional standards of non-faculty academic appointees who contribute to the academic mission of the University, and to ensuring they are respected. It also clarifies that the academic freedom protections outlined in in APM 010 adhere only to faculty who engage in teaching and research and are obligated by the commensurate responsibilities outlined in the Faculty Code of Conduct (APM 015).

Transfer Guarantee: At the request of President Napolitano, and in response to an MOU between UC and the California Community Colleges, BOARS has developed a proposed model for a guarantee of transfer admission to all qualified CCC students. The proposal is currently under review by Senate divisions and committees. The MOU commits the University to having the guarantee in place to accommodate students entering the CCC in fall 2019. The guarantee focuses on improving transfer preparation and completing UC Transfer Pathway majors. It requires no changes to campus admissions processes, and builds on existing campus-based Transfer Admission Guarantees (TAGs). CCC students who complete specified curricula in one of the 21 UC Transfer Pathway majors with a 3.5 minimum GPA and a 3.5 GPA overall, and who complete a TAG at one of six TAG-participating campuses, will be guaranteed transfer admission in the Transfer Pathway major at the TAG campus.

Nonresident Tuition: The Board of Regents tabled a proposed 2.6% increase in nonresident tuition after several Regents expressed concern about its effect on affordability and diversity. Rejecting the increase will create a \$29 million gap in the 2019-20 UC budget. UCOP and campuses have

been emphasizing that nonresidents provide more than financial benefits; they enrich diversity and the educational experience for all students.

Admissions: The University is responding to the recent national admissions scandal involving individuals accused of cheating on the SAT and accepting bribes to gain admission to universities, including UCLA. A group of California assembly members has proposed several bills in response, addressing special admissions for student athletes and others, the use of standardized tests, and preferential admissions treatment for donors and alumni. In addition, the California Assembly passed a Concurrent Resolution calling on UC and CSU to conduct a study of the usefulness, effectiveness, and need for the SAT and ACT in admissions, and asked the State Auditor to investigate the potential for fraud in UC's admissions process. The Academic Council's Standardized Testing Task Force is already examining the role of tests in eligibility and admissions.

Course Evaluations Task Force: A task force consisting of subject-matter experts and Senate representatives from UCAP, UCAADE, UCEP and CCGA will meet to discuss issues of reliability, validity, and bias in student evaluations, determine the scope of any problems, and make recommendations for possible remedies.

UCSF/Dignity Affiliation: The Regents Health Services Committee is discussing a proposed affiliation between UCSF and four hospitals managed by Dignity Health, a religiously-affiliated health care system subject to the Ethical and Religious Directives for Catholic Health Care Services. Many UCSF faculty, staff, and students oppose the affiliation over concerns that Dignity restricts some services, particularly those related to women's and LGBT healthcare, in ways that do not align with UC's public mission and philosophy. UCSF is at capacity and sees the affiliation as a way to meet demand and increase access to healthcare to UCSF patients as well as Dignity patients who want to access UCSF services. The UCFW Non-Discrimination in Healthcare Task Force has just released an interim report about UC's relationships with health services chains and hospitals. Chair May noted that broader input from the Academic Senate is needed about the affiliation and the extent to which it comports with the University's values.

- Several Assembly representatives expressed concern that the University's values could be compromised in an affiliation agreement with Dignity. A UCSF representative noted that the UCSF Academic Senate has been engaged in a careful, robust discussion about the affiliation, which the Senate supports, and believes is in alignment with the campus's public service mission. The affiliation is not motivated by financial considerations alone, but by a commitment to expanding patient care.

IV. ANNOUNCEMENTS BY UNIVERSITY SENIOR MANAGERS

- **Janet Napolitano, President**
- **Michael T. Brown, Provost and Executive Vice President**

Faculty Salaries: President Napolitano noted that the Governor's proposed 2019-20 budget provides UC with a \$242 million increase in permanent funding, short of UC's \$420 million request. She has proposed a 5% increase to the faculty salary scales in 2019-20, the second year of a three-year plan to close the faculty salary gap. However, the Governor's proposed 2019-20 UC budget does not fund faculty salaries, and the Regents have not acted on another potential funding source – a proposed 2.6% increase to nonresident tuition. The University will be forced to

make difficult decisions if the state does not fund UC's full budget request and the Regents do not support the tuition increase. The President stated that she is holding firm on her commitment to reducing the salary gap; however, she emphasized that the three-year plan may need to extend to four or five years.

