

VIDEOCONFERENCE MEETING OF ASSEMBLY OF THE ACADEMIC SENATE

June 9, 2021

MINUTES OF MEETING

I. ROLL CALL OF MEMBERS

Pursuant to the call, the Assembly of the Academic Senate met on Wednesday, June 9, 2021. Academic Senate Chair Mary Gauvain presided and called the meeting to order at 10:00 am. Senate Assistant Director Michael LaBriola 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 April 14, 2021.

III. ANNOUNCEMENTS BY SENATE LEADERSHIP

- **Mary Gauvain, Chair**
- **Robert Horwitz, Vice Chair**

Apportionment of 2021-22 Assembly: The apportionment of Assembly representatives for the 2021-22 academic year is enclosed in the agenda. Campus representation relative to 2020-21 changed. UCLA gained one seat and UCSF lost one seat.

Mid-Career Leadership Award: In 2019, an endowment was created for an Academic Senate Mid-Career Leadership Award, to honor individuals whose records demonstrate an exceptional ability to work effectively with different University constituents and show exceptional promise for further service to the Senate. Nominations for the biennial award are made through Divisional COCs to the UCOC. UCOC, in turn, submits the names of two nominees to the Academic Council. At its May 26, 2021 meeting, the Academic Council decided to honor Professor Tara Javidi of UC San Diego and Professor Steven Cheung of UC San Francisco with the 2021 award.

Re-opening Guidance: In April, the Senate chair and vice chair shared with Senate divisions a memo discussing several topics related to fall campus reopening planning for which systemwide guidance would be useful. President Drake supported the points and recommendations in the memo as references to support a successful reopening.

Instructor Survey: The systemwide Senate recently concluded a survey of UC faculty and instructors about their experiences with remote instruction during the pandemic. More than 4,300 individuals responded. The Senate is now working with the UCOP Office of Institutional Research and Academic Planning to analyze the data and produce a report with both aggregate and campus-level data.

Feasibility Study: Chair Gauvain and BOARS Vice Chair Sorapure co-chair a working group that is studying the feasibility of a role for the Smarter Balanced Assessment in UC admissions, following the Regents' decision to discontinue the use of the SAT and ACT.

COVID Impacts Working Group: A workgroup co-chaired by Senate Vice Chair Horwitz and UCD Provost Croughan is meeting to address the Academic Council's recommendations for mitigating the impacts of COVID-19 on faculty, and particularly its specific impacts on early-career faculty and faculty with caregiving responsibilities.

May Regents Meeting: The Regents accepted the report of the Working Group on Innovation Transfer and Entrepreneurship, which proposes additional recognition of faculty patent and start-up activity in tenure and promotion reviews. An implementation committee with Senate representation will discuss a potential addition to the APM before it is circulated for systemwide review.

Academic Integrity: The Senate chair and vice chair met with the UC Office of General Counsel (UC Legal) to discuss a possible institutional response to faculty concerns about Chegg, Course Hero, and other websites used by students to upload and share course documents in ways that may violate academic integrity policies and intellectual property rights.

UC Health Affiliations: The Academic Council released a letter in May arguing that the University should not engage in contracts with external healthcare providers that include discriminatory policy-based restrictions on health care, including hospitals subject to ethical and religious directives (ERDs) based on religious doctrine and not scientific, evidence-based medical best practices.

IV. REPORTS OF STANDING COMMITTEES

A. Academic Council

1. Nomination and election of the 2021-22 UCOC Vice Chair

ACTION: The Assembly elected Micah Perks (UC Santa Cruz) 2021-22 UCOC Vice Chair by unanimous consent.

2. Ratification of the appointment of the 2021-24 Secretary/Parliamentarian

ACTION: The Assembly ratified Professor Andrew Dickson (UCSD) as Assembly Secretary/Parliamentarian for a second three-year term beginning September 1, 2021.

3. Proposed Revision to Senate Regulation 610

At its May 2021 meeting, following a systemwide Senate review, the Academic Council approved revisions to Senate Regulation 610 proposed by the University Committee on Educational Policy. The intent of the revision is to eliminate an ambiguity in the definition of "residency" to clarify that "residency" is not necessarily linked to physical presence on campus.

