

## ACADEMIC COUNCIL

**Minutes of Meeting  
October 26, 2022****I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Council Minutes of September 28, 2022

**ACTION: Council approved the consent calendar.**

**II. Senate Officers' Announcements**

- o **Susan Cochran, Academic Council Chair**
- o **James Steintrager, Academic Council Vice Chair**

New Provost: The Regents approved Katherine S. Newman as UC Provost and Executive Vice President for Academic Affairs effective January 9, 2023. Dr. Newman is a renowned academic leader and scholar, and currently serves as the System Chancellor for Academic Programs and the Senior Vice President for Economic Development at the University of Massachusetts.

Regents Meeting: The Regents Health Services Committee met on October 19 to discuss the implementation of policies governing UC's affiliations and contracts with healthcare organizations with policy-based restrictions on care, care delivered by UC healthcare professionals at affiliated hospitals, and the training of UC personnel in those facilities. A UC faculty panel of physicians and an attorney presented information on women's reproductive health and gender-affirming care to inform the Committee's discussions.

Climate Crisis: The new Pathways to a Fossil Free UC Task Force is co-chaired by 2021-22 Senate Chair Horwitz and developing recommendations for necessary steps and a timeline to eliminate the use of fossil fuels on campuses. Its immediate aim is to develop criteria for state-funded de-carbonization studies on each campus. In addition, the Office of Research and Innovation will be releasing an RFP to fund proposals for UC Climate Action research projects supported by a \$100 million state allocation.

ICAS: The Intersegmental Committee of the Academic Senates is discussing progress each public higher education segment is making toward approval of a California General Education Transfer Curriculum to meet the requirements of Assembly Bill 928. In addition, the "AB 928 Associate Degree for Transfer Intersegmental Implementation Committee" required by the legislation has begun meeting to discuss proposed solutions to transfer problems.

Labor Issues: The University is discussing contract terms with the UAW union representing UC Graduate Student Researchers, Teaching Assistants, and Postdocs/Academic Researchers. The UAW plans to call a strike authorization vote in November for all three groups.

**III. Systemwide Review of Presidential Policy on Abusive Conduct in the Workplace**

Council reviewed comments from the second systemwide review of a proposed new Presidential Policy on Abusive Conduct in the Workplace. Senate reviewers appreciated the improvements made to the policy in response to previous Senate feedback. They expressed general support for a systemwide policy that provides clear guidelines for reporting, investigating, and resolving

issues related to behavior not covered by other policies specifically tied to sexual harassment or discrimination, and that helps protect UC personnel from abusive behavior. However, reviewers also expressed concern about: the lack of clarity of key policy elements; how the policy will be implemented in relation to other UC and campus policies and interact with free speech and academic freedom principles; and its potential effect on Senate adjudication processes.

Reviewers noted that the revised policy replaces the “reasonable person” standard used in the original policy to define abusive conduct, with an “objectively offensive” standard. Several expressed a preference for returning to “reasonable person,” but others noted that a more clearly defined alternative to either term should be identified. There was concern that the policy will be applied frivolously, to target people for expressing dissenting views or for being difficult to work for or with, and could be used as a mechanism to silence faculty. The policy should clarify that disruptive behavior is not the same as abusive behavior.

Concerns also arose because the policy applies an identical approach to instances of abusive conduct for faculty, staff, and students, but then allows each campus to develop its own overall approach. It is inconsistent to allow differences among campuses while mandating a campus-specific approach that applies the same across all employee groups. In addition, reviewers were concerned that prior references to “repeated and egregious” behaviors have been removed, and language added to infer that a determination of abusive conduct may be made on the basis of a single act.

Reviewers noted the policy may inadvertently supplant existing faculty investigation and disciplinary processes described in the Academic Personnel Manual or Senate bylaws and regulations. The policy should explicitly articulate the Senate’s right to conduct an investigation even if administration has done so and support the faculty’s core right to be “judged by one’s colleagues.” Reviewers indicated that the policy is unclear how its investigation and remediation processes will interact with other policies covering Title IX, sexual violence and sexual harassment, and discrimination. Finally, Council members suggested that the policy include a statute of limitations.

