

ACADEMIC COUNCIL

Minutes of Videoconference Meeting

October 27, 2021

I. Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of September 22, 2021
3. Pre-Proposal for a new College of Computing, Data Science, and Society at UCB

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

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

September Regents Meeting: The Regents discussed the status of student basic needs; several proposed campus housing projects, diversity outcomes for students, faculty, and staff, including uneven enrollment, graduation and satisfaction rates for underrepresented minority students; the role of the ASSIST program in transfer; a report from the Governor's Recovery with Equity Taskforce; and options for increasing campus enrollment capacity to accommodate California's growing population. Individual Regents are interested in recognizing faculty patent and start-up activity in promotion and tenure processes.

Collective Bargaining Statement: Council held a special session on October 12 and re-endorsed its January 2020 Statement on Collective Bargaining Negotiations. The statement urges the University and the AFT union representing "Unit 18" Lecturers to work toward a fair solution. It also highlights the distinction between Senate faculty and lecturers.

Climate Crisis: The Senate's ad hoc climate crisis committee met on October 4 and wants to initiate a memorial to the Regents on the topic of the climate crisis. Senate leaders plan to use the memorial process outlined in [Senate Bylaw 90.C and 90.E](#), which requires Assembly approval of the memorial before a vote of all Senate members. The Global Climate Leadership Council also met in October. UCOP briefed the GCLC on a state budget request in development that would fund UC research projects around the climate crisis and the concept of "climate resiliency".

Meetings with President Drake: Senate leaders have been working with committee chairs to develop a series of one-page memos to the President on specific topics, including 1) Senate concerns about delegating Master's program reviews to campuses; 2) financial accounting software problems on campuses; and 3) recommendations for improving UC Online's contributions to the UC mission.

ICAS: This year is UC's turn to chair the Intersegmental Committee of Academic Senates, which brings together faculty leaders from the three segments of public higher education. ICAS will be devoting significant time to the implementation of AB 928, a new law that creates a single transfer pathway from the Community Colleges to UC and CSU through the Associate Degree for Transfer.

Support for Animal Research: President Drake has responded to Council's April 2021 letter of concern about the harassment of UC animal researchers, by pledging to establish an Animal Research Transparency Working Group to examine the issues.

- Council members expressed concern about the prospect of adding 20,000 or more seats to campus classrooms when campuses are already overenrolled and lack sufficient classroom space, housing, teaching labs, and other facilities.

III. Mitigating COVID Impacts on Faculty Working Group (MCIF-WG)

- **Mary Croughan, UC Davis Provost and MCIF-WG Co-Chair**
- **Robert Horwitz, MCIF-WG Co-Chair**

In May, Provost Brown convened a joint working group to respond to Council's January 2021 recommendations for mitigating COVID-19 impacts on faculty. The working group was also informed by a systemwide Senate survey of UC instructors about their experiences with remote instruction during the pandemic.

Provost Croughan noted that the working group's preliminary report focuses on Council's three highest priority recommendations from January 2021: 1) adjust expectations for promotions and merit advances to conform to Achievement Relative to Opportunities (ARO) principles; 2) create funding mechanisms to help faculty recover research costs; and 3) make funding available for approved faculty teaching duty modifications.

Two of the working group's recommendations relate to academic review and appraisal, and its third recommendation relates to research.

Recommendation 1 asks campuses to solicit COVID statements that allow faculty to detail both negative impacts and positive contributions made during the pandemic. It also asks campuses to communicate guidance to departments about how to apply ARO principles in file reviews; advise faculty reviewers about using ARO principles in their letters; and incorporate department-level statements to benchmark performance across disciplines.

Recommendation 2 asks campuses that rely heavily on the deferral process or tenure clock extension to commit to retroactive pay and advancement for qualifying faculty, and asks other campuses to encourage faculty to submit files for holistic review using ARO principles.

Recommendation 3 asks campuses to select from three options for funding research recovery, based on the campus's current financial situation, and to provide campus-level funding for approved teaching duty modifications that can be sustained or expanded over five years.

