

ACADEMIC COUNCIL

Minutes of Meeting

January 23, 2019

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of December 12, 2018

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

- o **Robert May, Academic Council Chair**
- o **Kum-Kum Bhavnani, Academic Council Vice Chair**

State Budget: The Governor introduced his proposed 2019-20 budget on January 10. It provides UC with a \$240 million increase in ongoing funding over 2018-19, but does not continue the one-time funding provided last year to support a tuition increase buy-out. In addition, the proposed budget is more prescriptive than usual about the expected uses of the \$240 million. The bill contains language to reduce UC's general fund appropriation if the Regents increase tuition, and it funds the UCOP and ANR budgets as separate line items. UC will be advocating for \$145 million in additional permanent funding to support the tuition buy-out and enrollment growth.

January Regents Meeting: Chair May's [remarks to the Regents](#) focused on support for open access and the University's negotiating position with Elsevier Publishing, as well as threats to academic freedom stemming from the possible elimination of federal funding for specific kinds of research.

UCI Online Degree: The UCI Senate is reviewing a School of Business proposal for a fully online undergraduate degree program for transfer students. The Senate views the proposal as a new program requiring local Senate approval, as well as a first-of-its-kind program, which per the Compendium requires UCEP approval. The proposal also raises questions about the meaning of UC residency requirements in the context of online education.

Transfer Admission Guarantee: BOARS' [proposal](#) for a systemwide transfer admission guarantee for California Community College students has been released for systemwide Senate review. Students meeting the minimum course and GPA requirements would have a choice among UC campuses offering Transfer Admission Guarantees (TAGs) in the major of choice. UCOP plans to assemble transfer student focus groups to help inform and clarify public messaging.

III. Proposed Revisions to Presidential Policy on Use of Vehicles and Driver Selection

Council reviewed comments from systemwide committees and divisions to a set of proposed revisions to Presidential Policy BFB-BUS-46 (Use of Vehicles and Driver Selection). The policy has been revised to clarify existing definitions and provisions and to incorporate new requirements, responsibilities, and standards for the use of UC-owned or leased vehicles and drivers on UC business. Reviewers recommended additional clarifications to terms and

definitions in the policy, and also expressed confusion about whether and to what extent it applies to privately-owned vehicles. There were also concerns about the policy's potential effect on autonomous vehicle research, and on the UC research mission more generally, to the extent that it could divert funds to support implementation of the policy or introduce onerous new requirements for researchers operating either UC- or privately-owned vehicles.

ACTION: A motion to endorse the policy with the concerns and suggestions noted was made, seconded, and passed unanimously.

IV. UCAADE Recommendations on the Use of Contributions to Diversity, Equity, and Inclusion (DEI) Statements for UC Academic Positions

Per Council request, UCAADE consulted UCFW and UCAP on revisions to "Recommendation 6" of its previously submitted document, *The Use of Contributions to Diversity, Equity, and Inclusion (DEI) Statements for Academic Positions at the University of California*. Council endorsed Recommendations 1-5 at the November meeting. Recommendation 6 states that:

6. Each campus should develop guidelines to implement the use of DEI statements in a consistent manner to align expectations regarding assessment of diversity contributions from time of hiring through academic reviews for merit and promotion. This process should include relevant Senate participation.

UCAADE Chair Siu noted that UCAADE revised recommendation 6 to clarify that academic reviews will not require DEI statements. Supporting language was also added to clarify that recommendation 6 is consistent with existing language in APM 210-1-d; that exceptional contributions to DEI may warrant additional recognition as aspects of research, teaching, and/or service, but that DEI statements do not represent a fourth criterion for evaluation; and that campuses may determine the best format for the submission of statements. Finally, new language emphasizes the need for administrative accountability concerning the use of DEI statements.

The intent of the recommendations is to raise awareness, and to regularize and highlight existing APM language, which is clear that contributions to diversity are not mandatory, but can help enhance and boost a file; individuals lacking a diversity profile will not be held back.

ACTION: A motion to endorse the recommendation and forward to the Provost with UCAADE's five other recommendations was made, seconded, and passed unanimously.