**ACTION: Forward the packet of Senate comments and a summary to Vice Provost Haynes.**

#### **IV. Systemwide Review of Revised APM 025 and 671 -- Conflict of Commitment and Outside Activities**

Council reviewed comments from the second systemwide review of proposed revisions to APM 025 and 671. Reviewers expressed support for improvements to the policy in response to earlier Senate feedback – in particular, the elimination of subcategories for foreign activities and entities, the narrowed application of the requirements to faculty with greater than 50% appointments, and the removal of postdoctoral scholars from the range of academic employees subject to reporting requirements.

However, faculty were concerned that the policy will impose additional administrative burdens, stifle research collaboration, and restrict academic freedom. Many noted its lack of clarity regarding implementation, compliance, and enforcement. They considered the new prior-approval and reporting process to be onerous given limitations in staff support and unnecessary, and objected to the policy’s broadened definition of Category I outside activities that require pre-approval, to activities that “may or may not fall” within a faculty member’s area of professional expertise. Council members agreed that the policy should specify a more reasonable subject-

matter threshold for Category I outside activities. Finally, reviewers noted that the policy lacked sufficient detail about the expanded definitions of reported compensation to include in-kind contributions, and that the long processing times associated with the UC Outside Activity Tracking System to report conflicts of interest and commitment are likely to worsen with the proposed revisions.

**ACTION: Forward the packet of Senate comments and a summary to Vice Provost Haynes.**

## **V. Reports from Senate Division Chairs**

Division chairs met after the September Council meeting to share information and best practices. They discussed the faculty recovery projects underway at individual campuses, including the UCLA Faculty Rebuilding and Renewal Initiative. The discussion inspired other Senate chairs to advocate for similar initiatives. Individual division chairs have used 2021-22 Senate Chair Horwitz's report on shared governance in discussions with administrators to highlight the need for better faculty consultation on campuses around enrollment planning.

Campus Senates are concerned that enrollment growth may worsen student-to-faculty ratios, and needs to be supported with corresponding growth in faculty hiring, housing, and classroom space. Senates are exploring the use of summer session to meet enrollment growth goals. Individual Senates are discussing: plans for new schools and colleges; the effect of graduate student unionization on grants and the faculty-student mentoring relationship; strategies for encouraging diverse faculty participation in the Senate; strategies for increasing UC advocacy around graduate education funding; climate crisis issues including upcoming electrification scoping studies; the future of online instruction; new processes and criteria for the review and approval of self-supporting graduate programs; and resolutions in support of library budgets.

Campuses are struggling to rebuild campus community and engagement post-pandemic. Some perceive staff and faculty remote work arrangements as having a negative effect on campus operations and faculty support.

Senates are clarifying policies on remote teaching and learning accommodations for students and faculty based on medical disabilities and care responsibilities, and the role of student disability centers in working with faculty on students' accommodation requests.

## **VI. Consultation with Senior Managers**

- **Michael Brown, Provost & Executive Vice President, Academic Affairs**
- **Nathan Brostrom, Executive Vice President & CFO, UC Finance**

Provost Transition: Before he departs UCOP in early January, Provost Brown wants to finalize a \$30 million endowment for the UC Humanities Research Institute, and resolve issues around the implementation of the new Presidential Policy on Native American Cultural Affiliation and Repatriation. Provost Brown shared that he is proud to have supported consistent investments in the faculty salary scales in each of his five years as provost. These investments helped support faculty salary competitiveness and reinforced UC's merit-based faculty promotion and tenure system. Provost Brown noted that he will convey to his successor the importance of maintaining a close working relationship with the Academic Senate.

Regents Meeting: The November Regents meeting will include presentations about the distinctive character of a research university, and the role of Statements on Contributions to Diversity, Equity, and Inclusion for UC academic positions.

Budget: CFO Brostrom reported that the 2022-23 state budget provides UC with \$360 million in new permanent base budget funding. The allocation funds the enrollment of 4,700 new students, previously unfunded over-enrollments, and a swap of nonresident undergraduates for resident undergraduates at three campuses that exceed 18% nonresident enrollment. The budget also includes a compact that will provide UC with annual 5% budget increases for each of the next five years if UC meets targets related to expanded enrollment and student success. CFO Brostrom noted that forces working against UC's goal to add 20,000 students by 2030 include declines in the areas of summer session enrollment, transfer enrollment, and student credit hours. UC is countering with strategies that include closing graduation gaps, increasing debt-free pathways, improving transfer, and expanding access to online courses. CFO Brostrom noted that the staff vacancy rate at UC locations is twice its normal rate. The vacancies help campuses balance budgets, but they also hurt productivity. Finally, he said that UC will be encouraging campuses to shift more of their cash investment pool monies into higher performing portfolios to help increase discretionary funds.