Multi-year Framework: President Napolitano noted that the University will be using the multi-year budget and enrollment Framework as an advocacy tool as it works toward more stable and secure funding to meet UC's priorities and to achieve the goals in the framework. Provost Brown added that the Framework emphasizes growing the professoriate, increasing graduate degree attainment, and supporting faculty research. He encouraged Assembly members to consider how faculty can support the diversity pipeline.

Admissions: In response to the national college admission cheating scandal, President Napolitano has initiated a critical review of UC's admissions policies— first, to determine what each campus is doing around Admissions by Exception (A by E) and Special Admissions, and then to determine if any areas require a deep dive. Campuses use A by E to admit students (often homeschooled) who are technically ineligible. Policy permits up to 6% of students to be admitted through this path, although less than 2% are actually admitted this way. Special Admission describes the admission of UC-eligible students to programs like athletics and performing arts who may not be competitive through the regular process. The University is coordinating with local and federal authorities to investigate and address specific circumstances at UC campuses, and is expecting a new State audit of UC admissions.

Free Speech: On March 21, President Trump issued an executive order directing federal grant-making agencies to require universities receiving federal funds to promote free inquiry on campuses. The order happened to coincide with the inaugural conference of the UC National Center for Free Speech and Civic Engagement, in Washington DC.

Open Access: President Napolitano thanked the Academic Senate, librarians, and faculty for their leadership during the recent negotiations with Elsevier for subscription contract renewals. She said she supports giving UC authors maximum flexibility in determining how to publish and protect public access to research, and noted that the University of California should be a leader on open access, an issue that affects scholars, researchers, and scientists across the world.

GO Bond: UC has been working with CSU to advocate for legislation that would place an \$8 billion General Obligation Bond on the March 2020 ballot to fund construction and maintenance of facilities at UC and CSU. UC is supporting Senate Bill 14 (Glazer), which recently passed out of key State Senate committees on its way to Appropriations and then to the State Assembly.

Restructuring: Provost Brown noted that an assessment report for the UC Center in Sacramento (UCCS) has been circulated to the Senate for review and feedback. The UCCS is a critical systemwide program that provides undergraduates with experiential learning opportunities, and links policy-relevant campus research to the Sacramento community. Other upcoming reviews will include the Innovative Learning and Technology Initiative and UCDC.

V. REPORTS OF STANDING COMMITTEES

A. Academic Council

1. Nomination and Election of the Vice Chair of the 2019-20 Assembly

Chair May introduced Mary Gauvain, UC Riverside Distinguished Professor of Psychology, and the Academic Council's nominee for 2019-20 Assembly vice chair and 2020-21 chair. At Chair May's invitation, Professor Gauvain made a statement regarding her background, qualifications, and priorities, and then briefly left the videoconference meeting. Chair May asked for any additional nominations from the floor, and hearing none, asked for any objections to Professor Gauvain's nomination. Hearing none, he asked for a motion to approve her election. Hearing the motion and a second, he asked the Assembly to give its unanimous consent to her election.

ACTION: The Assembly voted unanimously to elect Mary Gauvain vice chair of the 2019-20 Assembly.

2. Ratification of Mid-Career Leadership Awards

An endowment has been created for an award for Mid-Career Leadership in the Academic Senate to honor individuals whose records demonstrate an exceptional ability to work effectively with different University constituents and exceptional promise for further service to the Senate. The award is planned to be given every other year. Nominations for the award are made through Divisional Committees on Committees to the University Committee on Committees (UCOC). UCOC, in turn, submits the names of two nominees to the Academic Council. At its March 20 meeting, the Academic Council chose to honor both Onyebuchi Arah of UCLA and Sean Malloy of UC Merced with the 2019 Award.

