

ACADEMIC COUNCIL

**Minutes of Videoconference Meeting
January 26, 2022****I. Consent Calendar**

1. Today's agenda items and their priority
2. Academic Council minutes of December 15, 2021
3. UCSD Proposal to reorganize its Divisions into Schools
4. UCB School of Optometry Name Change
5. February 9 Assembly Agenda Topics

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

- **Robert Horwitz, Academic Council Chair**
- **Susan Cochran, Academic Council Vice Chair**

UC Budget: The Governor's January budget provides UC with a 7.7% increase in ongoing funding, and \$295 million in one-time funding for climate research, deferred maintenance, and energy efficiency projects. It also proposes a multi-year Compact that will provide annual 5% base budget adjustments through 2026-27, as long as UC makes progress on specific policy goals, including increasing California resident undergraduate enrollments, and doubling, by 2030, undergraduate student credit hours generated through online courses compared to pre-pandemic levels. The budget also promises to pay for UCB, UCLA, and UCSD to reduce nonresident enrollments to the 18% policy cap over the next five years. A UCOP work group is considering options for expanding enrollment.

Academic Integrity: At the January Regents meeting, Chair Horwitz expressed concern about student cheating and faculty intellectual property theft facilitated by tutoring websites like Chegg and Course Hero. Senate leaders have asked the University to consider legal action and to create an automated take-down request system for faculty to address stolen intellectual property. The Regents will discuss the issue in March.

Home Loans: The Regents approved a new Zero Interest Supplemental Home Loan Program (ZIP) that provides faculty and senior administrators with zero-interest loans for down payments. The ZIP loan includes no monthly payment and requires full balloon payment of the principal at the end of the ten-year term. Each year the loan can be forgiven by 10%. Chair Horwitz asked the Regents to limit the faculty side of the program to assistant professors. Chancellors want more flexibility, but agreed to prioritize junior faculty.

Teaching Modalities: More disabled students are requesting access to remote learning and class recordings as an essential accommodation. Such requests may clash with faculty pedagogical decisions, and UCAF is discussing academic freedom implications of policies that may go beyond ADA accommodations and include a blanket requirement for recorded classes.

Retiree Issues: The UC Retirement Administration Service Center (RASC) is building a new system to better manage call volume, and will soon restore some in-person retirement counseling services. Senate leaders have asked UCOP to implement a significant cost-of-living adjustment

to UCRP this year to help offset inflation, and to respond to concerns from faculty retirees who are having trouble navigating a new prescription plan.

UCOP Reopening: UCOP has postponed its re-opening again to address concerns about the omicron variant and to accommodate continued renovations. In addition, many UCOP and campus staff are pushing for permanent remote work accommodation. Senate leaders have invited Chief Operating Officer Nava to today's meeting to discuss the progress of the reopening and UC's emerging philosophy around remote and hybrid work accommodations for staff.

- Council members noted that it has been difficult for some faculty to communicate effectively with home-based staff during the pandemic. Faculty cannot perform their jobs optimally without the in-person presence of key staff.

ICAS: A new subcommittee of the Intersegmental Committee of Academic Senates is discussing options for implementing the AB 928 mandate to establish a singular general education transfer pathway to UC and CSU. AB 928 requires ICAS to establish the pathway by May 2023 or relinquish responsibility for the project to administrators.

III. Systemwide Review of Revisions to APM 759

Council reviewed responses from Senate divisions and committees to the revisions to APM 759 (Leaves of Absence/Other Leaves Without Pay). The revisions were recommended by the Regents Working Group on Innovation Transfer and Entrepreneurship, and add language stating that the pursuit of innovation and entrepreneurship activities is one "good cause" for granting an academic appointee's request for a leave-without-pay of up to one year. New language also clarifies that a one-year leave may be renewed "in the interests of the University" in increments of one year or less, though not indefinitely and not beyond June 30 of the academic year it is granted. The policy maintains the provision that multi-year renewals are normally granted to academic appointees with the professor, associate professor, or equivalent rank, and granted to other ranks only under "exceptional circumstances."

