

VIDEOCONFERENCE MEETING OF ASSEMBLY OF THE ACADEMIC SENATE

February 10, 2021

MINUTES OF MEETING

**I. ROLL CALL OF MEMBERS**

Pursuant to the call, the Assembly of the Academic Senate met on Wednesday, February 10, 2021. Academic Senate Chair Mary Gauvain 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 9, 2020.**

**III. ANNOUNCEMENTS BY SENATE LEADERSHIP**

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

Regents News: The January Regents meeting included a discussion about the report and recommendations of the Feasibility Study Working Group, which was charged with determining the viability of developing a new exam for use in UC undergraduate admissions that would replace the SAT by 2025. The Working Group found that it would not be feasible for UC to develop a new test by 2025, but recommended exploring the use of a modified Smarter Balanced assessment as a possible tool. Later this year, the Regents are expected to continue their discussion of UC's potential affiliations with external religiously-based healthcare organizations.

State Budget: The Governor's preliminary January budget makes up less than half of last year's \$300 million cut to the University, and includes several expectations related to a "dual admission" program for California Community College students, a 10% increase in online instruction, and other line-item funding for specific research projects. The Academic Senate is discussing the extent to which such expectations and line items intrude on the faculty's authority to regulate academic matters and classroom practices and constrain UC's ability to identify and fund its own priorities.

COVID-19: The Senate Chair and Vice Chair participate in a weekly meeting on the University's vaccine distribution plans hosted by UC Health. The biggest current challenge is that vaccine supply lags demand. The University understands that reopening campuses for in-person instruction in fall 2021 will depend on successful and broad distribution of the vaccine. The University is also discussing a possible vaccine mandate for faculty, staff, and students.

Campus Safety Symposia: A systemwide symposium on February 2 organized by President Drake featured speakers on policing, social justice, and campus safety issues. There is also a follow-up symposium planned for March 24 to discuss recommendations and best practices, in anticipation of a Regents presentation in May, and policy changes in fall 2021.

## IV. REPORTS OF STANDING COMMITTEES

### A. Academic Council

#### 1. Revision to Senate Bylaw 336.F.8

At its January 27, 2021 meeting, following a systemwide Senate review, the Academic Council approved an amendment to Senate Bylaw 336.F.8, calling for the use of the “preponderance of evidence” standard in P&T hearings for cases of alleged violation of the University’s Policy on Sexual Violence and Sexual Harassment (SVSH). Council recommends Assembly approval. The revision adjusts prior language in SB 336.F.8 permitting Senate Privilege and Tenure proceedings to use the “clear and convincing” evidentiary standard for cases involving SVSH. The revision aligns with new federal Title IX regulations requiring UC to use a single evidentiary standard in all SVSH cases, regardless of the respondent’s identity (student, staff, or faculty), and also California law requiring UC to use the “preponderance” standard in SVSH matters involving students. UC Legal attorney Joshua Meltzer joined the meeting to answer questions.

- An Assembly member asked about the durability of the new Title IX regulations given the different priorities of the incoming Biden Administration. Mr. Meltzer responded that he expects the new administration to make changes to Title IX regulations, but the changes are unlikely to affect evidentiary standards for sexual misconduct.
- Chair Gauvain encouraged Assembly members to consider the issue in the context of current national conversations about how systemic institutional practices may embed privileges for certain groups and include barriers to equity and fairness. She noted that the revision will not affect tenure privileges for faculty or academic freedom. An Assembly member stated that faculty should be held to the same standard of evidence as students and staff, and in addition to the practical matter of aligning Bylaw 336 with state and federal law, the revision supports and advances equity across the UC community.

**ACTION: A motion to endorse the revision was made and seconded. The motion passed 53 in favor and one opposed with one abstention.**

## V. UNIVERSITY AND FACULTY WELFARE REPORT

### ▪ Shelley Halpain, Chair, University Committee on Faculty Welfare

Curtailment: In November, UCFW, its Task Force on Investment and Retirement (TFIR), and UCPB sent a joint letter to the Academic Council advocating for rejection of a proposed campus curtailment plan, based on concerns about its equity and effectiveness. Council also endorsed UCFW and TFIR’s request that salary actions in the curtailment plan protect retirement benefits for UCRP 2016 tier participants who had selected the defined contribution plan.

