

## ACADEMIC COUNCIL

**Minutes of Videoconference Meeting  
October 28, 2020****I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of September 23, 2020
3. Simple Name Change for UCB College of Natural Resources

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

**II. Senate Officers Announcements**

- **Mary Gauvain, Academic Council Chair**
- **Robert Horwitz, Academic Council Vice Chair**
- **Hilary Baxter, Executive Director**

Review of Revision to Senate Bylaw 336: The Senate office has released for systemwide review proposed revisions to Senate Bylaw 336.F.8, which call for the use of the preponderance of evidence standard in P&T hearings for cases of alleged violations of the University's SVSH policy. The revisions will help align Bylaw 336 with state and federal law. UCPT is also considering how to address concerns about ways that hearings mandated at the Title IX phase of an investigation may duplicate hearings conducted by divisional P&T committees.

Potential ELWR Task Force: At the request of UCOPE, the systemwide Senate may form a task force that will study issues related to the University's Entry Level Writing Requirement (ELWR) and make recommendations about possible revisions to relevant Academic Senate regulations governing the administration and oversight of the ELWR.

Openness in Research Policy: UCOP administrators will visit several systemwide committees this fall to consult faculty about a proposed Openness in Research policy, prior to releasing the policy for systemwide review late in 2020.

November Council Meeting: Senate leaders have invited Regent George Kieffer to attend a portion of the November Council meeting to offer his reflections on the Regents, shared governance, and critical issues and challenges facing the University.

**III. Proposed Campus Curtailment Plan**

Council reviewed comments from Senate divisions and systemwide committees to a proposed campus curtailment program for 2020-21. The program is the initial product of a Strategic Planning Task Force the President convened to develop options for addressing the financial challenges of the pandemic – specifically, workforce-related savings that also minimize impacts to lower-wage employees. Under the draft proposal, UC employees would be grouped into salary tiers and allowed to use a different combination of paid and unpaid time off to cover a minimum five-day curtailment. UCOP also circulated a curtailment plan “update” document to Council yesterday, which provides additional information about the proposal, including the possible salary tiers and minimum salary threshold under consideration, and estimated savings.

There was general agreement across campuses and committees that the current plan needs further development before it can be considered as an effective response to UC's budgetary challenges. Reviewers cited numerous ways the proposal as written is vague or silent about critical details, including who counts as an "essential" employee, how the additional curtailment days would be implemented for faculty paid from external funds, and graduate student employees. Council members noted that this lack of clarity could hinder fair implementation of the plan, increase burdens on non-represented staff and essential workers, and exacerbate inequities, particularly among women faculty, faculty of color, junior faculty, and lecturers.

In comments based on a special joint meeting on October 23 with UCOP administrators, committee members from UCFW, UCPB, TFIR, and HCTF found that the proposal does not describe how curtailment differs from a furlough. They also commented that the plan is essentially a salary cut for faculty who will experience no reduction in work and be unable to use accrued vacation to offset the curtailment days. Finally, they questioned whether, given Regents Standing Order 100.4 (qq), the plan requires the President to declare an Extreme Financial Emergency, which has yet to occur.

Council members agreed that the proposal should clarify how the University's current financial situation justifies the program in the context of Regents policy. Members noted that the plan projects modest cost savings given the University's expected budget shortfall. They also stressed that the savings do not outweigh the harm to faculty and staff morale and the administrative cost of implementing the program on the campuses and through UC Path. Council also members discussed that faculty morale is also low due to working extra hours to transition to remote instruction, sidelining research due to campus closures, and refocusing research to align with pandemic priorities, often while shouldering caregiver responsibilities at home. Council also members discussed the role of the plan in the current COVID crisis.

Several campuses questioned the wisdom of a systemwide approach to curtailment, when the financial situations of individual campuses differ widely. These reviewers felt any systemwide program should provide flexibility for campuses to tailor the program to their unique needs. However, others were concerned that allowing campuses to implement curtailment days beyond the five-day minimum would encourage an uneven application across campuses and threaten the unity of the UC system. Chair Gauvain stated that careful thought is needed in considering how to respect UC as a system while respecting the different needs of the campuses.

