

ACADEMIC COUNCIL ANNUAL REPORT 2015-16

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The Academic Council is the executive committee of the Assembly of the Academic Senate. It acts on behalf of the Assembly on non-legislative matters, advises the President on behalf of the Assembly, and has the continuing responsibility through its committee structure to investigate and report to the Assembly on matters of Universitywide concern. The Academic Council held eleven regular meetings and additional conference calls during the 2015-16 year to consider multiple initiatives, proposals, and reports. Its final recommendations and reports can be found on the [Academic Senate website](#). Matters of particular import for the year include:

BUDGETARY ISSUES

Monthly Budget Briefings

The President, Provost, and other senior UC leaders updated Council each month about the progress of budget negotiations in Sacramento, enrollment planning, UCRP funding, the state audit of the University, proposed legislation affecting the University budget, and other budget matters. Administrators briefed Council on their efforts to inform and educate legislators and UC Regents about the University's cost-saving initiatives, options for adjusting cost drivers and revenues, and the revenue needed to maintain UC's excellence and accessibility. Council members emphasized the need for UC to educate state officials and the general public about UC's research and graduate education roles and the need to reinvest in academic quality through measures such as reducing the student-faculty ratio; increasing funding for faculty start-up costs; providing competitive total remuneration for faculty; and increasing graduate student support to competitive levels. A subset of Council members also participated in monthly budget briefing teleconferences for faculty and senior administrators hosted by the Provost.

Enrollment Funding

Council discussed an agreement with the state to add 5,000 resident undergraduates to UC campuses in the 2016-17 academic year and an additional 2,500 in each of the following two years, at per-student funding rate that is far short of the \$10,000 marginal cost figure used in the past. In September, Council Chair Hare sent a [letter](#) to President Napolitano outlining concerns about how the then-pending agreement could strain the University's infrastructure and impair its ability to meet its teaching, research, and public service missions. At several meetings, Council members discussed challenges associated with accommodating the new enrollments and concerns that instructional quality could suffer without a proportional number of additional faculty and staff and new physical infrastructure to support a larger student population. UCOP administrators described their work with campuses to establish specific and realistic enrollment targets, new mechanisms to increase student housing and other facilities, and efforts to secure full marginal cost funding for future enrollments.

Budget Framework Initiative

A standing Council agenda item focused on the role of Senate divisions, systemwide committees, campuses, and UCOP in the implementation of "programmatic initiatives" included in the budget agreement with Governor Brown (the "Budget Framework Initiative"). Senate leaders identified specific initiatives in which Senate divisions and committees should be involved or consulted, and asked Senate division chairs to identify appropriate review bodies and experts on each campus. The systemwide Senate led the initiative to identify transfer pathways for the top 20

majors. BOARS considered the use of C-ID as a supplemental numbering system for UC courses, and UCEP examined policies on the University's acceptance of use of alternative credits. All campuses successfully identified three-year degree specifications for 10 of their top 15 majors and met a 40% progress benchmark in the initiative to reduce the number of upper division courses required for a major to the equivalent of one full year of academic work. Other initiatives are ongoing, including the enhanced use of summer session, the piloting of activity-based costing, and the use of adaptive learning technology.

UCRP Borrowing Plan

In November, following advice from UCFW and its Task Force on Investment and Retirement, Chair Hare sent a [letter](#) to Chief Financial Officer Brostrom expressing Council's support for a UCOP plan to borrow from internal sources for investment in UCRP. The plan continues a path pursued three times since 2011 and will enable the University to cover the Actuarially Required Contribution (ARC) in each of the next three years.

Budget Audit

Council discussed a state audit critical of UC's nonresident admission and enrollment practices, responses to the audit from [the President](#) and the [University](#), and other UC efforts to counter assertions made in the audit that UC gives priority in admission to nonresidents and admits many nonresidents who are less qualified than residents. Consultants from the Offices of Admissions, State Governmental Relations, Budget, and President's Immediate Office updated Council regularly about the audit and legislative efforts to address the audit's recommendation. In his [May 2016 remarks to the Regents](#), Chair Hare publically challenged the State Auditor's claims that the faculty lowered admissions standards to admit more nonresidents, and noted that campuses base admission decisions on 14 comprehensive review factors, not just GPA and test scores.