Council members noted the following:

- The policy should address what constitutes a reasonable limit on leave extensions.
- Listing innovation and entrepreneurship first among example activities defining "good cause" for a leave gives the appearance of prioritizing those activities over others, and will privilege some disciplines.
- The policy should address the impact of extended leaves on teaching, mentoring, and service responsibilities for faculty colleagues not on leave, particularly junior faculty and those in small departments.
- The policy defining June 30 as the universal end date for a leave lacks a strong justification; the policy should simply require that a leave without pay shall not exceed one year.
- It is unclear why the same leave renewal standard should not apply to faculty of all ranks including assistant professors.

ACTION: The Senate letters and a summary will be forwarded to Vice Provost Carlson.

IV. Second Systemwide Review of Proposed Revisions to Senate Regulation 478

Council reviewed comments from the second systemwide review of the revision to SR 478, proposed by BOARS, creating Intersegmental General Education Transfer Curriculum (IGETC) Area 7 – Ethnic Studies, an additional IGETC subject area that California Community College transfers can fulfill with an approved ethnic studies course. The revision aligns UC with new state legislation requiring CSU to include an ethnic studies course in its general education curriculum for a baccalaureate degree. BOARS modified its initial proposal in response to feedback from the first systemwide review. To accommodate a new Area 7 course and better align with CSU’s plans, the new revision proposes reducing the number of required courses for Area 4 (Social and Behavioral Sciences) from 3 to 2.

Senate reviewers expressed general support for the revision and saw it as an improvement on the original proposal. Reviewers also asked if courses with ethnic studies content across the arts, humanities, and social sciences would be eligible for Area 7, and noted that the course prefixes used as examples in the ethnic studies course criteria/guidelines did not include all prefixes used on campuses.

Associate Director of Transfer Policy Analysis and Coordination Chase Fischerhall clarified that UC will allow schools to submit humanities-, art-, interdisciplinary, and social science-based courses for review and approval for IGETC Area 7. He said UC added prefixes to the course criteria/guidelines to acknowledge CSU’s legislative mandate to specify them; however, UC will review courses for Area 7 based on course criteria and competencies defined by UC faculty, not based on their prefix.

ACTION: Council endorsed the revisions and will forward them to the Assembly.

V. Systemwide Review of Revisions to APM 025 and 671

Council reviewed comments from the systemwide review of APM 025 and 671 (Conflict of Commitment and Outside Activities of Faculty Members.) The revisions respond to recommendations from the UC Office of Ethics, Compliance, and Audit Services, following an audit that noted increased concern from the federal government about foreign influence in academia, including efforts by governments to influence and capitalize on U.S. research. The revisions specify that policies for reporting conflicts of commitment will apply to all academic appointees regardless of faculty series or appointment percentage, and that all foreign activities will now require prior approval.

Senate reviewers expressed strong concerns about 1) the rationale for the policy; 2) the additional administrative burdens the new requirements would impose on faculty, other academic appointees, and staff; and 3) the harm the requirements would cause to University research and academic freedom. Council members also noted the following:

- The new prior-approval and reporting process for many scholarly activities would impose new burdens on faculty and research staff. These requirements affect what are currently routine faculty activities. They would delay research activity, harm productivity, and impede and discourage international collaborations, global health activities, and the international exchange of ideas, which are central to the UC mission. The policy could also have a chilling effect on academic freedom and may foster xenophobia.

- Assessing foreign ownership can be difficult. A company may be owned by many different entities using various legal structures, and corporations with domestic headquarters may also have substantial foreign ownership. Most faculty will not know whether a given entity is foreign-owned. Moreover, it is difficult to define an “outside activity” given the prevalence of online business and meetings in which the question of physical location is less relevant.
- The policy is unclear about the consequences for non-compliance and gives too much discretion to administrators to approve activities and monitor compliance.

ACTION: The Senate letters and a cover letter summary will be sent to UCOP.

