

ACADEMIC COUNCIL

Minutes of Meeting

November 20, 2019

I. Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of October 23, 2019
3. UCLA Master of Applied Geospatial Information Systems and Technologies

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

- **Kum-Kum Bhavnani, Academic Council Chair**
- **Mary Gauvain, Academic Council Vice Chair**

Presidential Search: On November 6, the Regents Special Committee on the presidential search hosted a “Stakeholders Day” at UCLA to confer on the search criteria with a variety of groups, including the Senate’s Academic Advisory Committee. The Regents have retained Storbeck/Pimentel & Associates to assist in the search. Special Committee Chair Regent Elliott confirmed that the AAC will participate in screening candidates per Regents Policy 7101.

November Regents Meeting: The Regents deferred action on a proposal to increase UCRP employee contributions to their July 2020 meeting. The Academic and Student Affairs Committee hosted discussions about undergraduate financial aid; UC’s role in preparing high-quality K-12 teachers and administrators; and the most recent Undergraduate Education Survey (UCUES), a biennial survey of undergraduates, which showed evidence of a downturn in student satisfaction. The Public Engagement and Development Committee heard from a former foster care student and a formally incarcerated student about experiences and challenges specific to those populations.

Leadership Searches: The Advisory Committee for the UC Merced chancellor search is screening potential candidates. The Committee includes six Regents, five UC faculty—including three from Merced—as well as student, staff, and alumni representatives. UCORP Chair Baird is a member of the search committee for the newly created systemwide Vice President for Research and Innovation. The Committee is currently interviewing candidates.

III. Consultation with Senior Managers

- **Carrie Byington, Executive Vice President of UC Health**

Council met with Dr. Carrie Byington, who joined UC as Executive Vice President for UC Health on October 31. She was trained in pediatrics and pediatric infectious disease, and has been a clinician, professor, scientist, and NIH-funded researcher in Texas and Utah.

Dr. Byington noted that health care is a human right. She said she is interested in improving health care access and affordability; expects California to be among the first states to offer universal health care; and wants UC Health to have a role in that transformation, given that its health care facilities and providers are among the finest in the world. She said UC has an

opportunity to help model an excellent and affordable system for the nation. She noted that she is planning a listening tour of the ten campuses that will include meetings with Senate leaders.

- Council members asked how the University might increase the affordability of the UC Care PPO plan option, especially for lower-paid UC employees. They also expressed hope that the Working Group on Comprehensive Access would prioritize non-discrimination principles over revenue, and avoid affiliations with healthcare entities whose values conflict with UC. A member mentioned the national crisis in physician morale, burnout, and moral injury, and expressed concern that clinical faculty are sometimes discouraged from doing research.

Dr. Byington said the UC Care PPO is the most costly plan, because it has the widest network and the most flexibility, tends to be the choice of employees with the most needs, and reflects high labor costs at the medical centers. She said she would be working with the medical centers on strategies to lower costs and increase efficiencies in a way that allows UC to continue providing high-value care. She added that people treated at a NIH-designated cancer centers live longer on average, and UC has five such centers.

Dr. Byington acknowledged the values clash between UC proponents of nondiscrimination in healthcare and those who want to expand access. She said her focus is on both values and value, and that the issue is more nuanced than the medical centers simply paying too much attention to their bottom line. If UC eliminated its existing affiliations, many people could lose access to care, including UC employees. The University needs to weigh many factors and the unintended consequences of different decisions. She said she is committed to eliminating problematic elements of contracts with partners.

She noted that she wants to make the work environment for clinicians as supportive as possible; lower any unnecessary barriers to their ability to provide care; and ensure they have evidenced-based care available to give them time to teach and research.

IV. Executive Session:

No notes were taken for this portion of the meeting.

V. California Senate Bill 206 – Fair Pay to Play Act

o Eddie Comeaux, BOARS Chair

Chair Comeaux asked Council to endorse a statement in support of California Senate Bill 206, which allows student athletes to earn income from endorsements and the commercial use of their name, image, and likeness without losing eligibility for competitions or scholarships. Although the Governor has signed the legislation, it will take three years to implement. The goal is to secure equitable treatment for college athletes.

- Council members asked if the bill might increase disparities between male and female athletes given that males are more likely to make money, or could encourage student-athletes to prioritize athletics over academics. Chair Comeaux responded that the legislation provides entrepreneurial opportunities to both male and female athletes and that the current model is not working for Black athletes who play revenue-generating sports, given their 50% graduation rate. Council members agreed that Council should ask University leadership to stand with the Senate in support of the bill, and to express that Council looks forward to engaging with the Administration as it makes plans to implement the legislation.