Provost Croughan noted that the report asks campuses to address COVID impacts in substantive ways, but it does not mandate any actions to campuses. The recommendations provide campuses with a menu of options to choose from based on their individual resources. The report recommends that the measures remain in place for five years. It also emphasizes that the quantity of expected work output may be reduced due to pandemic constraints, but expectations for academic quality should not be lower. The working group will reconvene to consider the other 18 Council recommendations.

- Council members encouraged the University to make the recommendations permanent, given that faculty struggles around child care and illness are not unique to COVID. The current moment presents an opportunity to make UC's culture more humane and responsive.

- Members noted that an upsurge in staff attrition during the pandemic is affecting faculty productivity. They also noted that faculty on soft money are particularly vulnerable to losing research support and employment, and that the pandemic has enabled some faculty to be more productive, which could create new inequities. Members agreed that there should be administrative accountability for implementing the recommendations.

IV. Graduate Studies Issues

- **Andrea Kasko, CCGA Chair**

Remote Teaching by TAs: CCGA has been discussing provisions for accommodating requests from Teaching Assistant to move to remote teaching for reasons other than medical accommodation, such as a lack of affordable housing or personal preference. CCGA found that there is no systemwide policy for evaluating requests. It seeks Council's advice on the usefulness of a policy or other guidance.

- Council members noted that widespread accommodation would represent a significant change and could normalize the unaffordability of UC campus areas. They requested data from CCGA to support additional discussion at a future Council meeting

PERB Settlement Conference for GSRs: Chair Kasko attended a meeting with the California Public Employment Relations Board (PERB) and the union seeking to represent Graduate Student Researchers. The parties are discussing who should be included in the union. The University is willing to recognize approximately 11,000 graduate student researchers, but believes the inclusion of graduate student fellows and trainees in the union is inappropriate.

V. Consultation with Senior Managers

- **Michael Drake, President**
- **Michael Brown, Provost and Executive Vice President, Academic Affairs**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

Meeting with the Governor: In their quarterly meeting, President Drake and Governor Newsom discussed UC's pandemic experience, the prospect of a multi-year funding framework for UC, a possible General Obligation Bond to support education, and opportunities for leveraging UC expertise and research in the state's policy response to the climate crisis.

Labor Update: The University is negotiating with the UC-AFT on a new contract for Unit 18 lecturers and anticipating a union counter-proposal to UC's most recent offer. UC also participated in a settlement conference with PERB and the union seeking to represent UC GSRs, to determine which category of student will be part of the union.

NAGPRA: The University reallocated lottery funds across the campuses to support the implementation of NAGPRA provisions around the repatriation of Native American remains and cultural items in UC campus possession.

COVID: Positive COVID case rates are very low on campuses, where the vaccine compliance rate is 98% for students and higher than 94% for staff. COVID-related hospitalizations in UC facilities are steady and declining, and most patients are unvaccinated.

Community Safety Plan: Faculty are serving on two systemwide campus safety working groups, the first focused on collecting and sharing campus safety data, and the second on demilitarized alternatives for police vehicles, uniforms, and equipment.

Regents: The November meeting will include an update on the potential use of the Smarter Balanced Assessment in UC admissions; and updates on COVID, the Eligibility in the Local Context program, the UC Graduate Experience Survey, and the changing transfer policy landscape.

Legislation: AB 928 requires ICAS to create a single general education transfer pathway from the community colleges to CSU and UC. The bill includes some troubling features that intrude on the University's constitutional autonomy and the faculty's authority over degrees. The University wants to communicate more effectively what it has already done to streamline the transfer pathway and strengthen major preparation.

Masters Reviews: Provost Brown said he wants to create a more effective and efficient process for the review of proposed Master's degree programs. He is developing a charge for a joint work group that will consider the issues in depth.

Budget: The Regents will adopt a 2022-23 UC budget in November for use in upcoming state budget negotiations. UCOP plans to request new state funding to support operations, deferred maintenance, and seismic upgrades, and also will put forward a separate proposal built around research funding for climate change resilience. In response to improvements to UCRP's actuarial valuation, the CFO will propose a reduction in the employer contribution rate from 15% to 14%, with the balance addressed through \$1 billion in additional STIP borrowing. The reduction will create more funding for the campuses and maintain a healthy trajectory for UCRP.