FACULTY WELFARE ISSUES

Retirement Options Task Force

Senate Chair Hare, Vice Chair Chalfant, UCPB Chair White, and UCFW Vice Chair Lubin served on a Task Force charged by President Napolitano to design a retirement plan for new UC employees that includes a pensionable salary cap aligned with the Public Employee Pension Reform Act (PEPRA) and that also preserves the competitiveness of UC retirement benefits and the financial sustainability of UCRP, and produces cost savings. Chief Operating Officer Nava, Vice President for Human Resources Duckett and Executive Director Schlimgen worked closely with the Task Force and joined Council regularly in the fall and winter to update the faculty on progress. The Senate conducted an expedited review of the Task Force's final report and recommendations in January and February. The Senate chair and vice chair also collaborated on a [Guide to Reviewing the Report](#). On February 10, the Assembly of the Academic Senate passed a [resolution](#) opposing the imposition of the PEPRA cap on the University in the absence of compensating increases to total remuneration. Council followed-up with a [letter](#) to the President summarizing comments received during the systemwide review, which described how the proposed options could hurt the University, and advocated for options that would be least harmful to UC's ability to recruit and retain faculty. The Regents' final plan responded to Council's recommendation to offer faculty a Defined Contribution supplement that begins on the first day of hire and on the first dollar earned, irrespective of one's salary below the PEPRA cap, to help address concerns about a supplement being too small and starting too late to be effective.

Faculty Salaries and Total Remuneration

Council was concerned about UC's competitive total remuneration gap for faculty, particularly in the context of the new pension tier. Council emphasized the need to close the gap for all faculty and to increase cash compensation for faculty hired under the new tier to address the gap. The President pledged to address the issue of faculty salary competitiveness, and Council discussed her plan to continue a 3% salary program for faculty, in which 1.5% would be allocated as an across-the-board increase to the academic salary scales, and the remaining 1.5% to a discretionary salary program designed by the campus. Council members discussed the effectiveness of a similar program implemented last year, reviewed the campuses' distribution of the discretionary awards, and advised UCOP on how campuses should report on the distribution this year. Council members also emphasized the centrality of UC's peer review merit and advancement system in judging faculty quality, and the importance of maintaining salary scales with a meaningful connection to the rank and step system. They urged UCOP to preserve the link between the scales and excellence by focusing salary actions on the published salary scales.

SEXUAL HARASSMENT POLICY

The Council was engaged in the University's effort to update and improve policies on sexual violence and sexual harassment, including clarifying reporting procedures and resources for responding to prohibited conduct, and to clarify and improve processes for investigating and adjudicating cases in which faculty are accused.

Presidential Policy on Sexual Violence and Sexual Harassment

In October, Council issued [comments](#) on a revised Presidential Policy for the investigation, adjudication, and sanction of student-on-student incidents of sexual violence, assault, and harassment. Council expressed support for efforts to clarify and strengthen current policy, and also recommended ways to clarify provisions related to mandatory reporting responsibilities for faculty, graduate students, and others; protections for graduate students; privacy and confidentiality provisions; disciplinary procedures; and the relationship of the policy to law enforcement and Senate Privilege and Tenure processes.

Joint Committee of the Administration and Senate

Later in fall 2015, President Napolitano empaneled a Joint Committee co-led by Senate Chair Dan Hare and Senior Vice President Sheryl Vacca to examine systemwide and individual campus policies and practices for the investigation, adjudication, and sanction of incidents of sexual violence, assault, and harassment involving faculty and academic personnel. The Committee issued a draft report and recommendations in February. The results of the systemwide Senate review of the recommendations were summarized in a [March letter](#) from Council to Senior Vice President Vacca. The President accepted several of the recommendations, but also asked the Committee to reconvene and provide additional recommendations in six areas by July 31. The Supplemental Report of the Joint Committee responded to the President's request. Council discussed the supplemental report and sent comments to UCOP in July.