Mitigating Negative COVID Career Impacts on Faculty: In January, Council endorsed UCFW and UCAADE’s joint letter with recommendations for mitigating COVID’s impacts on faculty advancement, morale, work-life balance, and dependent care responsibilities. The letter states that the pandemic is affecting research activity for faculty, particularly for junior faculty and those with caregiver responsibilities and from underrepresented groups. The recommendations outline immediate actions UC can take to support faculty. These include establishing faculty career support committees to monitor that any actions pertaining to faculty research and teaching during or following the pandemic are equitable and that all communications to faculty about pandemic-

related issues are widely shared, clear, timely, and useful; providing teaching and service accommodations for highly impacted faculty, and financial support to faculty with caregiving responsibilities, possibly by repurposing conference travel funds; adjusting academic promotion expectations by assessing accomplishments in the context of pandemic circumstances based on *Achievement Relative to Opportunities* principles, and using “stop-the-clock” and deferrals only when these principles cannot be used; extending campus bridge funding mechanisms; and recognizing the pandemic’s impact on networking and leadership opportunities. The committees also made recommendations for longer-term systemic changes to better support equity, inclusion, recruitment, and retention. These include increasing on-campus child care services and faculty homeownership assistance; funding dependent care for faculty travel to scientific conferences; increasing family friendly policies; updating and redefining “excellence” and “success” in merit evaluations; and evaluating faculty holistically in recognition of the range of experiences faculty have had during this difficult period. No one should have to disclose personal reasons for pandemic-related considerations in personnel reviews.

Transparency in UC investments: In 2019, the Academic Senate petitioned the Regents to divest UC’s endowment of all investments in the 200 publicly-traded fossil fuel companies with the largest carbon reserves. The Chief Investment Officer later announced that UC had had done so as part of a “de-risking” strategy.” Council encouraged the CIO to accelerate the strategy and noted that the Senate Memorial’s intent was a permanent commitment to avoid fossil fuel investments, even if they prove less risky in the future. Council also endorsed a letter from UCFW, UCPB, UCEP, and UCORP asking the University to implement transparency and oversight measures that assure the public about the status of UC’s fossil fuel investments.

Systemic Discrimination: UCFW is investigating examples of systemic discrimination affecting faculty of color, including unequal access to UC’s faculty housing down payment assistance benefit, inadequate retention efforts for minority faculty, and a lack of transparency on measures taken by administrators to address inclusion and fairness.

Additional Concerns: UCFW and its task forces are monitoring discussions about UC’s potential affiliation with external healthcare providers that may engage in discrimination. The Health Care Task Force has established a working group to make recommendations around UC’s mental health benefits. UCFW is also discussing the status of the faculty salary scales; equity in non-compensation benefits; childcare and housing assistance; and student loan debt.

- Assembly members expressed appreciation for UCFW’s efforts to make UC a more flexible, inclusive, and supportive workplace. A member suggested additional efforts to redirect internal underspent research funds, and to work with funding agencies to sustain funding in the context of lost research opportunities. Another member encouraged the University to recognize and support faculty who care for sick or dying family members and who struggle with the long process of closure surrounding a death, noting that Covid-imposed isolation for those already struggling with grief can be overwhelming.

## **VI. ANNOUNCEMENTS BY THE PRESIDENT AND PROVOST**

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

COVID-19: President Drake reflected on the effects of the pandemic on the University and nation, noting that the fall/winter surge in cases and hospitalizations strained the UC medical centers, but the vaccine roll-out and recent downward trend in cases are encouraging. He said the University

receives a weekly shipment of vaccines doses from the state and has vaccinated over 90,000 health care workers and thousands of other individuals and patients, and plans to follow a 2:1 patient: staff split for future vaccine allotments. He said the University is involved in various initiatives focused on testing and vaccinating homeless, low income, and other underserved communities, as well as education and outreach to these communities about the benefits of the vaccine.

Campus Safety Symposia: President Drake noted that the University is sponsoring two symposia focused on social justice as it intersects with policing and public safety. The events are intended to start a dialogue about the issues, gather different points of view, and develop best practices for making campus communities safer and more respectful. He said the project will not be easy, as no successful model exists, but effective progress is possible if participants meet in the spirit of open-minded engagement.

