

ACADEMIC COUNCIL

Minutes of Meeting
October 26, 2018**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of October 3, 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

ICAS Meeting and Faculty Diversity Hearing: The Intersegmental Committee of Academic Senates (ICAS) represents the faculty of the three segments of California public higher education and provides a forum for UC, CSU, and CCC Senate leaders to discuss issues of mutual interest, which this year include the UC transfer guarantee project and transfer course articulation.

ICAS held its October 23 meeting in Sacramento. Following the meeting, UC Senate leaders moved to the Capitol to attend a State Assembly Committee on Higher Education hearing on "Faculty Diversification at the University of California." A range of speakers provided perspectives on the importance of faculty diversity and UC's efforts to improve diversity. Faculty speakers included UCAADE Chair Lok Siu, who provided an "on the ground" faculty perspective and described some of UCAADE's faculty diversity initiatives. Several policymakers challenged the University to do more to move the needle on diversity.

- Council members noted that the University has an opportunity to diversify the faculty over the next decade as the older generation moves to retirement. It is important for UC to "walk the talk" on diversity and for faculty and administrators to share in accountability. They noted that a lack of faculty diversity impacts campus climate for both faculty and students and may lead URM students to pass on a UC admission offer in favor of a more diverse community at another institution.

Area D: In February 2018, the Assembly approved [revisions to Senate Regulation 424.A.3](#), related to the area "d" (laboratory science) requirement for freshman admission. The revisions increase the minimum area "d" requirement from 2 to 3 units, while continuing to require 2 units of coursework that "provide basic knowledge in at least two of the fundamental disciplines of biology, chemistry, and physics." The amendments also change the name of the area "d" requirement from "Laboratory Science" to "Science" to reflect a broader set of options for science disciplines proposed to fulfill the third unit under area "d".

The Regents have delegated the authority to set admissions policy to the Senate, subject to their approval, and the President normally recommends approval of a Senate policy to the Regents; however, the Senate's recommendation on area "d" is not moving forward, because the Provost opposes increasing the area "d" requirement to 3 units. (He supports other elements of the

policy.) The UCSC division has requested a ruling from UCRJ concerning the situation, and UCRJ's preliminary ruling affirms the Regents' final authority over admissions policy.

The Provost is concerned that the policy could harm diversity, despite BOARS' determination that it will have minimal, if any, adverse effects on disadvantaged and underrepresented students. BOARS found that 95% of UC applicants take three years of science; moreover, while there are a handful of high schools that do not offer three years, UC knows these schools and flags their applicants so that campuses do not penalize them during comprehensive review.

NAGPRA Advisory Council: President Napolitano has asked Provost Brown to form a Native American Advisory Council to develop a plan to review and update existing policies, committee structures, and implementation practices related to the curation, repatriation, and disposition of Native American remains and cultural items in the University's custody.

Transfer: Chair May and Vice Chair Bhavnani, along with President Napolitano, Provost Brown and other senior administrators, met with CCC Chancellor Ortiz-Oakley to discuss the Senate's progress on the transfer admission guarantee. The Chancellor wants to maximize flexibility for CCC students who are considering transfer to either CSU or UC, to enable CCC students to make curricular choices that allow them to prepare for both simultaneously. However, UC is concerned about a new incentive-based funding model for the CCC approved by the Legislature, which rewards colleges that produce students who complete Associate Degrees for Transfer to CSU, but not students who complete UC Transfer Pathways.

Bylaw 336: UCPT has drafted a revision to Senate Bylaw 336 in response to requests from the California State Auditor and the Chair of the Board of Regents to further define Senate bylaws to specify timeframes for scheduling a disciplinary hearing before the P&T Committee for sexual violence/sexual harassment complaints against faculty, and for issuing a P&T recommendation to the Chancellor. UCPT's proposed revision will undergo a full Senate review.

Standardized Testing Task Force: Chair May has empaneled a task force to respond to President Napolitano's request to the Senate to review the role of standardized tests in UC eligibility and admissions. The task force will have broad representation, including from BOARS, UCEP, and UCOPE, to allow for a comprehensive evaluation of what is best for the University and its students. Still being discussed is the extent to which the effort should include consideration of the role of graduate school admissions exams.