- Council members expressed concern that despite the strength of the 2022-23 state budget, state funding is not keeping pace with escalating labor costs and inflation. They also emphasized that the UC 2030 Capacity Plan should acknowledge the need to address the rising student-faculty ratio by increasing the size of the faculty.
- CFO Brostrom responded that the 2030 Plan places a high priority on faculty growth, but that lowering the student-faculty ratio may require UC to seek funding from non-state sources. He clarified that the budget compact sets a limit on annual budget increases and does not currently address inflation.

## **VII. Default Retirement Plan Option**

- **David Brownstone, UCFW Task Force on Investment and Retirement (TFIR) Chair**

Chair Brownstone noted that new employees who join the 2016 UC Retirement Plan (UCRP) tier default to "Pension Choice" (Defined Benefit) 90 days after hire unless they actively choose "Savings Choice" (Defined Contribution), and that eligible employees who make an initial "Savings Choice" selection have the option to switch to "Pension Choice" between 5 and 10 years of service ("Second Choice"). TFIR's modeling found that the default "Pension Choice" is not the ideal financial first choice for most newly hired UC employees, especially junior faculty without tenure. Pension Choice is the best choice for employees who remain employed at UC for a long career, while Savings Choice is best for those who leave UC before 10-20 years. TFIR asked Council to support its request to change the default pension option to "Savings Choice."

**ACTION: Council endorsed the request to recommend changing the default retirement plan option and will forward it to President Drake.**

## **VIII. Visit with Board of Regents Chair Richard Leib**

Chair Leib thanked the faculty for their hard work during the pandemic to keep the University running. He acknowledged that the move to remote instruction created additional work and stress for faculty and their families, and also demonstrated the importance of in-person education.

Chair Leib described several top priorities. First, he wants UC to develop a comprehensive plan to expand access that does not compromise quality. He added that UC has been a leader in enhancing social mobility for first-generation and low-income Californians, but it can do even more to make space for other underserved populations. Second, he wants UC to identify opportunities to use its research power to solve big problems such as climate change, energy sources, and wildfires. Third, he wants UC to do more to increase its presence and visibility in Sacramento. One promising new development is the UC Center in Sacramento facility under construction across from the State Capitol. It will help UC showcase faculty research as it brings together faculty, students, and government officials. Fourth, he wants to implement the 13 recommendations for improving technology transfer from a Regents working group he chaired last year. Chair Leib acknowledged faculty concerns about the UC Retirement Administration Service Center, and said UC needs to do everything it can to support its employees and retirees. He also acknowledged campus staffing shortages that are affecting the faculty's ability to teach and do research. He invited Council members to ask questions and share concerns. Regent John Pérez also joined a portion of the discussion.

#### Comments & Questions from Council members:

- Council members emphasized the need for UC to grow the faculty to keep pace with enrollment. Members noted that UC is successfully maintaining the 2:1 freshman to transfer ratio required by the Master Plan, but the trend toward declining enrollment in California Community Colleges could hurt UC's long-term ability to meet the ratio.
- Members asked Chair Leib for the Regents' help in promoting support for graduate education the Legislature, including by conveying the role of graduate education in fueling the faculty diversity pipeline.
- The elimination of UC's standardized testing requirement for undergraduate admission has helped create a student population that is more varied in its academic preparation. Faculty are committed to supporting all students, but without testing, campuses are less able to predict which students may need extra support or target interventions for them before they arrive.
- Members suggested that the drop in UC Pell Grant recipients this year could suggest that low-income students are choosing not to attend UC or pursue higher education altogether. Faculty are also concerned about post-pandemic student mental health.
- It was noted that UC should not consider increasing employee or employer contributions to the UCRP without first assessing the impact of an increase on UC faculty total remuneration, which has been declining relative to UC's standard comparison institutions. They asked Chair Leib to comment on the Regents' plans to address or discuss the issue of total remuneration.
- Campuses are struggling to recruit and retain staff positions critical to UC operations and faculty support. Labor costs are increasing, and remote work arrangements are reducing a sense of belonging and cohesion on campuses.