VI. Consultation with Senior Managers

- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**
- **Rachael Nava, Chief Operating Officer**
- **Michael Drake, President**

Budget Update: The Governor’s proposed budget funds a 5% base budget increase in 2022-23, 6,200 new CA undergraduates, and the first of a five-year plan to buy-down nonresident enrollment at UCB, UCLA, and UCSD, to the new Regents policy cap of 18%. UC also received \$185 million in one-time funding for research to combat climate change, and \$100 million for deferred maintenance and energy efficiency projects. The budget also proposes a five-year Compact that funds 5% annual increases and further buy-downs of nonresident enrollment if UC makes progress toward goals related to student access and success, affordability, intersegmental collaboration, increased online instruction, and other state-identified priorities.

The Governor’s higher education budget also provides \$750M for the affordable student housing grant program; twenty percent of which is reserved for UC campuses; and \$632M million in ongoing funding for the Middle Class Scholarship program, an increase of \$515M over 2021-22. UC’s budget priorities include state funding for past over-enrollments, and additional funding for capital needs, including electrification.

The University is considering an ad hoc cost-of-living adjustment for UCRP to address concerns that UC pensions for 3,000 retirees will soon fall below 80% of purchasing power.

UCOP Remodel: COO Nava noted that the UCOP Franklin building remodel will help consolidate UCOP staff working in multiple Oakland locations. The remodel is almost complete, and UCOP staff will return to the building in stages between February and April.

Staff Hybrid Work Arrangements: COO Nava noted that UCOP and other UC locations are exploring more permanent remote and hybrid work arrangements for staff post-pandemic, in recognition of the shift in employee expectations around remote work and an increasingly competitive employment market for the University. UCOP wants to identify the optimal hybrid staff work structure that provides staff with flexibility while allowing UCOP to effectively support the UC system.

Provost Brown: President Drake noted that Provost Brown has announced his intention to step down as systemwide Provost and Executive Vice President at the end of this academic year. Provost Brown has contributed significantly to the University in myriad ways and will continue to advise President Drake on academic issues and special projects.

COVID: President Drake noted that the winter surge in cases and hospitalizations is leveling off. Positive cases on UC campuses are declining, and most campuses will return to in-person instruction next week. He observed the effectiveness of appropriate behaviors (vaccination and masking), and also acknowledged that the shifts in and out of remote instruction have burdened the faculty.

GSR Negotiations: The University and UAW have concluded initial discussions about which graduate students should qualify for membership in a new GSR bargaining unit. The parties agreed that the union will include students who are UC employees paid through university research funds and grants and who provide a “service” to the University. Contract bargaining will begin soon.

Growth Planning: The University is analyzing campus enrollment capacity and opportunities for traditional and non-traditional growth to accommodate the goal of adding 20,000 students over the next decade. A new Regents Task Force with faculty representation will support growth planning that maintains UC’s excellence and character.

- Council members observed that campuses will need significant new resources to develop high-quality online courses; Council members noted that online instruction is time-consuming and costly to implement effectively, and expanding it will require substantial investments and a steep learning curve.
- the University should be cautious about including online education in growth plans and should not assume the pandemic mode of remote instruction is an appropriate long-term model. Members also noted that UC must grow the faculty along with enrollment, and cautioned that past budget compacts with governors have not endured.
- Council members asked President Drake to comment on what he will seek in a new Provost, and how he sees the Provost’s role in navigating the tension between campus autonomy and systemwide authority. They also asked President Drake to comment on the University’s commitment to implementing faculty salary increases and equity adjustments.
- Council members noted that the shift to remote work during the pandemic has, in some cases, reduced faculty access to staff, and the quality of administrative support they receive from staff. It is important for the University to approach the “new normal” thoughtfully, and to balance flexibility for staff with the instructional needs of faculty and students. Campuses should base remote work accommodations on job descriptions, not distance from campus, seniority, fear of losing the employee, or other factors.
- CFO Brostrom responded that he believes the compact will stick given the Governor’s commitment to education. He said UC is already close to the state budget’s initial online education milestone.
- President Drake said the University will increase online education where it makes the most sense and is most effective. He acknowledged that online education requires infrastructure and that UC will need to grow the faculty (and faculty diversity) to match enrollment growth. He said UCOP exists to support the campuses and to finance, guide, and align their education, research and public service work. The systemwide Provost should have a thorough understanding of campus academic needs to inform these missions. He said the University is committed to faculty salary increases and will seek additional state funding opportunities in the Governor’s May budget revision.

