

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

ACADEMIC COUNCIL

**Minutes of Meeting
Wednesday, June 26, 2013**

I. Senate Officers' Announcements

1. ICAS Meeting. The Intersegmental Committee of the Academic Senates (ICAS) approved a report to the legislature regarding its progress on implementing SB 1052, which tasked ICAS with overseeing, and CSU with implementing, development of a collection of free or low cost digital textbooks for 50 strategically selected courses in California's public higher education segments. ICAS' report states that it appointed the statutorially mandated oversight council, but that it has not convened, since no funds have been allocated. In February, ICAS submitted an interim budget, but received no response. ICAS also discussed concerns about new transfer legislation that could undermine work done by CSU and CCC to implement SB 1440, the associate degree for transfer bill. Finally, all three segments are attending carefully to legislatively mandated accountability measures.

2. Update on PDST (Professional Degree Supplemental Tuition) Task Force. (a) Proposals to increase existing professional degree supplemental tuition fees have been on hold since the November Regents meeting due to strong political and Regental resistance to any kind of fee or tuition increases. All current PDSTs expire in July, so the Regents must act at their July meeting in order to maintain the status quo. In addition, campuses have requested increases and and new PDSTs. The president will consider these on a case by case basis and will ask the Regents to consider those he deems necessary. (b) The PDST Task Force has been meeting all year at the request of the student Regent to update the policy and implementation guidelines regarding the way PDST requests are reviewed. The Academic Planning Council will consider the recommendations tomorrow and the Task Force report will be issued over the summer for broad review in the fall.

3. President's Privacy and Security Initiative. The president endorsed the recommendations of the President's Privacy and Security Initiative Steering Committee to adopt privacy principles for UC and to designate someone at each campus as a privacy officer; he declined to endorse governance recommendations to establish joint administration-Senate privacy boards at the campuses and systemwide level. The report will be shared with the Regents Committee on Compliance and Audit in July. Senate participants were key to changing the direction of the report, but divisions need to be proactive in asserting a Senate role in governance, particularly in assessing tradeoffs between surveillance and security versus the protection of individual autonomy and academic freedom.

4. Update on ILTI (Innovative Learning Technology Initiative). The provost has been collaborating intensively with the systemwide Senate leadership on plans for ILTI. The draft RFP is now expected to be released in early July with funds awarded at the end of the summer. There will be a second submission window in October/November. The proposal review process is still in development.

5. Open Access update. UCOLASC Chair Chris Kelty consulted with Professor Pamela Samuelson, a Berkeley Law faculty member and national authority on copyright. She suggested some limited changes to the policy language to clarify it. The revised language was

distributed to Council members yesterday. Chair Powell said he hopes that this will enable divisions to complete their review and that Council can discuss it and vote on the proposal at the July meeting.

6. SMG Reviews. In 2008 the Regents established a new policy that leadership and developmental reviews of Senior Managers must be performed every five years. The first set is being initiated now. Faculty and staff who regularly interact with administrators in the Senior Management Group have received invitations to participate in 360-degree reviews of those Senior Managers. In addition, any member of the University community may submit letters as part of the review; letters must be signed in order to be considered.

7. Update on the Anderson Graduate School of Management. The president approved the conversion of UCLA's Anderson School regular MBA program to a Self-Supporting Program.

8. Update on SB 520. Vice Chair Jacob reported that he attended a lobby day against SB 520 organized by the California Teachers Association. Most legislators were very receptive to the University's perspective, with the significant exception of the Chair of the Assembly Higher Education Committee.

II. Approval of the agenda

ACTION: The agenda was approved as noticed.

III. Consent Calendar

ACTION: The draft May Council minutes were unanimously approved; the draft letter on proposed revisions to APM 241 (Faculty Administrators) was removed from the consent calendar for further discussion.

IV. IT Accessibility Policy

ISSUE: UCCC submitted comments on the draft IT accessibility policy.

DISCUSSION: UCCC recommended endorsing the draft IT accessibility policy as a statement of principle and advised that divisional Senates engage actively in its implementation, which will occur on the campuses. The policy is in accordance with the Americans with Disabilities Act. A member inquired whether faculty are aware that the online ILTI courses must be compliant with the ADA. Chair Powell replied that he has discussed this with the provost. The budget for these courses will be developed in cooperation with budget administrators and instructional technology staff once the courses have been selected, and accessibility issues will need to be discussed in that context. There is no expectation that faculty must be able to assess the cost of making courses ADA compliant.