V. Executive Session

VI. Consultation with UC Senior Managers

- Janet Napolitano, President
- Michael T. Brown, Provost & Executive Vice President, Academic Affairs
- David Alcocer, Associate Vice President, Budget Analysis and Planning

State Budget: The Governor's proposed 2019-20 budget provides UC with a \$240 million increase in ongoing funds, and \$153 million in one-time funds, primarily for deferred maintenance. The proposal does not fully meet UC's request to make permanent the \$145 million one-time funding in the 2018-19 budget; of that, it provides only \$10 million in

permanent monies for existing enrollment and \$40 million to permanently reverse the graduate medical education fund swap.

The budget bill also directs specific uses for the \$240 million, including \$120 million to fund mandatory cost increases; \$50 million for degree attainment and student success, and other amounts for specific priorities like basic needs financial aid and student mental health services. The new funds will allow UC to address a portion of its mandatory cost increases, and while UC appreciates the allocation, it characterizes it as a down payment on its full request needed to avoid a tuition increase, support current and new enrollments, and maintain competitive compensation.

January Regents Meeting: The Governance and Compensation Committee discussed the results of the *10 Campus Study*, commissioned by the Regents to review the relationship between UCOP, the Regents, and the campuses, and improve communication, coordination, and governance. The Public Development and Engagement Committee received reports on UC's sustainability initiatives, and on private support, indicating that UC set a new fundraising record in 2017-18, bringing in more than \$2.7 billion. Finance and Capital Strategies discussed plans for student housing projects at UCSC and UCSD, and Academic and Student Affairs discussed the UC Center in Sacramento, and student athletes. The full Board of Regents discussed progress on the Multi-Year Framework, and the Special Committee on Basic Needs held its first meeting.

Federal Restrictions on Research. President Napolitano noted that she fully supports UC researchers working with fetal tissue and understands the critical role of federal funding in that research.

Publisher Negotiations: President Napolitano noted that she supports UC's negotiating position with Elsevier Publishing for a contract agreement that combines subscription charges and article publishing fees, and that moves all UC-authored articles to a default open access model within Elsevier journals. She noted that UC's approach will give UC authors maximum flexibility to determine how to publish, break-down paywalls to scholarly journals, create a more open system of shared knowledge, and facilitate more equitable access to that knowledge for researchers around the world.

Federal Shutdown: UC Federal Government Relations is assessing the immediate and potential impacts of the partial shutdown in effect since December 22, including stop-work orders on grants, delays in grant processing and peer review, and post-doc stipends funded by the NSF.

Admissions: President Napolitano noted that BOARS' systemwide transfer guarantee proposal is a top priority for the University. She thanked the Senate for empaneling a Task Force to examine the role of standardized testing in UC admissions, and noted that she looks forward to meeting with the Task Force at its inaugural February 8 meeting.

UCOP Restructuring: The President has accepted the ANR Advisory Committee recommendations for strengthening ANR's governance, increasing budget transparency, providing more stable and predictable funding models, and further integrating ANR into the University's broader academic enterprise. The new ANR Governing Council, with its three Senate representatives, will play a key role. In addition, UC Press will remain within UCOP Academic Affairs, and some transactional patent tracking functions currently housed in the Office of Innovation and Entrepreneurship will move to Academic Affairs. Additional

organizational reviews are underway for UCDC, the UC Center in Sacramento, the Research Grants Program Office, and the Innovative Learning Technology Initiative.

- Council members expressed concern about a lack of Senate consultation on the *Presidential Task Force Recommendations on Universitywide Policing*. They asked about the prospects for revisiting the caps on nonresident enrollment approved by the Regents in 2017. They noted that the roll-out of UC Path has included instances in which Path did not track changes to insurance coverages made during open enrollment, and instances of payroll discrepancies concentrated among students, who also have complained about a lack of effective communication in resolving problems.
- Associate Vice President Alcocer noted that the University is unlikely to revisit the nonresident enrollment caps. He added that the State has asked UC to produce a report depicting the consequences of reducing nonresident enrollment to 10% on every campus by 2029, to inform discussions about the resources needed to “buy out” nonresident enrollments for California residents. UCOP has completed most of the financial modeling for this report, and is working with campuses to gather information about the educational consequences. President Napolitano noted that UC is working with UC Path and the campuses to fix the errors and ensure graduate students are paid correctly. The second payroll cycle at the onboarding campuses showed significant improvement in accuracy.
- Provost Brown noted that the University is moving forward with the new APM 675 (Veterinary Medicine) as it also begins work on the Senate’s request to review the Health Sciences Compensation Plan. He added that he wants to enhance the University’s focus on UC’s distinctive research mission, and tangible outcomes from State investments in UC faculty and research. A Council member noted that diversifying the faculty pipeline begins with inspiring undergraduates with research experiences.