- Council members asked how the University plans to address the competitive lag in UC faculty salaries, and how current inflationary conditions might affect the lag and those plans. Members also encouraged the University to include graduate students in enrollment growth plans and to convey to the state the critical role of graduate education in the UC mission. They asked President Drake to comment on his current expectations for campus re-openings, and emphasized the problem of high housing costs in UC campus communities.
- President Drake expressed his commitment to closing the faculty salary gap. He noted that UC's enrollment growth target of 20,000 was based on campus strategic plans, and that those plans would guide the exact distribution of undergraduate and graduate growth. He said he expects UC to enter a lower-risk phase of the pandemic by early March if positive trends continue.
- CFO Brostrom noted that the proposed UC budget will include a 3% increase to the faculty salary scales, funding for merit increases, and an additional 1% to address the salary gap. He added that UC is considering new strategic investments in housing and child care. Provost Brown emphasized that new investments in ladder-rank faculty and graduate students are a key part of UC's 2030 Plan. He said the UC salary scales are an important component of the merit review process and that a significant overhaul would be needed to return the scales to market relevance.

VI. Visit with Chair of the Regents Cecilia Estolano

Chair Estolano noted that throughout her career she has been particularly interested in equitable economic development and environmental sustainability. She described three of her top priorities as chair: 1) ensure that UC spends a larger proportion of procurement dollars to support small and women- and minority-owned business; 2) develop a comprehensive plan to expand undergraduate and graduate enrollment without compromising quality; and 3) elevate the status of UC climate crisis research. She emphasized that enrollment growth should occur in a thoughtful manner and be supported with additional ladder-rank faculty and staff. She asked for the faculty's input on two issues: 1) how the University can support faculty in recovering from the pandemic, and 2) how UC can more effectively promote its graduate education mission.

- Council members noted that faculty support the Small Business First procurement initiative in principle, but are concerned that it could burden faculty by increasing costs and delaying purchasing requests. The mode of implementation will be important.
- Members noted that they support Chair Estolano's goal to expand access, but emphasized that increasing enrollment while maintaining quality will require new resources and infrastructure. Campuses are already burdened by overcrowding, an increasing student-faculty-ratio, and insufficient TA support. Campuses are also dealing with a recent spike in staff retirements and resignations. These conditions impact faculty morale and student success, and threaten the long-term quality of UC.
- Council members noted that campuses are accommodating growth through creative means such as online instruction and class scheduling during non-traditional hours. However, these measures have a limited impact on overenrollment. Moreover, the pandemic highlighted the limitations of moving classes online without a pedagogical infrastructure to ensure quality.
- Members thanked Chair Estolano for her commitment to climate crisis issues and noted the importance of supporting basic research. They also thanked Chair Estolano for acknowledging the importance of graduate education, and offered their assistance in institutional efforts to communicate graduate students' critical role in undergraduate education and research. They emphasized that any expansion of undergraduate enrollment should be supported with additional graduate student instructors.
- Council members stressed the need for UC to support faculty's professional recovery from COVID. An example cited was the grant programs established by campuses to help junior faculty restart research programs. They also noted that faculty are under stress and need emotional supports, and emphasized that the effects of COVID are likely to persist for several years; a long-term commitment to these supports is needed.
- Members noted that the University is exceeding its Master Plan target of enrolling a 2:1 ratio of first-year students and transfers, and is enrolling transfers who, once admitted, tend to perform as well as students who begin at UC as freshmen. They also observed that UC's transfer efforts and successes are not always recognized. They asked for the Regents' help in communicating the successes and asked what role Regent Estolano sees for transfer in expanding access.
- Members noted that the pandemic has forced UC dental schools to suspend their clinical training and exacerbated the existing nursing shortage.