VII. Future of Work Follow-up

ACTION: Council agreed to forward a letter to Chief Operating Officer Nava as follow-up to the morning discussion with her about the future of remote and hybrid work arrangements for University staff.

VIII. Systemwide Review of Presidential Policy on Abusive Conduct/Bullying

Council reviewed comments from the systemwide review of the draft Presidential Policy on Abusive Conduct and Bullying in the Workplace. The policy is intended to provide a framework for addressing these behaviors by and against members of the University community, and retaliation for reporting, or participating in, an investigation of prohibited conduct. The policy defines and provides examples of prohibited conduct as well as examples of reasonable actions that do not constitute Abusive Conduct/Bullying, including speech and conduct protected under free speech and academic freedom principles.

Senate reviewers expressed support, in principle, for a systemwide policy that addresses abusive behaviors not covered by other policies specifically tied to sexual harassment or discrimination; that affirms UC's commitment to promoting and sustaining a healthy working and learning environment; and that provides clear guidelines for reporting, investigating, and resolving issues related to these behaviors. However numerous concerns were expressed about 1) the detail and clarity of key policy elements, 2) the scope of the policy, 3) its interaction with free speech and academic freedom, 4) the University's ability to implement the policy, and 5) its potential effect on Senate adjudication processes.

ACTION: The Senate letters and a summary will be sent to Vice Provost Carlson.

IX. UCFW and UCAP Recommendations on Proposed Adjustment to Faculty Salaries

- **Jill Hollenbach, UCFW Chair**
- **John Kuriyan, UCAP Chair**

Chair Horwitz asked UCFW and UCAP to lead Council's response to Vice Provost Carlson's request for input into the design of a proposed 1.5% salary equity program for ladder-rank faculty for 2022-23 that addresses salary equity by gender or race/ethnicity. Council agreed with UCFW that the additional 1.5% off-scale increment should be directed preferentially to faculty in the lower one-third of overall income tiers, in recognition of increasing cost-of-living expenses, particularly housing and childcare costs, affecting lower-income faculty, who are also disproportionately women and faculty from underrepresented groups. Council members also emphasized that all Senate faculty, including Lecturers with Security of Employment, should be eligible for the 1.5% salary equity program.

ACTION: The UCFW/UCAP letters and a summary will be sent to Vice Provost Carlson.

X. Innovation and Entrepreneurship

- **John Kuriyan, UCAP Chair**
- **Karen Bales, UCORP Chair**

Chair Horwitz asked UCAP and UCORP to lead the Senate's review of the report of the Regents Working Group on Innovation Transfer and Entrepreneurship, which calls on UC "to create a culture that values innovation and entrepreneurship and burnishes its reputation as a high-value partner in these endeavors," with special attention to the report's Recommendation 8—revise the

faculty promotion and tenure guidelines to include consideration of innovation and entrepreneurship.

Chair Kuriyan said UCAP found that the Regents' Report is effective in identifying challenges confronting UC in the area of patent development and technology transfer. UCAP agrees that UC is not as effective as it could be in gaining benefit from faculty innovation and entrepreneurship activities, and that better institutional procedures and supports are needed to help faculty translate research discoveries into commercial products. However, UCAP also found that there is no need to change the APM, as UC's current processes for crediting innovation and entrepreneurship in faculty review permit the assessment of patents and other evidence of innovative work, and do not impede innovation activities or the commercialization of research. Furthermore, there is no groundswell of sentiment on campuses that the APM is a problem. Rather than change the APM, UCOP should endeavor to remove operational barriers to commercializing research and provide guidance to campuses to encourage the evaluation of contributions to innovation and entrepreneurship under the framework of the current APM.