VII. UC Chancellors Statement on Academic Boycotts

In December, the ten UC chancellors signed a statement formally opposing the academic boycott of Israeli universities. Only two divisional Senates were consulted on the statement, and some chancellors have since insisted that they were expressing their personal views and not speaking for their campus or the University. In 2016, the chancellors signed a similar statement of concern about the American Association of Anthropologists’ proposed resolution to boycott Israeli academic institutions.

Faculty on several campuses have expressed concern about 1) the lack of Senate consultation on the statement; 2) evidence that the chancellor’s statement is being interpreted as an institutional stance; and 3) the potential for the statement to be interpreted in a way that may infringe on the academic freedom rights of faculty to participate in a boycott.

Council members reviewed a letter from the Santa Cruz division articulating these concerns, as well as a brief resolution circulated by an individual Council member affirming the right of faculty to voluntarily participate in, or advocate for, boycotts as a form of protected expression. The resolution takes no position on the merits of any boycott or movement.

- Several Council members expressed support for the letter and for the resolution, noting that the chancellors’ statement could put individual faculty in a vulnerable position and have a

chilling effect on speech. Other members expressed discomfort about further elevating the issue, noting that the chancellors were not seeking to abrogate faculty rights. Moreover, academic freedom rights are not absolute. For example, one would not claim that faculty have the right to refuse to teach students from a specific country, although such behavior would be addressed as violations of the faculty code of conduct. Other Council members noted that the chancellors have already elevated the issue with their statement.

ACTION: Chair May will ask UCAF to comment on the issue, and Council will discuss again next month.

VIII. Federal Restrictions on Fetal Tissue Research

Council reviewed letters from the San Francisco Division and UCORP urging the Academic Senate and UCOP to speak out against new federal-level restrictions on NIH funding for legally-acquired fetal tissue in biomedical research. UCSF makes four specific recommendations to UCOP for coordinating a response to the threats: 1) organize the University's scientific community into a policy advocacy network; 2) sponsor academic forums on bioethics; 3) commission white papers that defend fetal tissue research; and 4) organize direct action on advocacy for fetal tissue research. UCORP's letter reiterates the need to support researchers engaged in fetal tissue research, and makes a broader statement of concern about the ongoing politicization of science and attacks on academic freedom that extend to climate research, primate research, stem cell research, and other areas.

- It was noted that the recent political realignments in Washington may lessen the immediate threats to funding. However, it was also noted that short-run political changes do not eliminate concerns about the more general and ongoing political attacks on science and academic freedom. These attacks threaten UC researchers, as well as the nation's prosperity, health, and scientific leadership, and underscore the need for UC to take a public stand in support of research, science, and academic freedom.

ACTION: A motion was made and seconded to endorse the UCORP letter, and the motion passed unanimously. A motion was made and seconded to endorse approve the four recommendations in the UCSF letter, and those passed unanimously.

IX. UCOP Budget Issues

- **Zoanne Nelson, Chief Strategy Officer & AVP, Strategy and Program Management**

Audit and Legislative Requirements: A 2017 California State Auditor (CSA) report made recommendations for simplifying and clarifying UCOP budget and accounting practices. In response, the Regents in March 2018 approved a new budget process and presentation protocol to ensure that presentations accurately reflect proposed revenues and expenditures and expenditures for the previous year, clearly distinguish systemwide from UCOP budget transactions, and clearly detail budget sources and uses for all funds. The CSA also recommended that UCOP increase campus input into its annual budget by reconvening the Executive Budget Committee, which includes leaders from each campus, the current and immediate past chairs of the Academic Senate, and UCOP leadership. UCOP also responded to mandates for the 2018-19 budget that included keeping the budget flat or reduced, absorbing cost increases, and redirecting \$8.5 million to enrollment growth.

2018-19 UCOP Budget: The three main sources of UCOP budget funds are State general funds, program-designated funds, and restricted funds. 43% of UCOP budget funds support central and administrative services, and 45% support systemwide, state/federal, and campus programs and initiatives. In addition, the President’s Strategic Priorities Fund represents 3% of the total UCOP budget, and UC Path about 8%. Approximately 58% of UCOP budget funds either pass through UCOP (e.g., tobacco research, ANR, SAPEP), or are considered fee-for-service (e.g. Retirement center, Office of General Counsel and Chief Investment Officer). UCOP’s budget for 2018-19 was \$876 million, a \$33 million reduction compared to 2017-18, including a 38% decrease in the Strategic Priorities Fund.