#### Responses from Chair Leib:

- Chair Leib agreed that UC can do more to convey the impact of graduate education—for example, by bringing graduate students to Sacramento to tell their stories directly to legislators. He noted that legislators are interested in faculty diversity, and students can help convey the role of the pipeline in increasing diversity.

- He agreed that enrollment growth should occur thoughtfully and be supported with additional faculty and staff. He said UC should monitor whether the decline in California Community College (CCC) transfer and enrollment is the start of a trend or a pandemic blip. In any case, the situation underscores the need for UC to expand its reach to a broader range of CCCs.
- He noted that the Regents understand the importance of competitive salaries and benefits. The Regents' Finance Committee has not discussed total remuneration recently, but is open to reviewing current data and studies on UC faculty compensation competitiveness.
- He said staffing is not on the radar of the Regents, but it needs more attention, and he supports a review of remote work arrangements and their impact and effectiveness.
- Chair Leib agreed that UC should continue to monitor the impacts of the elimination of standardized testing. Regent Pérez noted that the Regents' testing policy affects the use of the standardized tests in admission, not placement; the Regents are open to discussing a role for tests in placement. He added that the decline in Pell Grant recipients is a national issue, and the declines at CSU and CCC are even larger than UC's.
- Chair Leib agreed that UC should do more to address mental health issues worsened by the pandemic. He also wants UC to more aggressively seek funding available to counties through the California Mental Health Services Act.

## **IX. UCAP Guidance for Review of Academic Personnel Affected by COVID-19**

### **○ Francis Dunn, UCAP Chair**

UCAP asked Council to endorse its updated March 2021 guidance to campus Committees on Academic Personnel (CAPs), faculty, and departments, around the preparation and review of academic personnel files affected by the pandemic. The guidelines highlight issues campuses should consider during academic personnel file reviews to recognize the impacts on faculty scholarly activity, productivity, and opportunity. The guidelines are best practices drawn from UCAP's systemwide perspective. They do not mandate actions to campuses, but are intended to promote systemwide consistency and equity.

- Council members recommended inviting division chairs to distribute the document to all participants in the review chain as appropriate, and including the document in training and education materials for department chairs and deans.

**ACTION: Council endorsed the academic personnel review recommendations for distribution to divisional Senates.**

## **X. UCEP Issues**

### **○ Melanie Cocco, UCEP Chair**

Academic Integrity: Council reviewed a UCEP letter with recommendations to faculty about combatting academic dishonesty and the online posting of copyrighted course materials. Chair Cocco noted that Chegg is a \$12 billion company that employs thousands of foreign-based experts with advanced degrees who supply step-by-step answers to exam questions posted by subscribers. Many similar companies are in operation. UCEP recommends that faculty protect the integrity of their courses by using copyright notices on course sites and materials, adding statements to exams and other course materials that identify the documents as inappropriately uploaded to third-party websites, and reminding students about the legal and UC policy violation

implications of academic dishonesty. UCEP also encourages faculty to require proctored in-person exams when possible and to address academic integrity in teaching statements.

- Chair Cochran reported that the Senate leadership is working with UC Legal and the Office of State Government Relations to discuss potential legal or legislative actions to combat the problem.

White Paper on Fully Online Degrees: Council reviewed a UCEP white paper, “Understanding Online Undergraduate Degree Programs: Definitions, Status, Process, and Questions at the University of California.” The paper synthesizes information and feedback about online undergraduate degree programs gathered from campus Committees on Educational Policy, as UCEP considered questions related to online courses, majors, and minors, and the viability of fully online degrees at UC. Chair Cocco said that UCEP is not prepared to approve online degree programs, but the white paper identifies specific metrics related to online course and program design, content, and pedagogy that can serve as guides to campuses as they develop online majors and minors. UCEP also is developing a set of guidelines for approving online majors and minors that will pull concepts from the paper.

