

## ACADEMIC COUNCIL

Minutes of Meeting  
November 28, 2018**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of October 26, 2018
3. Approval of December 12 Assembly Agenda

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

**II. Senate Officer Announcements**

- o Robert May, Academic Council Chair
- o Kum-Kum Bhavnani, Academic Council Vice Chair

Air Quality and Campus Closures: Several campuses cancelled classes in November due to unsafe air quality caused by California wildfires. The President has empaneled a group to develop systemwide guidelines for closures in comparable emergencies, following concerns that campuses implemented closures inconsistently and that students, faculty, and staff were differentially affected.

Faculty Salary Equity Seminar: An October 31 seminar brought together faculty and administrators to review the methodology and analyses of campus-based faculty salary equity studies. Participants discussed findings on inequities by race and gender, and the effectiveness of UC policies such as active service-modified duties and "stopping the clock" in promoting equity in career advancement. Chair May has asked UCFW to examine the extent to which those programs may actually hurt career progress for different categories of faculty, including women and URM faculty.

- Council members encouraged the University to move toward a common set of metrics for salary equity studies across campuses, to enable systemwide comparisons and to increase general confidence in the results.

November Regents Meeting: The Regents approved a 2019-20 budget plan that asks the state to make permanent the one-time funding in the 2018-19 budget and to provide new funding to support the University's academic infrastructure. The Regents also received an update on the development of a four-year framework for full funding of UC that describes the University's commitment to improving degree completion. Senate leaders have encouraged UCOP to present a broad view of the University that emphasizes the need to expand the ladder rank faculty and that avoids the marginalization of the arts and humanities. The Regents also voted to establish a Special Committee on Basic Needs to explore issues around food, housing, and financial insecurity for students.

Faculty Salaries Plan: The Administration is discussing a plan to augment the published faculty salary scales in each of the next four years to eliminate a 6.4% salary gap.

Posthumous Degrees: Council Chair May has asked UCEP to follow-up its [recommendation](#) that campuses adopt policies on posthumous baccalaureate degrees, with a more specific proposed systemwide policy.

Task Forces: Chair May is forming a Standardized Testing Task Force to examine UC's use of testing for undergraduate admissions. In addition, a Scholarly Protections Task Force co-chaired by UCSC Chancellor Blumenthal and Chair May will be crafting a policy addressing protections and obligations for non-Senate academic employees.

Accommodations for Senate Service: Chair May asked Council members to provide information about their campus practices for compensating faculty who participate in systemwide Senate service, to help the Senate develop a set of best practice guidelines.

UC Health: Administrators have reacted positively to Council's [letter](#) requesting a study of faculty morale in the UC Health system. In addition, the retirement of the UC Health Executive Vice President provides the University with an opportunity to take a close look at the medical centers' role in UC's academic and public service missions. Chair May has asked the HCTF to develop a statement conveying an Academic Senate perspective about the role and mission of UC Health.

### **III. New Proposed Federal Title IX Regulations**

#### **○ Suzanne Taylor, Systemwide Title IX Coordinator**

The Department of Education has issued proposed new rules regarding how colleges and universities handle Title IX complaints about campus sexual misconduct. Coordinator Taylor summarized some of the most significant proposed new rules:

- Postsecondary institutions would be required to conduct a live hearing to resolve SVSH complaints and would be explicitly prohibited from the investigator model used by UC.
- Schools would be required to allow respondents the opportunity to cross examine a complainant, and to allow both parties to access an advisor of their choice.
- The definition of sexual harassment would change and be limited to quid pro quo harassment, sexual assault, and hostile environment sexual harassment, with "hostile environment" defined more narrowly as "severe, pervasive, and objectively offensive" conduct, in contrast to the current "severe, persistent, or pervasive" conduct.
- Schools would be permitted to dismiss a complaint about an incident that occurred outside a university-sanctioned program or activity.
- The notice of a "responsible employee" to a Title IX officer about an incident would not automatically obligate a Title IX officer to respond. (Current UC SVSH policy defining all employees as responsible employees would not change.)
- Universities would be able to choose between a "preponderance of evidence" standard and the higher "clear and convincing standard" for all incidents involving students, faculty and staff. (UC Title IX currently uses a preponderance of evidence standard.)

The public will have 60 days to comment on the rules following their publication in the Federal Register. The final new rules could be issued as soon as summer 2019, and institutions will have 60 days from issuance to begin compliance. Given these significant changes, UC is considering the extent to which it should pause any of its current efforts to revise SVSH policies to address recommendations from the Department of Civil Rights and the CA State Auditor.