ACTION: Council unanimously endorsed UCCC's analysis and recommendations.

V. Report of UC Davis Administrative Oversight Special Committee

DISCUSSION: Bruno Nachtergaele, Chair of the Davis Division, reported that soon after the pepper spraying incident on November 18, 2011, the divisional Senate's Executive Council established a Special Committee on the November 18th Incident. Following its initial analysis, the Executive Council established two additional Special Committees—one on Administrative

Oversight and one on Freedom of Expression. The latter issued a report in January 2013. In response, the Chancellor commissioned a Blue Ribbon Committee on Freedom of Expression to develop policies stemming from the Senate recommendations. The Administrative Oversight Special Committee issued a report in May 2013. Its charge was to ensure the administration's progress towards meeting the recommendations of the Special Committee on the November 18th Incident, including: improving communication and administrative decision making between administrative units, redefining the administrative leadership team, developing and implementing procedural guidelines for communication, and establishing a police and emergency management review board. The Special Committee reported regularly to the Executive Council and Representative Assembly. Most of the recommendations have been implemented. The police department has been reorganized with a new police chief who communicates regularly with campus and student leadership, and who has issued a new police manual, instituted a program of community policing, and established a cadet program for students that provides security at student-organized events. A trained Event and Crisis Management Team has been formed and includes the Senate chair. The administration has been trained on open communication and has instituted procedural guidelines to ensure that information flows both to and from the administration. However, the Police and Emergency Management Review Board has yet to be established. There are no examples of review boards that function well on university campuses. The consultant hired to develop recommendations for the establishment of a Review Board has no experience on university campuses and the process has led to delay.

VI. UC and the State Budget

Vice President for Budget and Capital Resources Patrick Lenz outlined the elements of the state budget. UC's base budget will be increased by 5% or \$125.1M. UC also received \$16.6M for annuitant health care and debt service for lease revenue bonds, which is not included in the base budget, for a total increase of \$142M. In addition, UC will receive \$125M promised in the 2012-13 budget for forgoing a tuition increase in 2012-13. The state is also shifting debt service for lease revenue bonds for UC capital improvement projects to the University budget, which will enable UC to refinance the debt at a lower rate and use the estimated \$80M in resulting savings next year to fund the increase in the employer contribution to UCRP, as required by the budget bill language.

A member asked VP Lenz to describe how restructuring the debt would affect UC's ability to fund capital projects. He replied that while the arrangement is different from what UC originally proposed, it is a positive step for the University. UC will have greater ability to fund its own capital projects and move them ahead in a timely manner. Last year, both legislative bodies overwhelmingly rejected the debt restructuring proposal. This year, the governor identified the proposal as one of his priorities for the budget. The restructuring will provide approximately \$80M in revenue. \$67M of it will be used to fund the increase in employer contributions to UCRP from 10 to 12%, which would otherwise have come out of the base budget. The University will be required to commit \$15M of its \$125 budget increase to the Riverside Medical School and \$3.6M for debt service on bonds for construction of the Merced classroom and academic office building. The budget also moves \$200M in general obligation bond debt to the University. While that can not be restructured, it will become part of the University's base budget on which future percentage increases will be calculated, providing an additional \$10 to \$12M next year. This means that next year's anticipated 5% increase will be on a base budget that is \$325M higher than this year's (\$125M plus \$200M).

VII. Consultation with UCOP Leadership

EVP Brostrom. Executive Vice President for Business Operations Nathan Brostrom noted that it appears as though UC's budget increased by 20%, but that figure includes the \$125M tuition buyout and the transfer of the bond debt. The 2013-14 budget is still \$500M less than in 2007-08. He said that the governor is expected to sign the final budget tomorrow and that it is positive for UC. He highlighted the approval of the governor's multi-year funding plan, which will provide UC with a 5% increase this year and next year and a 4% increase in the two subsequent years. He noted that the governor intends to veto all earmarks, but that UC has agreed to direct \$10M to online education. A major challenge is that the governor wants to hold tuition flat over the next several years, which is not realistic. Speaker Perez' middle class scholarship program passed, which is positive for students. The University will work with him on implementation language.