III. Faculty Morale and Turnover in the UC Health System

The University Committee on Faculty Welfare (UCFW) and its Health Care Task Force asked Council to endorse their request for a comprehensive study of faculty morale and turnover in the UC Health System. The goal is to gather data on factors contributing to low morale and attrition to better understand the faculty experience at the medical centers.

- Council members affirmed the importance of maintaining high quality faculty in the Health Sciences, and noted that a comprehensive effort to gather data on factors contributing to low morale and attrition will help UC move beyond anecdote to understand what is really going on with the faculty experience and variables affecting satisfaction with professional life. Members noted that morale issues may be particularly acute at UC's newest medical school.

In addition, it may be best to employ an independent third party to lead the study, given that that UC-administered exit interviews may not fully uncover the reasons for a separation. Council members agreed to support and forward the UCFW letter and to follow-up with a more specific recommended action plan for the study.

ACTION: A motion was made and seconded to endorse the letter and empanel a Council subcommittee to develop specific recommendations. The motion passed unanimously.

IV. Executive Session

V. 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**

President Napolitano noted that she is entering her sixth year as University president. She emphasized her high regard for UC's system of shared governance and said that the strength of the faculty is embodied and respected in the governance of the University.

Budget and Planning: In November, UCOP will ask the Regents to approve a proposed 2019-20 budget plan. Chief among UC's 2019-20 State budget requests will be maintenance of the one-time funding the State provided in the 2018-19 budget. UCOP is also developing a four-year budget and enrollment framework for the Regents' consideration in January. The framework will make the case for shifting UC's annual budget request to a multi-year process with more predictable and ongoing investments, and will articulate UC's vision for its commitment to the State and its goals for its students, faculty, and staff. The framework's three major themes are: 1) increasing degree production; 2) accelerating social mobility by reducing time to degree for low-income and URM students; and 3) emphasizing how UC research and scholarship benefit the State and meet the world's grand challenges. The administration is engaging Senate leadership and other constituency groups on the plan.

UCOP Organization: President Napolitano noted that she wants to continue collaborating with the Senate on the review of potential options for restructuring UCOP operations. Provost Brown currently is consulting on options for UCDC, UC Sacramento, and the Research Program Grants Office. And the tiger teams evaluating options for the Division of ANR and for UC Health Division are expected to submit their reports and recommendations to the President by the end of the calendar year.

UC Path: UC Path now serves approximately one-third of UC employees, after UCLA and UCSB employees moved to Path in September. No major operational challenges were reported by either campus. Each UC Path deployment includes a four month stabilization period that builds on the previous deployment.

Admissions Issues: President Napolitano said she appreciated Chair May's [comments to the Regents](#) in September emphasizing the Senate's delegated authority to set the conditions for a transfer admission guarantee agreement between UC and the CCC. The President has also asked the Senate to reevaluate the use of the SAT and ACT in eligibility and admissions.

NAGPRA: Concerns have been expressed about the circumstances under which some Native American human remains and cultural objects have been collected and transferred to UC custody, and about the University's compliance with the Native American Graves Protection and Repatriation Act (NAGPRA). The University needs to improve its processes, and the President has asked Provost Brown to develop a plan to review and update existing policies, committee structures, and implementation practices. She has also asked the Provost to form a Native American Advisory Council to advise her and the Provost on a broad range of issues.

DACA: UC challenged and achieved an injunction on the proposed rescission of the Deferred Action on Childhood Arrivals (DACA) program, which allowed more than 117,000 students to reenroll in DACA. UC also expressed concern about a rule change proposed by the Trump Administration that would increase the chances an immigrant receiving public benefits would be considered a "public charge," disqualifying them from permanent residency. The CA Legislature has provided \$4 million to support UC immigrant legal services centers for the next four years.

Area D: Provost Brown noted that he supports two of the three main components of the Senate-approved [revisions to Senate Regulation 424.A.3](#) (the area "d" requirement for freshman admission). However, in his view, the proposal to increase the minimum area "d" requirement from 2 to 3 units was based on faulty and misleading data and needs more study. BOARS did not appropriately consider the existing disparate impact on underrepresented populations in "a-g," which he fears will multiply under the new policy, nor did it analyze projections of student performance under the new requirement. The Provost said he has new data suggesting that performance at UC is similar for students with two years and three years of science. In addition, the Senate's proposal represents a change to both eligibility and admissions policy. The Senate and Administration should always be united in what they ask the Regents to approve.