ADMISSIONS ISSUES

UC Transfer Pathways

The Senate led an effort to continue implementation of a [Transfer Action Team](#) recommendation to streamline transfer admission from the California Community Colleges (CCC) to UC by aligning the preparation requirements for specific majors across UC campuses. In October, Council Chair Hare and Provost Dorr hosted three meetings of campus faculty delegates to develop 11 additional UC Transfer Pathways – lower division course sequences recommended to

CCC students as preparation for transfer admission into a given major at all nine undergraduate campuses. A total of 21 Pathways have now been approved and are detailed on a [systemwide website](#). Division Chairs helped monitor the review and approval of the proposed Pathways on the campuses. Council received regular briefings from Senate and UCOP leaders on the campus review, and UCOP's efforts to identify articulation gaps between specific CCC and UC campuses for specific course expectations. The Senate also developed a procedure for adding smaller, specialized majors on specific campuses to an existing Pathway.

Course Identification Numbering System

In October, guests from the CCC joined Council to discuss the use of the Course Identification Numbering System (C-ID) at CSU and the CCC, the benefits of C-ID for CCC students navigating the transfer path, and for colleges and universities wanting to streamline course articulation reviews, and the possibility of endorsing the use of C-ID at UC. The Council chair asked BOARS to lead the Senate's consideration of C-ID as a supplemental numbering system for lower division UC courses identified as comparable with CCC and CSU courses. Council supported a plan endorsed by BOARS for a pilot approach to C-ID that would maintain the existing systemwide articulation review process to determine the initial UC transferability of CCC courses, and to pilot the use of C-IDs at the second level of review, for the course-to-course articulation of a select number of UC Transfer Pathways. BOARS also found unanticipated problems in its deployment of C-ID at the CCC, which raised concerns that BOARS will study next fall.

Nonresident Admissions

Council discussed BOARS' ["Compare Favorably" report](#) on 2015 nonresident admission outcomes and a request from the President for a Senate review of current nonresident admission policy in the fall, to clarify the policy's compliance with the Master Plan and its consistency with the University's freshman admission goals, comprehensive review policy, and holistic review processes.

Berkeley Letters of Recommendation Pilot

Council reviewed an analysis of the UC Berkeley letters of recommendation pilot project and its role in admissions outcomes on that campus. Council was concerned about data suggesting that the Pilot may have had a differential impact on underrepresented students. Despite a recommendation from BOARS to continue the pilot for another year, Council voted to oppose both the continuation of the UC Berkeley letters of recommendation pilot project and the expansion of the pilot project to all applicants.

GRADUATE EDUCATION ISSUES

Degree and School Approvals

Following recommendations from CCGA, Council approved the following schools and degree programs:

- [Master of Legal and Forensic Psychology Degree Program at UC Irvine](#) (10/15)
- [Master of Public Affairs degree program at UC Berkeley](#) (11/15)
- [Master of Nursing Science Degree Program at UC Davis](#) (11/15)
- [Herb Alpert School of Music at UC Los Angeles](#) (12/15)
- [Master in Social Science degree program at UC Los Angeles](#) (1/16)
- [Master of Chinese Economic and Political Affairs at UC San Diego](#) (2/16)
- [Master of Human Computer Interaction and Design degree at UC Irvine](#) (2/16)

- [Master of Laws in American Law at UC Irvine](#) (4/16)
- [Master of Computer Science at UC Irvine](#) (5/16)

One proposal meriting special consideration at Council was the UCLA Herb Alpert School of Music. The CCGA chair spent a portion of the December meeting describing the School's unique path to full realization and approval, and its benefits to UCLA and the UC system.

Graduate Education Advocacy

Council members consistently emphasized in consultation sessions with Senior Managers the importance of seeking state funding for graduate education and communicating to the state the importance of graduate education in relation to UC's role as a research university.