**ACTION: Council endorsed the letter and white paper and will ask division chairs to forward to Committees on Educational Policy, Undergraduate Councils, and other interested faculty.**

## **XI. Consultation with Senior Managers**

- **Douglas Haynes, Vice Provost, Academic Personnel and Programs**
- **Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs**

Vice Provost Haynes joined UCOP on October 4. He introduced himself to Council members and said he looks forward to working with the Council and other systemwide Senate committees.

Policies and Projects: A new Presidential Policy on Abusive Conduct and a revised Policy on Conflict of Commitment and Outside Activities of Faculty Members are circulating for a second systemwide review. Each policy was improved by the Senate’s comments during the first round of review. Provost Brown plans to establish a workgroup to discuss the Academic Council’s request to amend the Academic Personnel Manual to include Achievement Relative to Opportunities (ARO) principles.

- Chair Cochran summarized the concerns expressed in each systemwide review and confirmed that a written summary of Senate comments would soon follow. Council members expressed that faculty need help navigating the complex array of compliance policies, and are sometimes deterred from proper reporting knowing that timely administrative approvals are not guaranteed.

Faculty Diversity: A Council member asked Vice Provost Haynes to comment on opportunities to diversify the professoriate. He responded that he is still getting up to speed on UC’s full portfolio of existing faculty diversity initiatives, including the well-established President’s Postdoctoral Fellowship Program and the new Growing Our Own Initiative, but will be seeking additional ways to mobilize UC’s existing capacity to transform the professoriate.

Pandemic Impacts: A Council member asked the vice provost to comment on how UC can better communicate to faculty the opportunity to include a pandemic impact statement in academic personnel review files. Vice Provost Haynes responded that he has been impressed with the Senate’s attention to the cascade of disruptive pandemic impacts. The core of ARO principles is

equity, and incorporating a greater attention to equity in the review process requires raising awareness among department chairs, deans and CAPs. UC should also emphasize to faculty that there is no liability associated with providing an impact statement.

## **XII. UCPB Report on Faculty Hiring**

### **o Donald Seneor, UCPB Chair**

Council reviewed a UCPB report analyzing relative trends in the hiring of faculty, instructors, and other employee groups across UC campuses in the 10-year period between 2011 and 2021. The report also compares ladder-rank Senate faculty hiring to the hiring of non-Senate lecturers and non-ladder-rank Senate faculty (Lecturers with Security of Employment, or LSOEs), as well as analyzing hiring within other instructor and staff groups.

The report shows that UC's undergraduate student population grew 24% during the 10-year period, but this growth was not matched by sufficient faculty hiring, which caused the systemwide student-faculty ratio to increase by 5%. The systemwide student-faculty ratio is now 25.5-to-1, with four campuses exceeding a 30-to-1 ratio. The report also shows that campuses responded to the resulting increase to teaching workloads by hiring fewer Senate faculty compared to non-Senate lecturers and LSOEs. Rapid growth also occurred in non-academic administrative employment titles, particularly those in the Manager and Senior Professionals Group, and in non-Senate medical center instructor titles such as Clinical, In Residence, and Adjunct.

The erosion of the student-faculty ratio and the dilution of Senate faculty within the instructor ranks are affecting educational quality. In addition to the increased faculty workload, the higher student-faculty ratio has resulted in larger class sections; fewer opportunities for personalized interaction, undergraduate research experiences, and mentoring with faculty; and increased pressure on faculty to provide remote or dual instruction. The decline in the proportion of Senate faculty also undermines the role of an R1 Doctoral University to deliver instruction from experts in the field.

**ACTION: Council agreed to endorse the report and forward to President Drake.**

## **XIII. Draft UCRJ Ruling on Virtual P&T Hearings**

### **o Mijung Park, UCRJ Chair**

In accordance with [Senate Bylaw 206.A](#), UCRJ submitted a draft of a proposed legislative ruling for Council's consideration and comment. The ruling addressed whether virtual participation in a Privilege and Tenure disciplinary hearing would preserve due process rights for both the grievant and the accused, pursuant to Senate [Bylaw 335.D.3](#) and [Bylaw 336.F.3](#).

Council members had no comment.

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Meeting adjourned at 4:30 pm  
Minutes prepared by Michael LaBriola, Assistant Director  
Attest: Susan Cochran, Academic Council Chair