ACTION: Council voted unanimously to endorse the statement. There was one abstention.

VI. Consultation with UC Senior Managers

- **Janet Napolitano, President**
- **Michael Brown, Provost and Executive Vice President, Academic Affairs**
- **Paul Jenny, Interim Chief Financial Officer**

DACA Hearing: On November 12, President Napolitano and Regent Perez sat in at the U.S. Supreme Court hearing on DACA, while the Court heard oral arguments in UC's lawsuit against the Trump administration's plans to rescind the program. A decision is not expected until late spring, but the University is planning for a variety of outcomes. Even if the administration wins the case, UC will continue to stand by its undocumented students and offer them free legal services.

PG&E Shutdowns: The University is preparing for additional campus shutdowns resulting from power cuts PG&E may implement to mitigate wildfires. An Air Quality Working Group has developed systemwide standards and protocols for curtailing campus activities in the case of a wildfire or other natural disaster. The University wants to work with the State and its utilities to help imagine and develop a 21st century power system.

New AAU Member: UC Santa Cruz has been admitted to the Association of American Universities, meaning that 7 of the 9 UC undergraduate campuses are AAU members.

Regents Meeting:

The Regents delayed action on a proposed increase to UCRP employee contributions to allow time to identify possible alternate funding streams, including state Proposition 2 funds. The Board formally endorsed the March 2020 General Obligation bond, and approved a policy that generally prohibits contracting out for services and functions that full time UC staff can perform. The policy promises to in-source contracted work that has to be provided on a long-term, continuous basis, and provides wage parity for contractors. The policy is also good for union workers, but will need to be bargained. The issue of cohort tuition was deferred to the January 2020 Regents' meeting.

Budget: The Board of Regents approved a 2020-21 UC budget plan. UC requests a 7.1% increase in permanent State support for core operations, as well as funding to support the multi-year framework goals of improving time-to-degree and eliminating achievement gaps; \$25 million for the UCR School of Medicine; \$450 million in one-time funding for deferred maintenance and efficiency projects, and \$25 million for innovation and entrepreneurship. At the meeting, the Regents added a request for \$23 million in State funding to support SAPEP programs and \$20 million to support undocumented students, foster youth, and formerly incarcerated students.

The effective budget increase for campuses in 2019-20 was 0.7%, and while the University has been able to increase efficiencies and reduce expenses, it needs either state funding or tuition increases to address a significant revenue gap. The administration points out that a tuition increase benefits the neediest students through the return-to-aid system. Administrators expect the Regents to maintain the current 4-5 year schedule for UCRP experience studies.

Comprehensive Access: The President has asked the Working Group on Comprehensive Access to send her its recommendations by the end of December. Meanwhile UC is examining existing affiliation contracts between UC health systems and non-UC health systems.

NAGPRA: A work group is reviewing comments about the proposed revised Presidential Policy on Native American Cultural Affiliation and Repatriation. The final policy established by January will be substantially more detailed than the current policy and do more to emphasize the value of repatriation as a fundamental value of the University.

Capital: Interim CFO Jenny noted that every UC campus will be represented on the \$2 billion GO bond. UCOP has asked campuses to identify their top priority capital project related to seismic needs, deferred maintenance, or capacity. UCOP is reviewing the full list of proposed projects, and it plans to send a final list to the Regents in January. UC believes that by demonstrating effective use of the GO bond proceeds, the University can encourage additional investment from the state and philanthropy.

- Council members noted that individual faculty have expressed concerns in the media that the requirement for a diversity statement in a job application amounts to a political litmus test. Members noted that the Regents do not seem well informed about the poor financial conditions on some campuses, and suggested that students can speak persuasively about the diminished quality of their experience and about the benefits of tuition revenue. A member noted that unionization of the faculty would devastate shared governance. Concern was expressed that moving the Office of Graduate Studies into a new “Student Success” unit in the Office of Research and Graduate Studies (ORGS) reorganization could diminish the connections between research and graduate education.