UNDERGRADUATE EDUCATION ISSUES

Alternative Credits

The Council chair asked UCEP to lead the Senate's consideration of policies for "alternative credit" coursework and exams taken outside of UC prior to matriculation with the goal of providing credit that will help students graduate sooner. Council endorsed UCEP's plan for the evaluation of seven College Level Examination Program (CLEP) exams for possible UC credit by systemwide UC faculty committees composed of faculty from every UC undergraduate campus. Senate division chairs identified faculty representatives to the committees; however, the Senate ended its consideration of CLEP after learning that the College Board was willing to provide full exams to faculty review teams only in proctored, in-person sessions, or test guides with only sample questions.

RESEARCH ISSUES

Openness in Research Proposal

In January, Executive Director of Research Policy Analysis Streitzi joined Council to discuss a preliminary proposal for an "Openness in Research" policy that would clarify existing UC policies on not accepting publication and citizenship restrictions in research agreements, and allow campuses a new ability to accept publication and/or citizenship restrictions imposed by the federal government for national security reasons. Several Council members spoke in favor of moving the policy forward for systemwide discussion, and Executive Director Streitzi agreed to send forward a formal draft policy to the Senate for discussion at some point in the future.

UC MEXUS Review Report

In May, Council reviewed the Joint Senate Review Committee's 15-Year "Sunset" Review of the UC Institute for Mexico and the United States (UC MEXUS), a Multi-campus Research Unit based at UC Riverside. UCORP led the review in consultation with UCPB and CCGA. Council forwarded the report and a [recommendation](#) for continuation of UC MEXUS to Provost Dorr.

DIVERSITY ISSUES

Best Practices for Diversifying the UC Faculty

In January, Council [endorsed best practice recommendations](#) from the University Committee on Affirmative Action, Diversity, and Equity for recruiting, retaining, and promoting a diverse faculty that focus on hiring more President's Postdoctoral Fellows (PPFs) and Chancellor's Fellows (CFs) into UC faculty positions. The recommendations describe how the University can make better use of the PPF and CF programs by implementing more standardized processes

across campuses for hiring via the programs. Council asked the Provost to distribute the recommendations to campus Executive Vice Chancellors and Vice Provosts for implementation.

Proposed Revisions to Senate Bylaw 140

The Council approved and the Assembly ratified a proposal from the University Committee on Affirmative Action and Diversity to change its name to the University Committee on Affirmative Action, Diversity, and Equity.

STATEMENT AGAINST INTOLERANCE

Council Chair Hare served on a Regents Work Group empaneled to adopt a set of Principles Against Intolerance in response to a series of anti-Semitic incidents on UC campuses. The Council outlined its concerns about the final report of the working group in a [March letter to the President](#). Council asked the President to request an amendment to the statement's contextual pre-ambule proposed by the University Committee on Academic Freedom (UCAF), clarifying that "anti-Semitic forms of anti-Zionism" rather than simply "anti-Zionism" should be considered discrimination, to distinguish anti-Semitism from anti-Zionism – a political viewpoint protected under the First Amendment and academic freedom. The Regents incorporated the amendment into the final [Statement of Principles](#) they approved in March.

CYBERSECURITY

Chief Information Officer Andriola joined Council in January to discuss revisions to systemwide policy and other actions underway to shore up UC cybersecurity. He also addressed faculty concerns about privacy and academic freedom in relation to a new systemwide cybersecurity threat detection program implemented in the wake of a UCLA security breach that is monitoring UC internet traffic for suspicious and potentially malicious activity. The CIO returned to Council in March with the Chief Privacy Officer of the cyber-security firm FireEye to discuss additional and optional, threat detection capabilities being offered to campuses. In April, Senate division chairs summarized campus discussions about the potential adoption of FireEye. The CIO worked closely with the University Committee on Academic Computing and Communications to channel faculty views to the Cyber Risk Governance Committee (CRGC). In May, Council endorsed a UCACC plan for the addition of Senate faculty representatives to the CRGC and its technical Advisory Board.