President Yudof. President Yudof said that he approved the conversion to self-supporting status of the MBA program at UCLA's Anderson Graduate School of Management. He noted that it was one of the few occasions when he did not agree with the Senate. He noted that AFSCME has refused to enter collective bargaining regarding UCRP's new tier; the University can not have a subclass of employees who do not participate in the retirement system. Finally, he said that the searches for a new president and a chancellor at Riverside are proceeding and he hopes to announce both in July.

Provost Dorr. Provost Dorr stated that CCC Chancellor Brice Harris has established a task force to consider the possibility of offering bachelor's degrees on some CCC campuses. He has asked one person from each of the other segments to serve on the committee. While she has appointed a knowledgeable representative, she does not think this is sufficient representation. Former President Richard Atkinson and Saul Geiser, a research associate at UC Berkeley's Center for Studies in Higher Education, published a paper on bachelor degree production in California that shows it is low. They propose that the three segments should work together to improve degree production. VP Lenz added that legislative bills have been introduced to allow certain community colleges to offer BAs. He commented that it is better to have this discussion within the higher education community than at the legislative level.

Q: Were any performance measures included in the budget bill?

A: President Yudof replied that the bill requires reporting on specified metrics, but does not tie the measures to future budgets.

Q: How will the Riverside Medical School be funded in the future?

A: EVP Brostrom replied that UCOP will examine the financial model and determine what amount should be a permanent allocation and what should amount is needed for start-up funds.

Q: What does the *Fisher* affirmative action decision mean for UC?

A: President Yudof noted that the Supreme Court remanded it to the lower court. Notably, they did not say that diversity is a compelling state interest. They said the parties assume it is a compelling state interest and they deferred to that determination. The court ruled that the plaintiffs did not prove there was a less onerous alternative for achieving this goal. In a sense, it was a modest victory for affirmative action because it was not reversed. The University of Texas affirmative action program remains intact for now.

Q: UCFW has proposed that any excess liquidity garnered through the transfer of funds from the Short-Term Investment Pool (STIP) to more lucrative investments should be allocated to UCRP. Has a decision been made?

A: President Yudof replied that he has not come to a decision. He sees merit in the faculty's position, but the chancellors disagree because it deprives them of flexibility. Also, UCRP assumes a 7.5% return and requires a more risky investment profile than investing the monies in the Total Return Investment Pool. He has asked the Finance Office to develop alternatives that may partially address the chancellors' wishes. The CFO's office is analyzing the type of funds that would be eligible for transfer out of STIP. Some funds need to be available and should not be tied up.

Q: Long-range enrollment plans are due on Monday. What will be done with them?

A: President Yudof said that he has delegated developing long-range enrollment plans to the campuses because they are differentially situated and enrollment is difficult to manage centrally. Provost Dorr added that the submission of the plans is a first step and next steps will be discussed with Council and appropriate Senate bodies.

VIII. Alumni Employment

ISSUE: Council was briefed on a survey on alumni employment by UCOP's office of Institutional Research.

DISCUSSION: Chris Furgiuele from UCOP's office of Institutional Research (IR) made a presentation on alumni employment data. In 2010 Governor Schwarzenegger enabled UC to acquire quarterly employment data of UC alumni who graduated in the past ten years from the Employment Development Department. UCOP aims to use this data to report on student outcomes. IR has 400,000 individual records and 10 years of earning information for those alumni who are in the state database. The data is limited to California wage and salary employment and excludes self-employment, federal employment and non-California employment. It has correlated the data received from EDD with prior survey data in order to verify its quality. IR can use other demographic and student data to report by cohort, gender, ethnicity, major, degree program, etc. Research questions include how much UC graduates earn, how many UC graduates are employed in California initially and over time, how initial salaries compare nationally, and how manageable UC graduates' student loan debt is. He noted that recently, the California Community Colleges launched a searchable website on wages of graduates by major. Institutional Research has not developed a plan for publicizing the data and would like feedback on this.

IX. Negotiated Salary Trial Program Review Metrics

ISSUE: Council received an update on the progress of the Metrics Workgroup that is developing review metrics to evaluate the Negotiated Salary Trial Program.