#### **IV. Executive Session**

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

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

2019-20 Budget: The 2019-20 budget plan approved by the Regents outlines the University's revenue needs and expenditure priorities. The plan authorizes a total state budget request of \$422 million, which includes maintenance of last year's \$145 million in one-time funding, and \$277 million in new investments. The new funding will allow UC to avoid a tuition increase and support additional enrollment growth, mandatory cost increases, financial aid, and other high priority costs, including \$60 million directed to improve degree attainment and student success.

Multi-Year Framework: The 2019-20 budget is intended to be the first in a four-year framework for full funding of the University. The framework outlines a partnership with the State that defines the University's long-term needs, articulates a vision for UC's commitment to the State, and emphasizes the importance of consistent and predictable State funding and renewed capital investment. Its three key elements are: 1) produce over 200,000 more UC degrees by 2030; 2) ensure the California Dream is available to everyone by eliminating graduation gaps, especially for low-income and URM students; and 3) invest in the next generation of faculty and research.

The University calculates that it can produce 200,000 new degrees by 2030 through a variety of initiatives targeting improved learning outcomes for disadvantaged populations; expanding Cal Grant eligibility to summer session; promoting more pathways to graduate degrees; and expanding online learning. UC found that about 10% of students in each undergraduate cohort do not complete a degree, and those students are disproportionately first generation and Pell recipients. The framework uses projections based on information provided by the campuses; it recognizes key demographic and capacity differentiations across campuses that affect their ability to absorb new enrollments and close graduation gaps.

Capital: The University hopes to work with the new Governor on a plan for returning to the traditional mechanisms of general obligation (GO) bonds and lease-revenue bonds to fund capital growth and renewal projects. GO bonds require a two-thirds vote of the legislature to appear on the statewide ballot, and are approved by a simple majority of voters. Lease revenue bonds are issued by the Legislature, and the State is responsible for the debt service.

#### Discussion:

- Council members expressed support for the Framework's emphasis on increasing degree attainment, noting that it will help reduce pressure on already overextended campuses lacking enrollment growth capacity. They also emphasized the need to maintain access to a quality degree, improve the student-faculty ratio, and identify specific evidence-based strategies for achieving improved learning and graduation outcomes – adding that best practice strategies will differ based on local campus context.
- Members recommended looking beyond some of the more obvious strategies for increasing persistence and graduation rates, and consider, for example, how wellness programs and living on campus contribute to student happiness and success. In addition, they noted that high dropout rates in STEM majors may be an appropriate area to focus attention. Provost Brown also encouraged faculty to consider pedagogical innovations and creative means of engaging students that encourage success.

- Council members cautioned against tying state funding too closely to specific degree targets, given that UC's baseline graduation rates could fall in the short term as a consequence of academic infrastructure strains intensified by overenrollment.
- Members noted that any multi-year plan should recognize the potential for a significant economic downturn. CFO Brostrom noted that UC revenues are more diversified compared to the lead up to the Great Recession in 2008, and the state is also in a stronger financial position after building up a large rainy day reserve and reducing debt.
- Council members encouraged UCOP to address staff salary lags, noting that staff provide critical support to faculty and students and help ensure the overall quality of the academic enterprise.

## VI. Next Steps for Area "d"

Council reviewed a letter from Provost Brown responding to the Assembly-approved [revisions to Senate Regulation 424.A.3](#), related to the area "d" (laboratory science) requirement for freshman admission. The Senate's recommendation on area "d" is not moving forward, because the Administration has reservations about one of its key elements – increasing the "d" requirement from 2 to 3 units. The Administration supports implementing the other elements of the proposed policy, including changing the name of the requirement from "Laboratory Science" to "Science" to reflect a broader set of options for science disciplines proposed to fulfill the third unit under area "d," and modifying the A-G Guide to include specific examples of courses that may fulfill the requirements not explicitly mentioned in the Senate regulations.

In October, the Santa Cruz Division requested a legislative ruling from the University Committee on Rules and Jurisdiction. Specifically, Santa Cruz asked UCRJ to provide an interpretation of Regents Standing Order 105.2, which states that, *The Academic Senate, subject to the approval of the Board, shall determine the conditions for admission, for certificates, and for degrees other than honorary degrees*. UCRJ's ruling affirms the Regents' final authority over admissions policy articulated in SO 105.2. The ruling states that the Administration does not have the authority to implement an admissions policy independently of the Regents, and that the Assembly's policy must go to the Regents as a single package.