- Chair Estolano responded that campuses, not faculty, will be responsible for building alternative supply chains.
- She agreed that UC should not compromise excellence and that a comprehensive approach to growth must include graduate students, faculty, and staffing. She said expansion is not about the mass production of degrees but about extending the intellectual, social, and financial benefits of a UC education to more Californians.
- Chair Estolano accepted the faculty's offer to help improve UC's advocacy messages around graduate education and research. She agreed that UC needs to inform legislators about the complete UC ecosystem and that compelling stories from faculty and graduate students about their teaching and research experiences often resonate with the public and policy-makers.
- Chair Estolano said that when she served on the CCC Board of Governors there was a perception at CCC that UC was a difficult partner on transfer. She said the UC Transfer Pathways is a good start, and that while UC is meeting its goal to enroll freshmen and transfers at a 2:1 ratio, most transfers come from only a handful of feeder CCCs. She wants UC to attract a broader and more diverse pool of transfers.
- Chair Estolano agreed that online learning requires investment and will not solve UC's capacity problems, but it could be a good option for large lectures and in other specific circumstances. She said she wants to explore alternative expansion strategies such as taking over existing facilities or sharing facilities in other parts of California. Chair Estolano said she will fight to ensure that campuses have the funding they need to address the issues identified, grow and maintain quality.

VII. Academic Freedom and Political Postings on Departmental Websites

○ Ty Alper, UCAF Chair

Council reviewed a UCAF letter with two recommendations related to the ability of campus academic departments to issue or endorse statements on political issues in the name of the department. The letter began by articulating the overriding principle that departments should not be precluded from issuing or endorsing statements. It recommended that 1) department statements include disclaimers making clear that they are not intended to represent the views of the University as a whole, and 2) statements clarify whose views within the department the statement represent, and make allowances for expression of minority views.

- Council members noted that department communications should contribute to a spirit of open debate and not push aside certain voices. They noted that safety concerns argue against identifying specific faculty by name, and that giving equal space to unpopular or minority ideas is not necessarily appropriate or fair.
- Chair Alper responded that Recommendation 2 is not prescriptive and leaves it to individual departments to explain the process behind statements. He added that the recommendations also apply to social media channels hosted by departments.
- Chair Horwitz asked Council members to consider possible next steps, including issuing one or more of the recommendations as best practice guidelines, or investigating the viability of proposing a systemwide policy or policy revision that incorporates one or more of the recommendations.

ACTION: Council will discuss at the November meeting.

VIII. Regents Policy 1203

- **Susan Carlson, Vice Provost for Academic Personnel**
- **Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs**
- **Kimberly Grant, Academic Policy & Policy Exceptions Director**

In May 2018, the Regents rescinded Standing Order 103.5 relating to the conferral of emeritus status and incorporated its provisions into Policy 1203. Simultaneously, the policy changed eligibility requirements for conferring emeritus status for certain non-tenured Senate faculty. As a result, only ladder-rank Associate Professors and Professors currently have the status conferred automatically, leaving other Senate faculty to go through additional review. When conforming revisions to APM 120 were circulated for systemwide review in 2019, Senate input included strong support for reinstating the automatic conferral of the title to all Senate faculty.

In spring 2021, UCOP drafted revisions to Policy 1203 that would have conferred the emerita/emeritus suffix automatically on every Senate faculty member at the Associate Professor and Professor rank (or equivalent), upon retirement. However, individual Regents expressed a preference that all faculty be reviewed for good standing prior to the conferral of the title.

UCOP is considering a revision with new language stating that the title will be conferred on Senate members at retirement, upon recommendation by the Senate to the President or designee (likely the Chancellor). The revision also addresses possible disqualification for emerita/emeritus status, and adds language stating that serious breaches of policy or law, dismissal from service, or serious discipline disqualifies an individual from conferral of the title.

- Council members agreed that faculty should be in good standing to receive the title of emeritus/emeriti, but expressed concern that requiring campuses to vet every faculty member prior to conferral would create additional administrative work with little potential benefit, given that the vast majority of faculty are in good standing. Members asked UCOP to recommend the automatic conferral of the emeritus/emeriti title for all Senate faculty who are not in violation of the Faculty Code of Conduct.