Sustainability: President Drake noted that the University is focused on research and policy initiatives that can have a long-term impact on combatting climate change and increasing sustainability.

UC Budget: Provost Brown noted that state support and tuition are the key components of UC's "core funds" budget that allow the University to address academic excellence, access, inclusion, and affordability. The \$136 million increase to the University's permanent general funds in the Governor's January budget makes up less than half of last year's \$300 million cut. Full restoration of the cut is UC's biggest priority. He said UCOP is developing a debt-free student program proposal, and also lobbying support for a cohort-based tuition plan, which would increase cost predictability and generate new financial aid resources. He said the University shares the Governor's interest in closing equity gaps, strengthening online learning opportunities, and improving the transfer pathway. However, UC is concerned that the mandates and line items in the state budget constrain UC's ability to identify academic priorities that will best serve the state. UCOP is also working with state officials to emphasize the importance of UC's research and graduate education missions, and is in the early stages of crafting a service-learning program that would offer students opportunities for UC credit and compensation.

CSA Audit: UCOP is finalizing its analysis of the California State Auditor report on UC's admissions processes that identified some vulnerabilities around special-talent and athletics admissions. He said the data will help guide the University in making the proper adjustments.

Faculty Salary Scales: Provost Brown thanked the Senate for its feedback on the report and recommendations of the Faculty Salary Scales Task Force, which is currently circulating for systemwide review. He said a strong UC rank and step system supports UC excellence and equity.

Assembly members asked senior administrators to comment of several issues:

- Does UC have a contingency plan for in-person instruction if a large number of students decide to reject the vaccine?

President Drake responded that the University has announced a return to in-person instruction in fall 2021 based on expectations of a 70-80% vaccination rate, and he expects all UC faculty and staff to be eligible for the vaccine before summer, and students by fall. UC is modeling a variety of in-person instruction scenarios, and will have a clearer idea about physical distancing expectations in the spring, after more data are available about vaccine delivery and effectiveness.

UC will be thoughtful about the circumstances in which students and others will return to campus, and will do everything it can to open safely and maintain a safe environment.

- How can the Senate and administration work together to disseminate the recommendations for supporting faculty and mitigating the short- and long-term impacts of the pandemic?

Provost Brown noted that faculty careers have been severely impacted by the pandemic. He said there are many ways to inform and support the campus academic communities to the concerns and recommendations, and to gather feedback. He offered to help promulgate the recommendations through administrative channels such as the campus executive vice chancellors, vice chancellors for research, and vice chancellors for academic personnel. He said another important channel is local campus Senates, and emphasized that faculty lead individual departments and programs that are closely involved with setting policies and practices for impact responses and faculty support.

**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 12:30 pm

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

Attest: Mary Gauvain, Academic Senate Chair

Attachments: Appendix A – Assembly Attendance Record, Meeting of February 10, 2021

## Appendix A – 2020-2021 Assembly Attendance Record, Meeting of February 10, 2021

### President of the University:

Michael Drake

### Academic Council Members:

Mary Gauvain, Chair.

Robert Horwitz, Vice Chair.

Jennifer Johnson-Hanks, 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 (absent)

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

Irina Conboy (alt for Adair Morse)

Nathan Sayre

David Wagner

### Davis (6)

Joe Chen

Hans-Georg Mueller

Joel Hass

Robert Powell

TBD (absent 2)

### Irvine (4)

Elliott Currie

Andrej Luptak

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 Trounstine

### Riverside (2)

Peter Chung

Isgouhi Kaloshian

### San Diego (5)

Mariana Cherner

Seana Coulson

Stephanie Mel

Daniel Widener

TBD (absent 1)

### San Francisco (5)

Bo Huang

Jae-Woo Lee

Dyche Mullins

Mark Seielstad (alt for Marek Brzezinski)

Janice Tsoh (alt for Linda Centore)

### Santa Barbara (3)

Bassam Bamieh

Isabel Bayrakdarian (absent)

Yuedong Wang

### Santa Cruz (2)

Patricia Gallagher

Judith Habicht-Mauche

### Secretary/Parliamentarian

Andrew Dickson