ACTION: A motion to approve the revision was made and seconded. Chair Gauvain asked for any objections, and hearing none, announced approval of the revision.

4. Proposed Revision to Senate Bylaw 336.F.3 and 336.F.6.

At its May 2021 meeting, following a systemwide Senate review, the Academic Council approved revisions to Senate Bylaw 336.F.3 proposed by the University Committee on Privilege and Tenure.

The revisions respond to federal regulatory changes that require a Title IX hearing for cases involving sexual violence and sexual harassment (SVSH).

To address concerns about duplication of effort and the burden on parties to go through two full hearings, UCPT adopted a recommendation to accept evidence from the Title IX hearing in SVSH-related discipline cases for subsequent P&T hearings. The revision to SB 336.F.3 emphasizes that new evidence about a potential violation of SVSH Policy, including witness testimony, will not be permitted unless the P&T Hearing Committee determines that the evidence pertains to new facts that were not discoverable at the time of the Title IX that might affect the determination of a violation of the Faculty Code of Conduct.

The Council approved an additional sentence for SB 336.F.3 clarifying the right of the P&T Hearing Committee to conduct any investigation it deems appropriate for the determination of a potential violation of the Faculty Code of Conduct. Council also endorsed an additional change to 336.F.6, which clarifies that exhibits submitted to the Hearing Committee qualify as being presented at the hearing.

- Assembly members noted that the revision is effective at aligning Bylaw 336 with federal regulations, while preserving faculty members' right to a hearing by their peers and reducing the potential burden on complainants that may also discourage them from bringing forward a case. It ensures that the P&T Hearing Committee can reopen a case if salient new evidence emerges. One member expressed concern that the revision shifts authority from faculty to administrators and removes the faculty's right to a hearing before their faculty peers.
- UC Senior Counsel Meltzer noted that the Title IX hearing includes witness testimony and cross examination. A neutral party who is not part of the Title IX office makes the determination on the case. He noted that the new language in 336.F.3 enables the P&T Hearing Committee to reopen a case if new evidence emerges before, during, or after the Title IX hearing, and that UCPT is drafting guidelines to support implementation of the new process. He noted concern that any possibility of a second hearing could deter complainants from bringing forward cases.
- Assembly members suggested that the UCPT guidelines should emphasize that P&T will reopen a case in extraordinary circumstance only. They also felt it would be important for the Senate to monitor outcomes from the new policy and process to see how it is working.

ACTION: A motion to endorse the revisions was made and seconded. The Assembly approved the motion unanimously in a roll call vote.

V. ANNOUNCEMENTS BY THE PRESIDENT AND PROVOST

- Michael Drake, President
- Michael T. Brown, Provost and Executive Vice President

Report from President Drake

UC Budget: The Legislature's approved budget includes several key provisions from the Governor's May Budget Revision: a \$506m increase in ongoing funding for UC that combines restoration of the \$302m cut from 2020 and a \$173m increase to the base budget. The budget also includes \$325m in one-time funding for deferred maintenance. It also requires UC to reduce nonresident undergraduate enrollment to 18% at three campuses (Berkeley, San Diego and Los

Angeles), which presently exceed this percentage, over a five-year period. The goal is to replace non-resident students with California residents. This reduction is supported with a \$30 million annual buy-out of nonresidents.

Admissions: The elimination of the standardized testing requirement was one factor in an increase in fall 2021 UC applications. Preliminary data on Statements of Intent to Register suggest that campuses are on track to meet their enrollment targets and also to increase student diversity.

Campus Safety and Policing: The University has released a Presidential Campus Safety Plan for systemwide review. The Plan is informed by the social justice symposia held earlier this spring. Its key elements include community and service-driven safety, a holistic and tiered response model for safety services, transparency and continuous improvement through data, and accountability and independent oversight. The plan is one step forward in a long-term process and should not be considered an end point.

COVID: The University has completed its review of a proposed vaccine mandate policy and will issue a mandate with or without final FDA approval of the vaccines currently under emergency use authorization. The policy includes narrow religious and medical exemptions. The vaccine certification process will begin around July 15.