Chair May has asked the Administration to provide data to back their concerns. UCOP is assembling some data, and the Public Policy Institute of California may have additional data on UC eligibility that could help answer some questions.

- Council members asked Chair May to respond to the Provost's letter and inform him of UCRJ's ruling. They acknowledged the Provost's suggestions for additional analyses and projections that consider the impact of the policy on underrepresented and disadvantaged populations. BOARS Chair Comeaux noted that BOARS does not support a partial roll-out of the policy, but will consider new information, where appropriate, that could weigh on the appropriateness of the policy change.
- It was noted that implementing the more flexible science options for what was intended as the third area "d" course without increasing the requirement to three units would weaken the requirement and disregard one of the key intentions of the policy "To continue to require 2 units of coursework that "provide basic knowledge in at least two of the fundamental disciplines of biology, chemistry, and physics."

**ACTION: Send a letter to Provost Brown.**

## **VII. Proposed APM 675 (Veterinary Medicine)**

- **David Teitel, UCSF Division Chair, and Sean Malloy, UCFW Chair**

In August, following a systemwide review, Council [declined to endorse](#) the proposed new APM 675, which the UCD School of Veterinary Medicine faculty had requested to replace their 1968 salary plan and enable them to earn and retain outside non-clinical income, akin to faculty on the Health Sciences Compensation Plan (HSCP). (Vet Med faculty elected not to participate in the HSCP in 1968 in exchange for a higher base salary and pension.) Council declined to endorse the revisions, over concern about creating a discipline-specific section in an APM designed to apply to large subsets of faculty. Council also noted that the proposal raised broader questions about the limitations and inconsistencies of the HSCP and inequities experienced by HSCP members. It asked Provost Brown to convene a study group to discuss these broader issues, including finding solutions to salary parity for SOVM faculty. Provost Brown responded that he was moving forward with the proposed APM, but would be open to a future study.

Chairs Teitel and Malloy noted that APM 675 may help enhance the recruitment and retention of Vet Med faculty; however, it is inappropriate from the standpoint of equity and fairness for a specific school to have its own compensation plan. The HSCP with its x, y, and z components is transparent, flexible, and equitable. The proposed APM would create a new layer of opaqueness and could encourage other schools to request separate plans, which ultimately would undermine the faculty salary scales. It is preferable to explore other options for Vet Med faculty, including adjusting the HSCP. Davis Chair Lagattuta noted that APM 675 has broad support on her campus. Vet Med faculty are distinct from other health sciences faculty who work with humans; they are paid less, and would benefit from access to outside income.

**ACTION: Council will discuss a draft written response at the December meeting.**

## **VIII. Update on Journal License Negotiations**

- **Richard Schneider, UCOLASC Chair**
- **Ivy Anderson, Director, Collection Development & Management, CDL**
- **Jeff Mackie-Mason, University Librarian, UC Berkeley**

Members of the UC Publisher Negotiation Task Force briefed Council on the progress of negotiations with commercial publishers for subscription contracts that expire December 31. The Task Force has met with Elsevier negotiators twice since the Task Force's October 3 briefing to Council. It presented Elsevier with a three-year "publish and read" pilot agreement that combines subscription charges and article publishing charges (APC), reduces costs, and moves all UC-authored articles to a default open access publication model within all existing Elsevier journals. The Task Force was encouraged by the openness of Elsevier negotiators to a discussion about open access, but Elsevier did not accept the pilot agreement, and ultimately its counterproposals were not satisfactory to the Task Force. The Task Force will be seeking another meeting before contracts expire. Should the licensing agreement collapse, the University may lose immediate access to some Elsevier publications (mostly newly published articles) for some period of time. The University does have a contingency plan for alternative access to Elsevier journals that relies heavily on existing Interlibrary Loan arrangements.

## **IX. UC ANR Advisory Committee Draft Report**

Council reviewed comments from Senate divisions and committees to a draft report from the President's Advisory Committee considering options for the structure, governance, and funding of the Division of Agriculture and Natural Resources (ANR). The recommendations include 1) maintaining UC ANR's status as a systemwide program within UCOP; 2) creating a 15-member ANR Governing Council that includes three Senate representatives nominated by Council; 3) creating a new ANR funding model that combines the "set-aside" and "corridor" models; and 4) retaining campus oversight of and reporting responsibility for State AES funds.

Chair May noted that ANR has deep historical roots in the University and supports important work throughout the state. ANR's current governing body includes a Program Council with one Senate representative; however, ANR leadership has vetoed each of UCOC last three choices for Senate representative.