Council members agreed that the Senate should be proactive about suggesting alternative ways to address the budget crisis, such as borrowing and tapping into reserves, and offer its help to the administration in crafting a constructive solution.

**ACTION: Following additional discussion with senior administrators recorded below, Council decided that a draft summary letter would be circulated for feedback and approval over email.**

#### **IV. Consultation with UC Senior Managers**

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

President Drake said his recent meeting with the UC Student Association touched on the many pandemic-related challenges facing students, and student concerns about campus policing. The

UCSA also asked the President to convey to the Academic Council its concerns about differences in grading flexibility across campuses. President Drake stated that he feels a great responsibility for ensuring campus security and safety, but he also wants to ensure that community members feel respected by police.

Nobel Prizes: President Drake said that the UC community is proud of the recent Nobel Prize winners in physics from UCLA and UCB, and in chemistry from UCB. The investments made in the University and its people helped facilitate these profound discoveries.

November Regents Meeting: The Public Engagement and Development Committee will be asked to endorse a new comprehensive fundraising campaign at UC Davis. The Committee on Compliance and Audit will discuss the current status of the CSA audit of UC admissions. Finance and Capital Strategies will approve financial reports and capital plans, as well as review the annual actuarial valuation of UCRP. Student Affairs will discuss alternative approaches to financial aid and Native American student admission and outreach. The Committee on Student Basic Needs will submit its final report, and the EVC for UC Health will provide an update on COVID-related impacts on UC. The full Board will approve a 2021-22 Budget and discuss COVID-related workforce actions.

UC Budget: The University is preparing its annual state budget request. It will seek a predictable and sustainable plan for state support that can be paired with a fair and reliable tuition policy. A more predictable budget will help campuses move to a firmer financial footing.

Curtailment Proposal: President Drake said that the proposed curtailment program is part of multifaceted approach to addressing UC's budgetary challenge and emphasizes shared sacrifice. The plan will help UC avoid layoffs, which affect lower-income and minority workers disproportionately. The plan and its message of shared sacrifice will also help UC in its budget discussions with the state. The plan partially reflects the two-day-per-month furlough program for state employees. The University is considering the use of reserves.

**Discussion:**

- Council members observed that the proposal is vague, obscures the curtailment as a pay cut, inadequately address UC's budgetary challenges, and will generate modest cost savings that do not justify the cost to employee morale. They asked administrators to comment on the Regents policy requiring the President to declare a financial emergency before implementing a systemwide furlough. Members emphasized that faculty have made considerable sacrifices during the pandemic.
- Individual members also suggested that graduate students and post-docs be exempt from the plan; expressed concern that the plan could limit the ability of physicians to deliver care; and noted that the proposal could exacerbate inequalities and increase burdens on non-represented staff and workers classified as essential.
- Council members expressed support, in principle, for a progressive and flexible approach to addressing financial challenges that protects jobs, but noted that the current plan is not clear about how it will prevent layoffs.
- Provost Brown stated that the program is within the president's authority, and an emergency declaration is not needed; however, UCOP needs the Regents' help to ensure the plan does not impact UCRS service credit and retirement benefits.
- President Drake stated that UCOP somewhat unusually, but purposefully, released the plan at this point to get input as it was being developed. He remarked that one goal is to identify funds that can bridge the budget gap between fiscal years. The seven-month program builds

on the existing holiday curtailment. It is not intended to solve long term structural deficits, but only as one source of funding to close the gap. The program will help prevent layoffs of low-income workers, help UC reset its conversation with the state about its overall needs, and position UC as part of the solution to the state's overall recovery.