Corridor Funding: The “corridor” funding model was introduced in rebenchmarking to recognize the unique needs of UCSF, which does not benefit from undergraduate tuition increases that occur in response to State general fund cuts. Under the model, UCSF does not receive full growth funding when State general funds increase, and has greater protection from budget cuts when they occur. The President’s Advisory Committee on ANR recommended that ANR be funded from an off-the-top set-aside of state funds with the funding level determined by the corridor model. However, the state is now funding both ANR and UCOP as separate line items in the budget, which has led UCOP to suspend the corridor model and the Funding Streams assessment system. UCOP hopes to return to a single state general fund allocation in the next budget.

X. Institutional Reference Checks for Faculty Appointments

Council discussed pilot programs at UCD and UCSD that require institutional reference checks on final candidates for academic appointments conferring tenure. Final candidates for tenured positions are required to authorize their current and previous institutions to release information about substantiated findings of misconduct, particularly related to SVSH. If a violation is found, UC campus administrators could eliminate the candidate.

- Several Council members expressed discomfort about the pilots, noting that reference checks could unearth and unfairly elevate decades-old, resolved incidents, and could lead to decisions based on ambiguous definitions of “substantiated” misconduct used by judicial systems at other institutions. It was also noted that faculty of color have been stigmatized as trouble-makers or activists. It would be important to establish privacy safeguards, appropriate checks, and balances, and clear metrics for assessing the success or failure of the pilots.

ACTION: It was agreed that UCD Chair Lagattuta, UCSD Chair Horowitz, UCB Chair Spackman, and UCAP Chair Farber will work on a recommendation to Council.

XI. UCEP Issues

- **Anne Zanzucchi, UCEP Chair**

1. Proposed Systemwide Policy on the Posthumous Awarding of Degrees

Council reviewed UCEP’s proposed systemwide policy for awarding undergraduate and graduate degrees to students who pass away close to the completion of the degree. 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. UCEP’s policy is meant to be generous and lenient. It can be a

significant consolation for families of a deceased student to receive formal recognition of the student's near completion of a degree

ACTION: A motion was made and seconded to approve the policy. The motion passed unanimously.

2. Academic Integrity Oversight and Processes

Council reviewed a letter from UCEP summarizing best practices and challenges associated with the administration and communication of academic integrity policy and oversight on each campus. UCEP found that the implementation of policy and the involvement of faculty in the development and adjudication of policy vary across campuses. UCEP also found that campuses have been shifting academic integrity operations away from Academic Affairs, to Student Affairs. In addition, student populations may differ in their ability to participate in academic culture; some campuses report a higher proportion of plagiarism cases involving international students.

- Council members noted that cheating can be a cry for help from students experiencing stress. It is important to combine punitive action with other efforts and resolutions. Members also questioned the data on international students, and encouraged UCEP to continue exploring why students engage in academic dishonesty and best practices for responding.

XII. UCFW Request to add Roth Plans to the UCRS DC Plan Options

- Sean Malloy, UCFW Chair

Council reviewed letters from UCFW and UCFW-TFIR requesting that the University add Roth 403(b) and 457(b) plans as investment options for the Defined Contribution (DC) Plan in the UC Retirement Savings program. Roth plans offer significant benefits to UC employees, particularly the exemption of taxes on withdrawals. They are an easy way for the University to help employees enhance their overall retirement planning strategy, at no cost to the University. UCFW made a similar request in 2012, and was told that Roth plans would not be feasible until the full implementation of UC Path, then forecast to occur in 2015.

ACTION: A motion to endorse the request was made, seconded, and passed unanimously.

XIII. Faculty Consultation on Library Space and Removal of Print Materials

Council reviewed a letter from the University Committee on Library and Scholarly Communication (UCOLASC) emphasizing the importance of faculty consultation and clear and open communication from campus libraries in decisions about the reallocation of library space, and/or the removal of books, journals, and other materials.

ACTION: A motion to endorse the letter and send it to the President and University librarians was made, seconded, and passed unanimously.

Meeting adjourned at 4:00 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Robert May, Academic Council Chair