- A Council member asked the President about the status of the Senate's July 2018 [recommendation](#) for continuing the President's three-year plan to address the faculty salary gap. The President said she intends to continue the multi-year plan in the 2019-20 budget, and the Senate's recommendations are under consideration.
- A Council member asked about funding available to support faculty diversity. The President noted that each of the last two State budgets provided UC with \$2 million to support equal opportunity in faculty employment. The University is also directing \$7.1 million in additional funding to back campus efforts that support diversification of the pipeline and the recruitment and retention of diverse faculty.
- Provost Brown noted that UC has two tiger teams discussing federal concerns about international threats to economic security and intellectual property. The first is discussing UC policies and practices regarding contracts, export controls, and other obligations with foreign entities, and the second is discussing issues related to international students. President Napolitano noted that UC has a responsibility to thoroughly assess potential threats and to affirm the proper conduct of students and faculty. That said, she is concerned about the federal government's broad attacks on international engagement and believes that it is in UC's best interest to maintain robust engagement with foreign institutions and scholars.
- Council members encouraged the administration to develop contingency plans to help students who may lose work authorization under a potential repeal of DACA. President Napolitano noted that UC is evaluating the extent to which TAs and GSRs might be paid

from other sources. Provost Brown added that faculty should consider alternatives to a work experience requirement.

VI. Visit with Chair of the Board of Regents George Kieffer

Comments from Regent Kieffer

Regent Kieffer noted that there is record demand for a college education and for the University of California, but he is also concerned about the rise of anti-elitist movements from both the right and the left that have led some to question the value of higher education and the University's role as a public good. In this context, he is interested in exploring questions about the broad meaning of a UC undergraduate degree beyond the specific major, the relevance of UC's general education requirements in the modern world, and what it means to be an educated citizen. He invited the Senate to forward its thoughts on these questions.

Regent Kieffer said he supports the long-term budget and enrollment planning exercise and looks forward to working with the incoming Governor on a budget plan that meets the University's full funding needs.

He said he wants to shift the discussion about college affordability away from a focus on tuition only, to one that embraces the full range of basic student needs. To this end, the Regents will form a Special Committee on Basic Needs to focus on these issues.

He noted that UC's fiscal health depends on its ability to build predictable, inflationary-based increases into the tuition structure, even if that means "freezing" tuition at constant dollar value. He added that it is important for the University to maintain competitive salaries that allow it to recruit and retain top faculty and top administrative leadership.

He noted that nonresident tuition revenue is increasingly important to the fiscal health of the campuses, but the real value of out-of-state students is the diversity of experiences and backgrounds they bring that help give campuses a national and international character.

He noted that he is committed to maintaining the long-term health of the UC Health system and to mending the relationship between UCOP and the campuses after a difficult year.

He noted that the four new members of the Regents will be excellent additions to the Board, and that all of the Regents (and most legislators) clearly understand UC's distinct role, mission, and needs *vis-à-vis* the other segments of higher education. He said he wants to promote collaborative and collegial relationships on the Board and to steer the Board on a responsible and realistic path forward. Finally, UC has a better chance to succeed in its funding requests if Regents, faculty, administrators, students and staff present a united voice.

Comments from Academic Council Members

- Council members noted that maintaining the "health" of the UC medical centers goes beyond ensuring their financial stability; it also requires supporting the faculty and ensuring that the academic mission of the medical centers remains primary. Members noted that some clinical faculty are leaving because they perceive that UC Health is de-emphasizing the academic mission. Chair May added that he supports a comprehensive review of UC's health enterprise to assess the role of the medical centers and their relationship to the general campuses.