- Chair Gauvain stated that the Academic Senate wants to partner with the Administration to craft a transparent, comprehensive solution to the current crisis that also positions UC to tackle its longer-term structural issue. She noted that she said this both in the spirit of shared governance, and because the faculty's expertise and commitment can help the University set a sustainable course. She expressed concern that faculty morale is worsening.
- President Drake thanked the faculty for their input, said he recognizes the morale problems, and stated that the success of the faculty is critical to the success of the University. He said he is open to suggestions for a better way forward that will strengthen the University and preserve its excellence.

## **V. Climate Crisis Initiative Update and Divestment Discussion**

Vice Chair Horwitz noted that he and Chair Gauvain have been talking with systemwide Senate committees about the Senate Climate Crisis Initiative – a plan for engaging all committees in a discussion about their respective roles in combatting the climate crisis at UC.

UCSD Chair Constable noted that UCSD is well positioned to be a leader, given its many educational resources and research initiatives devoted to sustainability and climate change topics, and its commitment to campus de-carbonization. He said the UCSD Senate Task Force on the Climate Crisis's August report articulates overarching principles for how UCSD can address the crisis and makes recommendations for concrete actions. Some recommendations—including increased telecommuting and reduced travel to lower carbon emissions—have been normalized by the COVID crisis. Other recommendations include creating a new standing Senate committee devoted to the climate crisis (which UCSD has done) and integrating climate crisis issues more fully into teaching and research.

- Council members noted that UC's largest potential contribution is in education and research. A faculty-led campus effort could help elevate the climate crisis to the core teaching, research and service mission. It was noted that Senate meetings and other forums conducted in a virtual format can provide increased accessibility to faculty who may otherwise be unable to travel.
- It was also noted that something is lost when faculty (in particular junior faculty) are unable to travel to attend conferences. This is where they meet colleagues who are important for professional development, including external support regarding advancement.
- Vice Chair Horwitz asked members to consider how they can bring to Senate divisions and committees a conversation about the Senate's role in addressing the climate crisis.

## **VI. Consultation with Academic Personnel**

- **Susan Carlson, Vice Provost for Academic Personnel**
- **Kimberly Grant, Director - Academic Policy and Compensation**
- **Amy K. Lee, Diversity, Labor, & Employee Relations Director**

Administrators discussed the University's efforts to support faculty and other academics during the pandemic, particularly faculty struggling with dependent care responsibilities. They mentioned that in September, Provost Brown granted campuses the authority to develop temporary COVID-related dependent care active service-modified duties (ASMD) programs. The Provost's letter stipulates that campus programs may last up to two years and can include,

but are not limited to, relief from service obligations, flexibility in course scheduling, and partial teaching relief. Campuses should develop programs in consultation with campus Senates, identify resources to support the program, and clarify a process for individual faculty to request modified duties. Requests are not granted automatically, however, and some faculty have been turned down for specific reasons.

In addition, UC has just released for systemwide review a set of proposed revisions to leave-related APM policies. The revisions incorporate elements of a new paid family leave program approved by the Regents for implementation in July 2021. They include an increase in childbearing leave for academic appointees from six to eight weeks, and the removal of the age of five years limit on ASMDs to accommodate when a child is newly placed in the home for adoption or foster care.

Administrators also described additional UC-based and federally mandated leave options available to faculty, and noted that the University has streamlined the process for faculty who want to request an exceptional third-year extension to the tenure clock, which requires approval by the systemwide Provost.

The University continues negotiations with its Unit 18 Lecturers, who have been operating without a contract since January. The parties remain far apart on some issues, and UC is assembling proposals which it hopes will help bridge the gap.

- A Council member suggested that UC make ASMD policy exceptions permanent, given that dependent care issues are not confined to COVID. Others suggested that UC explore creative solutions for supporting faculty during COVID, including allowing faculty to repurpose unused travel funds for dependent care. Another suggestion was to offer sabbatical credits as compensation for a potential salary cut or a reward for extraordinary teaching and service. Council members also noted concerns about the potential impact of ASMD on faculty colleagues who may have to shoulder additional work.