GOVERNANCE

Governance of UC Health

In September, Council reviewed a UCFW statement expressing concerns about a proposal to streamline the governing structure of the UC Health Enterprise through a new Regents' Health Services Committee. The Council chair invited comments from Senate divisions and committees, and sent a [memo](#) to President Napolitano summarizing their concerns about the purview of the new committee, the removal of the faculty advisory role, and the addition of non-Regent voting members. In November, the Regents addressed the concerns in a revised proposal that added a Senate representative to the Committee. Council agreed to a process for nominating a Senate representative, and ultimately selected UCSD Professor Emeritus Joel Dimsdale as its nominee to serve through June 30, 2017.

Regents Bylaws Review

Council met with the Regents Analyst to discuss proposed changes to the Regents' governing structure and documents, including a proposal to move Regents Standing Order provisions related to the organization and powers of the Senate to a new set of Regents Bylaws. Council members supported efforts to increase the clarity and brevity of the Senate-related provisions, and cautioned against changing language that could impact the substance or understanding of the Senate's authority.

Professional Activities of SMG Members

Following a discussion of events related to the Davis chancellor, Council passed a [resolution](#) asking President Napolitano to conduct an expedited review of policies and procedures governing compensated outside professional activities undertaken by Senior Management Group employees and, in consultation with the Senate, to implement any needed changes in those policies. Council later discussed proposed changes to policy limiting SMG outside professional activities.

OTHER BRIEFINGS

Presidential Briefings: President Napolitano joined Council meetings to exchange views with faculty about a range of topics, including the University budget, political climate, enrollment funding, transfer admission, diversity, health care and benefits, alternative revenue sources for the University, the progress of her initiatives, capital planning, the investigation into the Davis chancellor, proposed legislation affecting the University, and shared governance.

Vendor Changes for UC Medical Plans: UCFW Health Care Task Force Chair Robert May briefed Council on upcoming changes to the third-party administrator for UC's self-funded health plans—UC Care and the UC Health Savings Plan, slated to take effect in 2017.

Electronic Communications Policy: Managing Counsel Michael Troncoso provided an overview of UC policy on non-consensual access to UC employees' electronic communications permitted during an internal investigation, in the context of UC's internal audit function, the Electronic Communications Policy (ECP), and state and federal law.

OTHER ISSUES

Resolution on Non-Consensual Searches of Electronic Communications: Council discussed UC's policies for non-consensual access to employees' electronic communications permitted during an internal investigation. Council passed a [resolution](#) stating that a search of the electronic records of the Academic Senate, a Divisional Senate, or of any Senate committee without consent is an extreme and excessively intrusive measure, warranted only in the most extraordinary circumstances, and to be avoided whenever possible and should only be done following consultation with division or Systemwide Senate leadership, as appropriate.

Guiding Principle for Search Waivers: In April, Council sent a [letter](#) to Vice Provost Carlson summarizing comments from systemwide Senate reviewers about a set of [proposed Guiding Principles](#) for the use of search waivers in academic hiring at UC.

Dissolution of ACSCANR: Council voted to dissolve the Academic Council Special Committee on Natural Resources (ACSCANR), and approve a charge for a UCPB Task Force to take the lead for the Senate on issues concerning the ANR/AES budget

Revisions to Senate Regulations 417 and 621: Council approved BOARS' [recommended modifications](#) to Senate Regulation 621, clarifying the standardized examination credit students may present to the University, and its [recommended modifications](#) to Senate Regulation 417, addressing UC applicants who complete coursework at a college while enrolled in high school.

Oliver Johnson Award: Council voted to name Professor Robert Anderson of UC Berkeley and Professor Katja Lindenberg of UC San Diego recipients of the 2016 Oliver Johnson Award for distinguished Senate service.

UCRS Advisory Board: Council voted to appoint Professor David Brownstone of UC Irvine to fill a vacancy on the UC Retirement System Advisory Board left by Senate Vice Chair James Chalfant, effective July 1, 2016, and ending June 30, 2018.

Open Access Progress Report: Council reviewed a letter from the University Committee on Library and Scholarly Communication, transmitting the California Digital Library's October 2015 [progress report](#) on the implementation of the Senate's Open Access policy.