- Council members noted the need to maintain a stable core of faculty in addition to supporting specific retention interventions. Preserving this core requires attention to numerous factors affecting faculty welfare and morale, including salaries, benefits, housing, laboratory space, and a supportive working environment. These issues are even more acute with URM and women faculty. They added that salary inversion or the “loyalty penalty” is also affecting morale.
- Council members asked the Regents to continue their support for the diversification of the faculty. They added that it is important for the University to build a critical mass of diverse faculty, to move beyond a superficial understanding of diversity, and to back up supportive rhetoric with real action and resources.
- Members expressed concern about what they perceive to be the University’s marginalization of and disinvestment in the arts, humanities, and social sciences in favor of STEM disciplines, a narrowing emphasis on “marketable” degrees, and a growing sense of college degrees as commodities.
- Council members noted that expanding access to the University will mean less if students gain access to a lower quality UC education. They offered to help the Regents make the case to the Legislature about the need to fund additional physical and human resources that are essential to supporting additional enrollments.

VII. Consultation with State Government Relations

- **Kieran Flaherty, Associate VP & Director, State Governmental Relations**
- **Seija Virtanen, Associate Director, State Budget Relations**

UC [policy](#) on relations between University employees and State and Federal officials requires employees to avoid giving the appearance of speaking for the University unless they are authorized to do so. The University has established a delegation of authority from the Regents to the President to the Office of State Governmental Relations (SGR), to serve as the authority that represents the positions of the University with the legislative and executive branches of government. Faculty are a critical and successful component of UC’s budget advocacy efforts in Sacramento, and SGR coordinates advocacy efforts as much as possible to ensure it represents the position of the University with a single voice.

However, SGR is concerned about an increasing number of instances in which UC-affiliated individuals or groups are meeting with State officials to advocate for specific priorities from the core operating budget. These individuals sometimes represent their requests as supported by the University, which violates policy and works to downgrade other elements of the budget that benefit all campuses. It does not help the University to compete against its own budget ask; and faculty, staff, and students should follow current policy and processes for making budget requests.

VIII. Update on Contract Negotiations

- **Susan Carlson, Vice Provost for Academic Personnel**
- **Pamela Peterson, Executive Director & Deputy to the Vice Provost**
- **Amy K. Lee, Diversity, Labor, & Employee Relations Director**

After its October 3 meeting, Academic Council released a [statement](#) about academic freedom as it applies to non-Senate academic appointees. The Provost subsequently announced that he is appointing a working group to develop policy language that provides those individuals with appropriate protections for scholarship, research, and teaching. The University Librarians, who are members of the Academic Senate, have endorsed the Council statement. However, the union-represented librarians continue to hold that “academic freedom” protections should be offered through collective bargaining as part of their terms of employment.

Chair May noted that [APM 010](#) (Academic Freedom) and [APM 015](#) (Faculty Code of Conduct) define academic freedom at the University of California as a right that applies to Senate faculty that is reflected in their responsibilities for teaching and research. Academic freedom is not negotiable; it is a core part of shared governance.

IX. Recommendations for Expanding President’s Postdoctoral Fellowship Program

- **Lok Siu, Chair, University Committee on Affirmative Action, Diversity and Equity (UCAADE)**

Council reviewed a set of recommendations from UCAADE for expanding the [President’s Postdoctoral Fellowship Program](#). Chair Siu noted that the PPFP has been an effective tool for promoting UC faculty diversity through its support of diverse postdoctoral scholars. Interest in the program is strong and growing. Applications from potential Fellows have more than doubled over the past ten years, and last year the program received 854 applications for about 20 fellowship awards. One of UCAADE’s recommendations is to double the number of annual awards to 40, which would represent a 5% yield on the 2017-2018 applicant pool. Beyond additional awards, UCAADE is recommending new enhancements to the PPFP program that promote the advancement of Fellows through the faculty ranks, support their career development, and improve family-friendly accommodation, support for mentoring, and other program support infrastructure. President Napolitano recently lifted the cap on the number of annual PPFP awards and expanded eligibility to the Health Science and professional schools. The PPFP is open to everyone regardless of race, ethnicity or gender.

- Council members expressed support for expanding the PPFP, noting that it is one of UC’s most effective tools for diversifying the faculty pipeline. Fellowships are very competitive and prestigious awards that honor the best young scholars.

ACTION: A motion was made and seconded to endorse the recommendations and forward them to the President. The motion passed unanimously.

Meeting adjourned at 4:15 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Robert May, Academic Council Chair