## **VII. CAP Evaluations of Health Sciences Faculty**

### **○ Susan Tapert, UCAP Chair**

Council reviewed a letter from UCAP summarizing the committee's discussions about campus CAP evaluations of Senate health sciences faculty. The letter was revised to incorporate feedback received at the September Council meeting. It notes that while health sciences departments provide criteria to CAPs to aid them in reviews of health sciences faculty, CAPs can still struggle with criteria and expectations for research, teaching, and service. The letter offers advice to health science faculty about preparing files for CAPs, and provides examples of where more communication and clarity would be helpful regarding advancement criteria, service expectations, and review guidelines

- A Council member observed that service can be difficult to quantify and suggested that the letter include language stating that Health Sciences departments should specify service expectations as well as service criteria specific to the academic rank and step; the candidate should also quantify service in percent effort or hours.

**ACTION: Council approved forwarding the revised letter to the Vice Provost for Academic Personnel for transmittal to Vice Chancellors of Academic Personnel.**

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

Chair Gauvain invited Senate division chairs to discuss the progress of teaching and research activities during the fall quarter/semester.

Several chairs discussed efforts on their campuses to manage COVID-related disruptions and to plan for winter and spring terms in the context of continued uncertainty. It was noted that some campuses that returned to normal grading policies in the fall are considering a return to a pass/no pass format in winter and spring. However, others stated that they do not plan to increase flexibility. Chairs also noted that campuses are implementing temporary strategies such as delaying lab course requirements, and that some faculty have felt pressured to provide asynchronous options for courses and exams, when such options may not be feasible in all cases.

Several campuses are making tentative plans for increasing in-person courses in winter and spring, based on evolving guidance from local health departments, while others have no plans to expand. UCSD's "Return to Learn" plan for safely and incrementally repopulating campus with testing and tracing protocols is working well. UCSB is concerned about the large number of UCSB students living in the nearby Isla Vista community, which hosts a large annual Halloween party attended by many from outside the community.

UCB is implementing a small-scale outdoor instruction pilot and discussing a deeper affiliation with the financially troubled Mills College. UCD, UCR, and other Senate divisions are working with their administrations to ensure shared governance in decisions affecting academic programs, budget cuts, and curtailment. UCI is working with a major donor to clarify the use of a major gift, and UCSF Senate's Equitable Recovery Task Force is developing principles and recommendations to inform UCSF's response to the financial losses and structural changes brought on by the pandemic. UCSF will be making recommendations for increasing equity between faculty in Senate and non-Senate Health Sciences series. UCM is trying to accommodate a growing number of faculty who want access to campus offices, and the faculty is working with the new UCM chancellor to develop a ten-year strategic academic plan. At UCSC, a joint Senate-Administration committee is working on the details of a five-year funding guarantee for graduate students, and faculty are pushing to reopen the campus library. Senate divisions are discussing the future of policing on campus and various initiatives around anti-racism, support for faculty with family accommodations, and housing down payments.

## **IX. New Business**

Sexual Misconduct in the Clinical Setting: UCLA Chair White noted that in June 2020, a special Regents committee released a report that found UCLA mishandled numerous complaints of sexual assault and harassment against a physician who was later charged with sexual battery. The report also found that the University lacked clear accountability and standards for immediately suspending physicians accused of sexual misconduct. The University has floated several options for addressing the findings, including delegating authority to the Vice Chancellor for Health Sciences, pursuing a change to APM 016, and pursuing a revision of the UCLA Senate Bylaws. Chair White stated that none of these options is optimal; in his view, the report failed to note several existing mechanisms for removing a physician—options UCLA did not pursue.

Policing: UCI Chair Barrett noted that UC's current contract with the UC campus police union expires on December 31, 2020. Faculty at UCI believe it would be useful for contract negotiations to include a stipulation that allows for increased transparency of individual police officer records. He asked Senate leadership to raise this idea with President Drake.

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Meeting adjourned at 3:30 pm  
Minutes prepared by Michael LaBriola, Principal Committee Analyst  
Attest: Mary Gauvain, Academic Council Chair