Chair Bales added that UCORP views I&E activities as service activities. Privileging these activities as research may have unintended consequences for academic freedom and equity. UCORP supports some of the other recommendations in the report, including creating a proof-of-concept fund, budget augmentations to help campuses develop innovation transfer programs, and the replacement of the current patent tracking system.

ACTION: The letters and a summary will be sent to President Drake.

XI. The Question of Fully Online Undergraduate Degrees

Chair Horwitz noted several factors and forces pushing the expansion of online education at UC. These include the Governor's budget and President Drake's promise of enrollment growth, the increasing demand for a UC education, the limited physical capacity of UC campuses, and the Regents commitment to expanding access to first generation and underrepresented students.

Chair Horwitz questioned assumptions that online education will save money and that UC's pandemic experience has prepared it for an expansion of online education. Faculty know that quality online education involves significant investments in time and infrastructure, and that students were less engaged in the remote learning format during the pandemic. In addition, a 2020 UCEP report found that completion rates and learning outcomes tend to be lower in low-cost/high enrollment programs, particularly for vulnerable students.

Individual campuses plan to propose fully online undergraduate degree programs in the near future. The systemwide Senate will review these proposals.

- UCI Chair Ho noted that UCI has an online business program that is available only to transfers and existing UCI students. It is not a new program, but rather an additional opportunity to complete the in-person degree requirements by taking already-approved online courses.
- UCEP Chair Lynch noted that UCEP is considering specific quality metrics for online degrees, and that a basic question is whether UC can offer fully online programs of similar quality to residential programs. UCEP also wants to get a better sense of student demand and campus readiness, and to assess the potential for online programs to shift enrollments and/or create inequities within and across campuses.

- Individual Council members expressed concern that approval of the first fully online degree could open the floodgates to many more programs and quickly change the in-person nature of the University. They warned that online programs could create two distinct classes of students, and benefit the well-resourced UC campuses disproportionately. Members advised that the Senate should not approve, or even review, any fully online programs without first establishing clear guidelines and policies. Some urged the Senate to reject any fully online proposal outright or to mandate a minimum residency requirement for all degrees.
- Other members noted that faculty should trust their colleagues to develop quality programs; that UC competitors are establishing more online degrees; that online degrees could allow some campuses to expand enrollment, enable academic programs of special value to reach a bigger scale, or help sustain programs endangered by dwindling enrollment; and that capital investments devoted currently to classrooms might be repurposed to research space.

ACTION: UCEP will prepare a list of “get ready” items for discussion at a future meeting.

XII. Division Chairs Reports and Issues

- Campuses are preparing to resume in-person instruction at the end of January after a pause to address the omicron variant. Many faculty and students are enthusiastic about the return to normal campus operations and optimistic about safety given declining case rates. Others are more fearful, and requesting continued remote teaching and learning accommodations. Campuses are granting some accommodations based on individual circumstances, but emphasizing that the default instructional mode will be in-person going forward.
- Faculty are struggling with a lack of affordable child care options on or near campuses. Faculty would also welcome guidance about the implementation of and compliance with the new systemwide cybersecurity policy (IS-3).
- UCI Chancellor Gillman asked the UC National Center for Free Speech and Civic Engagement and UCI’s Office of Campus Counsel to create a resource guide to support academics who find themselves targets of social media bullying. The resulting publication, *Resources to Support Academics Targeted by Online Harassment*, is available online.

XIII. UCFW Letter on Child Care Access and Affordability

President Drake responded to Council’s Resolution on Dependent Care with a supportive letter that acknowledged the need for high quality affordable child care and a promise that he would discuss the resolution with campus chancellors. UCFW returned with a specific request for a systemwide data collection effort that assesses dependent care availability across the campuses.

- Council members agreed that it would be appropriate for UCOP to undertake the collection of data to support an informed discussion about how to remediate the lack of affordable child care, and to demonstrate its commitment to the issue.

ACTION: Forward the UCFW letter to President Drake.

 Meeting adjourned at 4:00 pm
 Minutes prepared by Michael LaBriola, Assistant Director
 Attest: Robert Horwitz, Academic Council Chair