Affiliations: The Regents will hold a Special Meeting on June 23 to discuss a draft Presidential Policy on UC Health affiliations.

Report from Provost Brown

Research Symposia: The UC Office of Research and Innovation is sponsoring a series of public symposia to connect policymakers to the University's research and graduate education missions. The first in the series featured UC's cutting-edge research on wildfire resilience and recovery.

Admissions: Provost Brown thanked the Assembly for recommending adjustments to the statewide eligibility index and noted that the right kind of test can add value to UC admissions and also promote greater equity in high schools. The Feasibility Study Group is meeting to determine if the Smarter Balanced test can be modified to align with the University's testing goals and principles.

Master's Program Reviews: Provost Brown said the University should be more efficient in reviewing and approving Master's degree programs, which train people for jobs and generate much needed revenue for campuses. He said the current systemwide review process for Master's programs is too time consuming and, in his view, more appropriately situated on the campuses. The Provost wants to move the delegated approval authority for state- and self-supporting Master's programs from UCOP and the systemwide Senate to the campus chancellors and division Senates.

Discussion

- Assembly members thanked President Drake for supporting a vaccine mandate and advocated for improving classroom air ventilation systems using MERV 13 air filtration standards. They noted that a spike in community COVID infections could lead an individual county to shut down a campus regardless of campus infection rates. A member expressed concern that the Legislature's proposal to "buy-out" nonresidents could entrench existing funding inequalities across campuses.

- President Drake noted that the 18% cap on nonresident enrollment applies at both the systemwide level and to specific campuses. He said that as some campuses reduce nonresident enrollments to 18%, it could create room for other campuses to increase enrollments to the cap. He added that UCOP is exploring new funding “guardrails” to reduce campus disparities. UCOP wants to avoid harming campuses that rely on nonresident tuition revenue while expanding funding for all campuses.
- Assembly members asked the Provost what problem would be solved by delegating Master’s program reviews to the campuses. They noted that the systemwide review provides a multi-campus perspective that improves the academic and financial elements of proposed programs, and CCGA’s average review time for programs submitted on-time is three months. They expressed concern that campus-based reviews would be less robust and involve conflicts of interest, and they observed that a failed graduate program is of greater consequence to a student than a failed undergraduate program. Members also expressed concern that campuses were beginning to see Master’s programs more as money-making enterprises than as educational enterprises, and that some newer self-supporting programs had yet to achieve self-supporting status and were draining resources from state-supported programs. They encouraged the Provost to think collaboratively with the Senate about this issue going forward.
- Provost Brown responded that there is an opportunity to strengthen campus reviews while also creating a more streamlined process. He acknowledged that the revenue potential of self-supporting programs is one factor driving their creation, but also that those programs, when done well, can help support UC’s larger academic mission. He emphasized that his proposal is at an early stage and expressed his desire to work with the systemwide Senate and campus Senates to strengthen campus reviews.

VI. UNIVERSITY AND FACULTY WELFARE REPORT

▪ Shelley Halpain, UCFW Chair

Mitigating COVID Career Impacts on Faculty: The pandemic has affected nearly every faculty member, with disproportionate effects on those with dependent care duties, women, and single parents. Lost access to research opportunities could have long-term impacts on career advancement. In January, the Council endorsed a joint UCFW/UCAADE letter recommending 21 short- and long-term actions to support faculty. The President responded by forming a workgroup to advise on actions needed to address the recommendations. He also announced that the 2021-22 Advancing Faculty Diversity awards program will prioritize projects that address equity, disparity, and early-career faculty progress, and he established a new “Pay for Family Care and Bonding” program. The University is collecting data to define the issues and track progress.

The Council recommendations include establishing faculty career support committees to oversee implementation of mitigation policies and communications; providing teaching, research, and service accommodations and support for impacted faculty; adjusting academic promotion expectations by assessing accomplishments in the context of pandemic circumstances; encouraging faculty to submit COVID impact statements; and using “stop-the-clock” and deferrals sparingly. In April, Council issued follow-up guidance from UCAP around the preparation and review of academic personnel files impacted by the pandemic. Council’s longer-term recommendations include increasing on-campus child care services, strengthening family friendly

policies, providing housing assistance to faculty, and updating how career “excellence” is defined in merit evaluations.