ACTION: The Assembly ratified the nominations of Professors Arah and Malloy as the 2019 recipients of the Mid-Career Leadership Award.

3. Assembly Approved Revisions to Senate Regulation 424.A.3 (Area D)

In February 2018, the Assembly approved [revisions to Senate Regulation 424.A.3](#), proposed by BOARS, related to the Area D (laboratory science) requirement for freshman admission. The revisions increase the minimum Area D requirement from 2 units to 3 units (3 units are currently recommended), while continuing to require 2 units of coursework that "provide basic knowledge in at least two of the fundamental disciplines of biology, chemistry, and physics". The amendments also change the name of the Area D requirement from "Laboratory Science" to "Science" to reflect the broader range of science disciplines to be accepted for the third unit under Area D. BOARS also approved a modification to the A-G Guide to include specific examples of courses that may fulfill the third unit requirement not explicitly mentioned in the Senate regulations, such as engineering, and computer science. These changes are consistent with the Next Generation Science Standards (NGSS) adopted by the State of California.

The Regents have delegated admissions policy authority to the Senate, subject to their approval; however, the Senate's recommendation on Area D has been placed on hold, because the Administration has reservations about one of its key elements – increasing the D requirement from 2 to 3 units. The Public Policy Institute of California (PPIC) is undertaking an eligibility study to determine what effect if any the change would have. While BOARS supports further study of concerns raised, it wants to move ahead with approval of the other components of the proposal. BOARS has resubmitted the proposed revisions as separate items for Assembly approval. This course of action will allow for additional study while enabling renaming of the requirement and

expansion of approved courses to proceed. In the meantime, UC's Area D requirement will remain at two years of laboratory science coursework required; three years recommended.

BOARS' approval of updated evaluation guidelines in the A-G Guide expand the courses eligible for approval in Area D as the third recommended year of the laboratory science subject requirement. Under the expanded course list, students will continue to be required to take two courses from biology, chemistry, physics, or integrated versions of these foundational disciplines. They can then take a recommended third science course from any and all approved Area D courses, which now includes the expanded list.

At its March 20, 2019 meeting, the Academic Council endorsed BOARS' request to separate the three elements of the policy. Chair May asked the Assembly to amend its prior policy as a technical change by breaking it into three motions (listed below).

Several Assembly members spoke in favor of postponing the vote on the third motion until completion of the PPIC study. Members also requested information about what resources and outreach would be provided to high schools that do not offer three Area D-level courses.

1. Rename the area d requirement from “laboratory science” to “science”.

ACTION: A motion to approve the change was made and seconded, and carried unanimously.

2. Endorse the expanded course list approved by BOARS.

ACTION: A motion to approve the change was made and seconded, and carried unanimously.

3. Encourage the administration to increase the course requirements from 2+1 recommended, to 3, in keeping with the NGSS.

ACTION: A motion to approve the change was made and seconded. It carried in a vote of 36 in favor, 11 opposed. There were 5 abstentions.

4. Proposed Policy on Awarding Degrees Posthumously

At its January 23, 2019 meeting, the Academic Council endorsed a proposal from the University Committee on Educational Policy (UCEP) for a systemwide policy for awarding undergraduate and graduate degrees to students who pass away close to the completion of the degree. The Assembly is asked to endorse the policy and forward it to the president with a recommendation for review and final approval by the Board of Regents as a Regents Policy.

First drafted as a set of guidelines for campuses, Academic Council requested a re-draft as an integrative systemwide policy. The resulting policy reflects collaboration with CCGA to include graduate as well as baccalaureate degrees. To compose the policy, UCEP and CCGA collected and reviewed campus policies to develop a shared statement of priorities and processes. UCEP found that requirements for awarding posthumous degrees vary across campuses and the University should have a consistent systemwide policy, given that students receive University of California degrees, not campus degrees. Overall, the focus of this policy is to provide common definitions, parameters, and process guidelines to inform what are unusual and often tragic circumstances,

while also allowing for some exercise of judgement given specific circumstances. These degrees and certificates acknowledge the established and potential achievements of UC students. To that end, this policy provides criteria and procedures to campus leadership, while encouraging generosity. It can be a significant consolation for friends and families of a deceased student to receive formal recognition of the student's pathway to degree completion.