UCPB Chair Steintrager noted that UCPB's ANR Task Force endorsed several recommendations in the report and proposed a 5<sup>th</sup> recommendation: to consider a more fundamental rethinking of ANR's mission and relation to the other UC campuses, particularly the non-AES campuses, which targets the need for greater integration between ANR and all campuses.

Council members observed that the general UC community knows very little about ANR, which is unfortunate, particularly given the organization's size and \$400 million budget. They noted that the Advisory Committee recommendations are a positive step toward increasing Senate involvement and improving ANR's governance and budget accountability and transparency. Moreover, the report is an opportunity to increase and enhance campus interactions with ANR. Council members also expressed interest in meeting with ANR leadership and learning more about the "corridor" funding model.

**ACTION: Council agreed to send the full set of Senate comments to the Advisory Committee chair. Chair May also asked the UCPB ANR-TF to dig deeper into its proposed recommendation 5 concerning the integration of ANR across the UC system and its mission, and to make some specific recommendations to Council.**

## **X. Systemwide Transfer Guarantee**

### **o Eddie Comeaux, BOARS Chair**

BOARS Chair Comeaux updated Council about BOARS' progress meeting its charge to develop a systemwide transfer admission guarantee policy for California Community College students. BOARS is developing a model that includes the following characteristics:

- Offers a guarantee of transfer admission in any of the 21 UC Transfer Pathway majors
- Relies on existing campus-based Transfer Admission Guarantees (TAGs) and their application procedures; and requires that students apply for a TAG
- Requires a 3.5 minimum GPA in mandatory coursework and overall
- Encourages prospective transfers to apply to multiple campuses
- Requires no change in admissions procedures used by the campuses

Chair Comeaux noted that BOARS' model meets the requirements of the MOU between UC and the CCC, and aligns with BOARS' guiding principles for a guarantee that has transparent requirements, that enhances transfer preparation, and that maintains campus autonomy. Six UC

campuses offer TAGs, which will be the mechanism for students to access the systemwide guarantee. The program will have no transfer referral pool and will allow transfers to pick their guarantee school. It is important to note that about 1/3 of UC transfers already apply for a TAG; about half of UC transfers who complete a TAG agreement end up enrolling at a different, usually more selective UC campus from the campus where they had the agreement; and some current TAGs have lower GPA thresholds than the 3.5 proposed for the systemwide guarantee. It is expected that the systemwide guarantee will encourage some campuses to move toward more rigorous TAGs. BOARS will share more details about the proposal with Council in December.

## **XI. Recommendations on the Use of Contributions to Diversity, Equity, and Inclusion (DEI) Statements for UC Academic Positions**

### **o Lok Siu, Chair, University Committee on Affirmative Action, Diversity & Equity**

UCAADE and the Systemwide Equal Employment/Affirmative Action Officers Group authored a set of joint recommendations for the use of Statements on Contributions to Diversity, Equity, and Inclusion (DEI) for UC academic positions. The six recommendations address the fact that eight UC campuses require a DEI statement, but guidelines for the content and use of statements are inconsistent. The recommendations support the core UC value of diversity, and promote more clarity and consistency about the use of statements across campuses. The recommendations are to 1) make a DEI statement a systemwide requirement for all applicants for faculty positions; 2) provide clear guidance to candidates about how to prepare a statement; 3) create an assessment rubric to evaluate the quality of statements; 4) use campus visits to further assess candidates' ability to advance diversity, equity, and inclusion; 5) ensure department level accountability; and 6) require the use of DEI statements in academic review.

Discussion: Council members expressed general support for recommendations 1-5. There was some concern about the inclusion of recommendation 6, to the extent that it affects the criteria for merit and promotion actions outlined in the APM. There was also concern about requiring more on diversity from faculty candidates than from existing faculty; consistent standards are needed for both. Moreover, DEI statements should not amount to a mere creative writing exercise; it is important to see evidence of how individuals hired into UC put their written values into practice. Members suggested that UCAADE consult with UCAP and UCFW to develop criteria for assessing contributions to diversity in academic personnel actions. They also expressed support for including stronger language about accountability (administration and CAP) concerning the use of statements in the academic review process.

**ACTION: Council passed a motion to endorse recommendations 1-5, and to ask UCAADE to work with UCFW and UCAP to develop recommendations to:**

- 1) make consistent the requirement for both the hiring process and academic review**
- 2) expand and develop stronger language on accountability**
- 3) develop criteria for assessment in academic review**

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Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Robert May, Academic Council Chair