Equity in UC Benefits: UCFW is drafting recommendations for improving faculty access to information about non-compensation benefits such as down payment assistance. One recommendation is to include in faculty onboarding materials a clear statement of available non-compensation benefits and guidance on negotiable benefits.

Healthcare: In May, Council endorsed a letter from UCFW and its Health Care Task Force (HCTF) recommending that UC avoid affiliations with discriminatory healthcare providers, except under limited circumstances that benefit the greater common good, as determined by an independent ethics review board and based on transparent data. In addition, a HCTF subgroup currently is evaluating whether UC’s health benefit plans provide adequate access to behavioral health care.

TFIR: UCFW’s Task Force on Investment and Retirement (TFIR) is discussing strategies for improving online tools and advisory services that help new UC hires evaluate retirement plan options.

Long-Term Issues: UCFW’s long-term priorities include closing the faculty salary gap with UC’s Comparison 8 institutions, improving equity in non-compensation benefits like housing assistance and childcare.

VII. NEW BUSINESS [None]

VIII. SPECIAL ORDERS [None]

IX. REPORTS ON SPECIAL COMMITTEES [None]

X. PETITIONS OF STUDENTS [None]

XI. UNFINISHED BUSINESS [None]

The meeting adjourned at 1:00 pm

Minutes Prepared by: Michael LaBriola, Assistant Director, Academic Senate

Attest: Mary Gauvain, Academic Senate Chair

Attachments: Appendix A – Assembly Attendance Record, Meeting of June 9, 2021

Appendix A – 2020-2021 Assembly Attendance Record, Meeting of June 9, 2021

President of the University:

Michael Drake

Academic Council Members:

Mary Gauvain, Chair

Robert Horwitz, Vice Chair

Ronald Cohen, Chair, UCB

Richard Tucker, Chair, UCD

Jeffrey Barrett, Chair, UCI

Shane White, UCLA Chair

Robin DeLugan, Chair, UCM

Jason Stajich, Chair, UCR

Steven Constable, Chair, UCSD

Sharmila Majumdar, Chair, UCSF

Susannah Scott, Chair, UCSB

David Brundage, Chair, UCSC

Eddie Comeaux, Chair, BOARS

Amr El Abbadi, CCGA Chair

F. Javier Arsuaga, Chair, UCAADE

Susan Tapert, Chair, UCAP

Daniel Potter, Chair, UCEP

Shelley Halpain, Chair, UCFW

Richard Desjardins, Chair, UCORP

Sean Malloy, Chair, UCPB

Berkeley (5)

Suzanne Fleiszig

Colleen Lye

Dan Melia (alt for Adair Morse)

Nathan Sayre

David Wagner

Davis (6)

Joe Chen

Hans-Georg Mueller (absent)

Joel Hass

Robert Powell (absent)

TBD (2) (absent)

Irvine (4)

Elliott Currie

Andrej Luptak (absent)

Nancy McLoughlin

Naomi Morrisette

Los Angeles (7)

Hiram Beltran-Sanchez

Nicholas Brecha

Jessica Cattelino

Mansoureh Eghbali (absent)

Ann Karagozian (absent)

William Marotti

Peter Tontonoz

Merced (1)

Jessica Trounstone

Riverside (2)

Peter Chung

Isgouhi Kaloshian

San Diego (5)

Mariana Cherner

Seana Coulson

Stephanie Mel

Daniel Widener

Dean Tullsen

San Francisco (5)

Bo Huang

Jae-Woo Lee (absent)

Dyche Mullins

Marek Brzezinski

Linda Centore (absent)

Santa Barbara (3)

Bassam Bamieh

Isabel Bayrakdarian

Yuedong Wang

Santa Cruz (2)

Patricia Gallagher

Judith Habicht-Mauche

Secretary/Parliamentarian

Andrew Dickson