President Napolitano noted that diversity and inclusion are fundamental UC values, and it is appropriate for campuses to ask candidates to explain their efforts to further those values. She noted that maintaining flat tuition is not sustainable for either the UC budget or the financial aid system, and that cohort tuition would encourage a more sustainable system. Administrators encouraged Council to suggest ways to increase Regents’ awareness of campus budget and infrastructure challenges. They noted that a new Regents Working Group on Long-Term Liabilities would consider campus hardships. Provost Brown noted that the reorganization of ORGS would increase the effectiveness of both the research enterprise and graduate studies. The old ORGS was not addressing many “Student Success” issues related to graduate education, which he considers to be more appropriately situated under Student Affairs. He added that the controversy surrounding the Thirty-Meter Telescope site is an opportunity to improve UC’s relationship with Native Hawaiian communities. Provost Brown added that he is communicating to the Regents the value of having an academic leader as president.

VII. Visit with Regent Pérez

John A. Pérez is the current chair of the Board of Regents. Governor Brown appointed him to the Board in November 2014 for a term ending in 2024. He represented California’s 53rd district in the California State Assembly between 2008 and 2014. He also served as the Speaker of the Assembly between 2010 and 2014.

Chair Pérez noted that before Governor Brown appointed him to the Regents as a regular member, he served on the Board ex-officio as Speaker of the Assembly. He said he wants to re-center all of the Board’s conversations around the University’s public mission. He said the public

mission should guide and amplify everything UC does, and he believes that renewing UC's focus on that mission will help inspire increased State investments.

Chair Pérez said that while it is his view that an academic should fill the role of the next UC President, other Board members consider this a desired qualification, but not a prerequisite. He confirmed that the Academic Advisory Committee would have an opportunity to review candidate files, and said that the search process would be more transparent than in the past, with at least five open forums to be held at different campuses.

Council members noted that the new UC President should advocate for the University as a public good, and not be resigned to its long-term privatization. Chair Pérez responded that the Special Committee took the Senate's suggestion to increase the written search criteria's emphasis on diversity. He said concerns about diversity, privatization, and maintaining the public mission will be front and center during the evaluation of candidates. He added that he wants UCOP to better couch issues in terms of the UC public mission. When the University agreed to enroll thousands of underfunded students, it did not effectively articulate the cost of educating those students and the effect of new enrollments on existing students, infrastructure, and support services.

Council members expressed hope that UC's public mission would also be front and center in the Working Group on Comprehensive Access, as it discusses UC's affiliations with external healthcare systems. Chair Pérez noted that he is concerned about restrictions some religiously affiliated health systems place on women's and LGBT healthcare. His personal belief is that UC should not affiliate with institutions that would limit or deny care based on religious directives. The only controlling questions should be UC values, science, and the best interest of the patient.

Chair Pérez noted that the University's African-American enrollment is still at a crisis level, and that UC needs to do more to identify and enroll qualified URM students. He noted that while many UC campuses have increased enrollments of Pell-eligible students, enrollments of Pell-eligible students have declined at the most selective campuses. In addition, while the total number of Latino students has increased since Proposition 209, enrollments have not kept pace with their population.

A Council member asked Chair Pérez to comment on the role of the SAT. He noted that he wants the Senate's Standardized Testing Task Force to work with urgency and bring their best evidence-based recommendation to the Board. He agreed that the solution is not as simple as removing the SAT, but noted that the Task Force should not recommend keeping the existing imperfect system just because a potential replacement would also be imperfect.

Council members asked Chair Pérez to recommend ways to better inform the Regents and the Legislature about the poor infrastructure conditions on campuses. They expressed concern that the conditions on a less resourced campus like Riverside could become normalized and brushed aside in a way that would not be permitted on other campuses. They also asked for his views on shared governance, noting that the Board can seem more sympathetic to student views than faculty positions. Chair Pérez said he consistently highlights, to legislators, the infrastructure problems at Riverside and other campuses, as well as campus achievements (for example, Merced's excellent record of converting undergraduates to graduate students and providing undergraduate research experiences.) He believes that UC could present more data featuring individual campuses. He noted that he convened a group of chancellors, regents, and legislative budget and policy committee chairs in October to discuss the future of UC's State funding.

Chair Pérez said he understands the importance of shared governance and noted that other members of the Board might be persuaded by examples of its operation at the campus level. He noted that the Board takes the faculty representatives very seriously; however, students tell compelling stories in public comment at Board meetings, and while faculty voice concerns about resources, impacted classes, and constraints on research during Regents visits to campuses, they rarely voice such concerns at Regents meetings.