DISCUSSION: UCFW Chair Dan Hare stated that there has been no progress toward resolving the issues raised by Council's letter of last year. The Senate members of the Metrics Workgroup are concerned about its final product and filed a dissent. The group identified variables, but did not identify standards or expected values to be achieved, and did not define what a successful program will look like. He expects to get a mixed response, with no guidance about how to interpret that response. If the program benefits two or three individuals but damages the morale of 30 or 40, is it a success or a failure? We need to understand how it impacts faculty recruitment and retention. A member suggested asking what would constitute a failure and how it benefits the University as a

whole. Another member commented that it will shift costs onto the research budget. A member stated that the Senate's focus should be on how it impacts academic quality and graduate students. Chair Hare said that Provost Dorr will meet with the Workgroup to determine next steps.

X. Retiree Health Benefits

ISSUE: Council was briefed on possible scenarios that the University is discussing regarding retiree health benefits.

DISCUSSION: UCFW Chair Hare reported that the original proposal to grandfather current employees for retiree health benefits was based on a calculation of age + years of service = 50. In calculating employee eligibility, Human Resources was truncating age and years of service. UCFW urged HR to round the numbers. HR decided to round age up or down but not to round service credit. The decision not to round service credit was due to the complexity of the problem, and the likelihood of Regental action being necessary. Rounding age has qualified approximately 600 additional individuals (about 1% of current employees).

XI. Faculty Diversity Working Group Recommendations

ISSUE: UCAAD submitted a letter requesting Council's endorsement of the recommendations of the Faculty Diversity Working Group emphasizing the ones it believes are most critical.

DISCUSSION: UCAAD Chair Manuela Martins-Green said that last year Council endorsed the goals and some of the specific recommendations contained in the report of the Faculty Diversity Working Group. UCAAD has followed progress on the report's recommendations and submitted a letter emphasizing those recommendations it believes are critical to improving faculty diversity. The committee also suggested ways to expand some of the recommendations, such as encouraging Chancellors to implement a Chancellor's postdoctoral fellowship program similar to the President's Postdoctoral Fellows Program, and establishing a program to encourage the recruitment of faculty members who have been postdoctoral fellows at the University. UCAAD asked that Council convey this advice to the President.

ACTION: Council endorsed UCAAD's letter (with one abstention).

XII. Executive Session

Minutes were not taken for this portion of the meeting.

XIII. Executive Session

Minutes were not taken for this portion of the meeting.

XIV. APM 600

ISSUE: Council discussed the proposed revisions to APM 600 to accommodate UC Path.

DISCUSSION: Chair Powell noted that divisions and committees raised many concerns about the proposed revisions to AP M 600. The format of the revisions made it difficult to determine what was being revised (no strikeout version was provided to compare with the original). In addition, some sections generated controversy. He requested more time to review it in the fall, as well as a

side-by-side comparison of the two versions, noting that the urgency has lessened since UC Path will not be implemented in July. A member added that providing a clear rationale for the proposed changes would be helpful. Vice Provost Carlson agreed that another round of review is needed and asked for input on which sections are acceptable and which require further review, and asked if the Senate could expedite the review. She also offered to consult via telephone when campus committees discuss the proposed revisions. Chair Powell said that the Senate office would provide a table detailing all of the critiques and agreed that those changes that no one objected to could be eliminated from the fall review. The review documents should be sent by September 1, and Council may be able to consider the responses at its November meeting.

XV. New Business

A. APM 241 (Faculty Administrators). This item was removed from the consent calendar for further discussion. UCLA Senate Chair Sarna said that their Executive Committee recommended that the lead campus housing an MRU should retain oversight of the MRU director appointment. A member countered that it makes sense that the president or his designee should appoint MRU directors, given that MRUs are systemwide programs. A member replied that the chancellors of the lead campus also need to be engaged; there must be a balance and collaboration between ORGS and the host campus. A member commented that this suggestion would require changes to the Compendium. A member suggested that a subcommittee propose revised language reflecting this discussion for Council to consider in July.

B. UCEP Letter on UCOE Evaluation

ISSUE: UCEP submitted a letter requesting timely distribution to the Senate of the evaluation report on the Online Instruction Pilot Program that is scheduled to be issued by the UC Educational Evaluation Center this summer.

ACTION: Council unanimously endorsed UCEP's request.

C. Survey on Faculty Administrative Workload

ISSUE: UCORP Chair Mike Kleeman reported that the survey on faculty administrative workload has been completed. Campus specific responses are available through the Office of Research and Graduate Studies.

Meeting adjourned at 4:30 pm

Attest: Robert Powell, Academic Council Chair

Minutes prepared by Clare Sheridan, Principal Committee Analyst