Elective Disability Insurance Program: Council sent the Vice President for Human Resources a [letter](#) supporting UCFW's concerns about a proposal from Human Resources to change the Elective Disability Insurance Program policy from an "own occupation" standard to an "any occupation" standard.

Pension Tier Communications and Elections Guidelines: Council sent the Vice President for Human Resources a [letter](#) supporting UCFW's concerns about the election guidelines for faculty employees hired under the 2016 Pension Tier and specific features of the communication plan for the new tier.

Sustainable Investing Policy: Council discussed resolutions passed by the Santa Cruz and San Diego divisions in support of divestment from fossil fuels, and advice from the University Committee on Rules and Jurisdiction about the Senate Memorial process. Council asked UCSD and UCSC to work together to consolidate the language in the resolutions for further discussion in the fall.

REVIEW OF THE ACADEMIC PERSONNEL MANUAL (APM)

Council reviewed several proposed modifications to the Academic Personnel Manual. In May, it [endorsed](#) proposed [revisions](#) to APM 360, outlining the criteria for appointment and promotion in the Librarian series, and to APM 210-4, providing instructions to review committees that advise on appointment and promotion. In May and June, Council discussed [proposed revisions](#) to APM policies defining the duties and responsibilities of the non-Senate Clinical Professor (APM 278) and community-based Volunteer Clinical Professor (APM 279) titles, the appointment and advancement criteria for Clinical Professors (APM 210-6); and a new policy covering non-faculty clinical associates (APM 350). Council [endorsed](#) the new APM 350, but requested additional refinements to the other APM sections.

TASK FORCES AND SPECIAL COMMITTEES

Council members participated on the following task forces and special committees:

- Retirement Options Task Force
- Joint Committee of the Administration and Academic Senate
- Academic Planning Council

- Chancellor Stewardship Review Committees
- Vice President Search Committees
- Innovative Learning Technology Initiative Steering Committee

RELATIONS WITH OTHER GOVERNING BODIES

The Board of Regents: The Academic Council Chair and Vice Chair executed their roles as faculty representatives to the Regents throughout the year, acting in an advisory capacity on Regents' Standing Committees, and to the Committee of the Whole. The Chair also participated on the Regents work group to draft a Statement on Intolerance.

ICAS: 2015-16 was UC's turn to organize and chair the Intersegmental Committee of the Academic Senates (ICAS), which represents the faculty Senates of the three higher education segments. The Senate Chair and Vice Chair and the chairs of BOARS, UCOPE, and UCEP attended ICAS meetings in Oakland and Sacramento.

ACKNOWLEDGEMENTS

We express our gratitude to all members of the UC Office of the President for their hard work and productive collaboration with the Senate over the past year. In particular, we thank the senior UC managers who, as consultants to the Academic Council, were vital to our meetings: President Janet Napolitano; Provost and Executive Vice President Aimée Dorr; Executive Vice President and Chief Financial Officer Nathan Brostrom; Associate President and Chief Policy Advisor Nina Robinson; Chief Operating Officer Rachael Nava; Chief Information Officer Tom Andriola; Chief Information Security Officer David Rusting; Vice Provost for Academic Personnel Susan Carlson; Senior Vice President Sheryl Vacca; Associate Vice President for Budget and Capital Resources Debbie Obley; Associate Vice President for Undergraduate Admissions Stephen Handel; Associate Director of Undergraduate Admissions Monica Lin; and Executive Director for HR Retirement Programs & Services Gary Schlimgen. We also wish to thank former Senate Director Martha Winnacker who provided invaluable support to the Joint Committee of the Administration and Senate.

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James Chalfant, Vice Chair

Divisional Chairs:

Robert Powell, Berkeley
Benjamin Hermalin, Berkeley
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Alan Terricciano, Irvine
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Colleen Clancy, UCAADE
Michael Stenstrom, UCAP
Tracee Larrabee, UCEP
Calvin Moore, UCFW
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