ACTION: Vice Provost Carlson will discuss next steps with other senior leaders.

IX. Smarter Balanced Study Group Report

- **Mary Gauvain, SBSG Co-Chair**
- **Madeline Sorapure, SBSG Co-Chair**

The Smarter Balanced Study Group (SBSG) convened in spring 2021 to address President Drake's request to the Senate to determine if the University could use some version of the Smarter Balanced assessment (SBAC) in the freshman admissions process to add value in an equitable manner. The eight-member SBSG included faculty with expertise in educational policy, testing, and data analysis. It met several times over the summer in order to complete its work by a September 30 deadline.

Currently, the SBAC is administered to all California public high school students and is used to assess school performance in teaching the Common Core Curriculum. Its alignment with the Common Core and its status as a free test led some to see it as a potentially viable tool in UC admission to replace the SAT/ACT.

The SBSG recommendation against the use of the SBAC was based on several findings. First, the SBSG determined that the SBAC would not provide significant information about students beyond their high school GPA. Second, it was concerned that using the SBAC to assess individuals for UC admission would transform the SBAC into a high stakes exam and reproduce the problems that plagued the SAT and ACT. Third, the SBSG found that while the SBAC works to reduce biases at the item level (individual test question), it had done little analysis of bias at the instrument level (total score of the test). Finally, the SBSG determined that it would be time consuming and expensive to adapt the test for use at UC.

The SBSG offered several additional recommendations for supporting the University's goals of building a stronger and more equitable admissions process. These include strengthening UC's holistic review process, its student success programs, and its connections with K-12. The President has endorsed the report and recommendations, which will be presented at the November Regents meeting.

X. Reports from Division Chairs

Chair Horwitz invited division chairs to discuss campus procedures, best practices, and complications around teaching modalities and student/faculty accommodations.

- At most campuses, Senate committees, often the COCI, CEP, or equivalent, evaluate faculty requests to convert courses to an online or hybrid format. On individual campuses, Senates working alone or with administrators have developed guidelines for remote instruction accommodation requests. These guidelines provide faculty with mechanisms to request accommodations. All campuses are providing for exceptions based on medical and caregiving needs, with varying degrees of flexibility for these other requests. Senates will also authorize immediate temporary remote teaching accommodation for faculty who need to quarantine or have children who need to quarantine. Campuses ask faculty to coordinate plans with departments and obtain CEP approval for courses offered in an online/hybrid course. At least one campus routes faculty medical exception requests through the Office of Disabilities. Faculty with dependent care responsibilities may also negotiate with the dean or department chair for a modified schedule of duties.
- On some campuses, a vocal group of faculty is objecting to the requirement for a medical or pedagogical justification for remote teaching accommodation. Some Senates are also under pressure from undergraduates who want maximum flexibility for course modality, and graduate students who prefer to remain remote for non-medical reasons.
- A larger proportion of humanities and social sciences classes are being taught remotely relative to classes in STEM, business, and other disciplines.
- Disabled Students Program/Disability Resource Center offices have different roles across campuses. On some, the office acts as an advocate for student accommodations and has been pressuring faculty and administrators to offer more classes remotely or in dual modality. On others, the offices are tasked with approving remote accommodation for students under a strict set of standards. On some campuses, these offices send student or staff ambassadors to classrooms to record or even livestream lectures for students with approved accommodations. Some individual faculty are using personal time and resources to provide remote course

access to students. Some campuses have many classrooms outfitted with video or audio equipment that make it easy for instructors to record courses.

- Council members noted that there are significant inconsistencies across campuses and even within campuses around remote instruction accommodation processes and decision-making. Some noted that a singular set of best practice recommendations could be useful to campuses. Members also emphasized the need to be vigilant and deliberative about potentially giving remote/online education a more significant permanent role in educational delivery.

Meeting adjourned at 4:15 pm

Minutes prepared by Michael LaBriola, Assistant Director

Attest: Robert Horwitz, Academic Council Chair