ACTION: A motion to approve the policy was made and seconded, and was carried unanimously.

5. Amendment to Senate Bylaw 336

Following a systemwide Senate review, the Academic Council at its March 20, 2019 meeting approved several revisions to Senate Bylaw 336 in response to Board of Regents Chair Kieffer's June 2018 request to the Senate to implement several California State Auditor recommendations related to improving UC's responses to sexual violence and sexual harassment (SVSH) complaints. Specifically, the Auditor recommended further defining Senate bylaws to require that 1) hearings on SVSH complaints against faculty respondents be scheduled before the Senate Privilege and Tenure (P&T) Committee no more than 60 days after the Chancellor files charges, unless an extension is granted for good cause; and that 2) P&T issue its recommendation to the Chancellor no more than 30 days after a hearing concludes. A Senate working group led by UCPT was formed to create a policy and respond to Chair Kieffer's request. The proposed revisions were released for systemwide Senate review in December 2018.

The revisions significantly compress and streamline current divisional P&T processes, and include a clause allowing extensions for "good cause," defined as "material or unforeseen circumstances related to the complaint and sufficient to justify the extension sought." In addition, while the Auditor's recommendations pertain only to disciplinary cases involving SVSH, Bylaw 336 defines a uniform procedure for handling all alleged violations of the Faculty Code of Conduct, irrespective of their nature. UCPT is developing an additional guidance document that elaborates on appropriate review criteria and timeframes, and circumstances that constitute "good cause" for an extension, which are expected to apply only to circumstances that truly impact the faculty members' ability to participate. The Academic Council has also endorsed a letter from UCPT noting that the changes cannot be implemented as an unfunded mandate, and outlining resources needs in detail. The Senate intends to monitor the implementation of the policy and review outcomes in 2-3 years to determine its effectiveness.

- Assembly members noted that it is important for hearings to proceed in a timely manner for the benefit of both the accused and the victim; however, there remains great concern on campuses that the compressed timelines are neither realistic nor feasible, and that the Senate is being set up to fail. It was noted that a flexible definition of "good cause" is needed, as are resources to support additional staffing and compensation for P&T members who work during the summer.
- Assembly members noted that the Senate has little choice but to respond to the Auditor, and that UCPT did an extraordinary job under difficult circumstances to develop a workable policy. Members recommended that the initial Senate review occur much sooner than three years – perhaps in six months.

ACTION: A motion was made and seconded to approve the revisions. The motion carried in a vote of 41 in favor and none opposed. There were 6 abstentions.

B. Coordinating Committee on Graduate Affairs

1. CCGA Recommendation to Approve New Flexible Master of Social Welfare self-supporting graduate degree program at UCB

The Coordinating Committee on Graduate Affairs (CCGA) recommends approval of a new Flexible Master of Social Welfare self-supporting graduate degree program at UC Berkeley. The Flex-MSW will be a new degree program at UCB. As required by Senate Bylaw 116.C and Standing Order of the Regents 110.1, CCGA submits its recommendation to the Assembly for consideration. According to Senate Bylaw 116.C, “The Assembly shall consider for approval proposals for the establishment of new graduate degrees received from the Coordinating Committee on Graduate Affairs and requiring approval by the President, to whom The Regents have delegated authority of approval. Proposals approved by the Assembly shall be submitted to the President.”

ACTION: The Assembly unanimously approved the Flex MSW as a new degree program offered by UCB.

VI. SPECIAL ORDERS

A. Consent Calendar [None]

VII. REPORTS ON SPECIAL COMMITTEES [None]

VIII. PETITIONS OF STUDENTS [None]

IX. UNFINISHED BUSINESS [None]

X. NEW BUSINESS [None]

The meeting adjourned at 1:10 pm

Minutes Prepared by: Michael LaBriola, Academic Senate Analyst

Attest: Robert May, Academic Senate Chair

Attachments: Appendix A – Assembly Attendance Record, Meeting of April 10, 2019