Council members noted that graduate education and research are important to the state's economy; that undergraduate research opportunities inspire students to graduate education; and that directing resources to improve equitable access to research opportunities can diversify the faculty pipeline. Chair Pérez responded that UC's graduate education role is a distinguishing feature. If UC does not focus on that mission, it makes it easier to make unfavorable cost comparisons with CSU. He suggested programming additional graduate education items at Board meetings and noted that events like Grad Slam help bring graduate research to a lay audience.

Council members encouraged the Regents to take a leadership role on climate change. They also noted that affordable housing is important for both students and for recruiting and retaining faculty. Chair Pérez responded that the Regents have taken a leadership role on climate change, and began divesting from fossil fuels before the Senate's recent Memorial. He noted that the University should consider potential partnerships with non-profit housing organizations, and CSU, as well as with P3s if they include an affordable housing component.

VIII. Executive Session: Residency Requirements and Senate Regulation 610

- **Kimberly Lau, UCSC Division Chair**
- **Jonathan Glater, UCRJ Chair**

Executive Session is a period when no notes are taken.

IX. Climate Change Principles and Recommendations

- **Andrew Baird, UCORP Chair**

Council reviewed a set of principles proposed by UCORP to guide UC's response to the climate change challenge. UCORP Chair Baird noted that the principles ask the Senate to support UC's lead in working toward both carbon neutrality and de-carbonization, and prioritizing the objectives of the UC 2025 Carbon Neutrality Initiative. They ask the Senate to encourage deployment of faculty expertise from all corners—engineering, science, social sciences, humanities, and the arts; to support and coordinate faculty engagement in developing alternative approaches to climate change; and to mobilize diverse teams to communicate the urgency of the crisis and show educational and technological leadership on the existential threat of climate change.

- Council members expressed general support for the principles, noting that UC can harness its expertise to be a world leader in addressing the central challenge of the age. Several members expressed reservations that faculty could interpret the principles as a mandate to redirect their research efforts to climate change, or that such activities would be required or earn bonus points in merit and promotion actions. Chair Baird emphasized that the principles encourage campus Senates to promote activities, and do not mandate any specific activities. Council agreed to endorse just the principles, extracted from the UCORP letter.

ACTION: A motion was called, and Council voted to endorse the text of the principles. There was one abstention.

X. Audit of Electronic Communications

- **Anthony Joseph, Chair, University Committee on Academic Computing and Communications**

UCSB Chair Bohn said the UCSB Faculty Legislature has withdrawn a resolution opposing the planned audit of electronic communications by the systemwide Chief Compliance and Audit Officer. The resolution was based on an earlier understanding of the audit, which has since narrowed in scope.

UCACC Chair Joseph noted that the University implemented new cybersecurity measures and monitoring equipment in 2014, after a breach of UCLA medical center patient records. UC locations currently use FireEye to detect and respond to cybersecurity threats. The Regents recently tasked the Office of Ethics, Compliance and Audit Services (ECAS) to conduct an audit of UC's Threat Detection and Identification (TDI) system, including the FireEye web portals and network traffic, to ensure the FireEye deployment is effective. The audit initially raised privacy concerns. UCACC has been engaged in an open, ongoing discussion with ECAS about the audit scope, process, and methodology. ECAS has been responsive to UCACC and faculty concerns. UCACC has a good understanding of the audit process, goal, and scope, and it views the audit as a positive opportunity to examine UC's TDI processes, approaches, and effectiveness. The committee asks for Council's help in communicating information about the benefits of the audit to faculty.

XI. International Students and Free Speech with Human Rights Watch

Human Rights Watch (HRW) China Director Sophie Richardson and HRW Board member Victoria Riskin joined Council to discuss academic freedom threats to visiting Chinese students and scholars posed by their home government. HRW have documented an increasing number of efforts by the Chinese government to surveil and harass students and scholars studying and working in the U.S. The organization has published a 12-point [Code of Conduct](#) for universities to adopt to respond to Chinese government threats to free expression and academic freedom.

HRW noted that there are 350,000 students from mainland China studying in the U.S. Some are afraid to engage in certain classroom discussions, and others participate in Chinese government-sponsored repression of speech against other students. HRW want to protect, not demonize, a vulnerable population. It hopes the faculty will consider the code of conduct and discuss possible action following the consideration. Although the code of conduct focuses on China, it applies to any country.

- Council members expressed interest in further discussion of the 12 principles; there was also concern that it would be inappropriate, in most instances, for UC to monitor student organizations for Chinese government ties.

Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Kum-Kum Bhavnani, Academic Council Chair