

ACADEMIC COUNCIL

**Minutes of Meeting
November 29, 2017****I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Council minutes of October 25, 2017
3. December 13 Assembly Agenda

ACTION: Council approved the consent calendar.

II. Visit with Regent Lark Park

Governor Brown appointed Lark Park to the Board of Regents in June 2017. She is also senior policy advisor to the Governor on higher education, workforce, and childcare/early learning issues. Between 2011 and 2015, she served as a deputy legislative affairs secretary in the Governor's Office, focusing on health and human services issues. She was also a consultant to the CA State Senate's Committee on Human Services from 2009 to 2011 and to the Committee on Health from 2005 to 2009. She has worked in business/technology journalism, management and technology consulting, and also served in the White House.

Regent Park said that despite her background as a policy analyst, she thinks of herself first and foremost as a writer with broad experience in the academic, political, and journalistic spheres. She also identifies closely with her background as an English major, which inspired an interest in underlying power structures, and empowered her to be a critical thinker, skeptic, and potential minority voice.

Regent Park said she thinks of the University's mission and identity as threefold – UC for the world; UC for the state; and UC for its community. It is important for the University to maintain an outward-facing view that continually asks what more it can do for others. At the end of her 12-year term on the Regents she will judge her contributions based on how much she helped advance the University in those three respects.

Council members noted that faculty also conceive the University's mission in three ways – teaching, research, and service – and that UC's research mission distinguishes it from the California State University. UC is combatting a perception that research is merely a hobby of professors, limited to graduate student training, and separate from their undergraduate teaching role. They noted that undergraduate education at a research university is not limited to the confines of a classroom in front of a blackboard, but rather woven together with the graduate education and research missions. UC undergraduates have the opportunity to participate in basic research and observe how research discoveries apply to the real world. These opportunities inspire undergraduates to take on the most difficult social challenges. UC is more expensive than CSU on a per student basis because it provides these unique opportunities.

Regent Park agreed that the University's teaching, research, and service missions are inextricably bound to its engagement with the outside world, and each needs to be richly supported. The faculty help usher in the future. She said she focuses on UC and CSU's similarities more than their differences, but also noted that CSU has specific challenges related to the population it serves.

Regardless of the segment, higher education is about lighting a fire, not filling a bucket, and both UC and CSU share an obligation to produce high quality, diverse graduates. The Regents recently heard from the Public Policy Institute of California that California will be short 1.1 million college-educated workers by 2030. The Regents are also concerned about finding the right balance between nonresident undergraduate and graduate enrollment, and the need to grow our own in California.

Council members noted that some UC campuses have very diverse demographic profiles that are on par with many CSU campuses. Campuses like UCR and UCM are less focused these days on trying to catch-up with the “flagship” UC campuses, and more on their distinct and vital missions within the UC system. They also have a unique position among research universities in terms of service to underrepresented populations. Council members noted that UC campuses provide first-generation and other underrepresented student populations with research experiences that exceed anything they could have imagined at other institutions. At the same time, student diversity has not necessarily translated into a diverse faculty, and UC needs to do more to cultivate the next generation of diverse faculty, in partnership with the CSU system.

A Council member noted that the success of the University of California is due in large part to its system of shared governance that entrusts the faculty with authority over admissions, curriculum, and degree requirements, and enables additional faculty participation in governance through the Academic Senate. The Senate is a democratic organization that provides a way for any faculty member to help improve the institution.

Council members asked how the faculty could help support efforts to educate the Legislature about the role and importance of research and the need for support. They noted that public universities are facing a series of assaults from the federal government related to the repeal of DACA, the threatened repeal of tax exemptions for graduate student tuition waivers, the roll-back of Title IX guidance, and efforts to repeal the Affordable Care Act. Faculty are also concerned about the University’s poor relationship with the state.

Regent Park said UC campus differences are strengths and encouraged campuses to focus on their unique identities. She agreed that campuses like UCR can be a factory for diverse faculty, and noted that it is largely up to individual faculty to cultivate diverse graduate students and mentor future faculty. She said the Regents are concerned about harmful policy changes and the erosion of trust in public institutions. She noted that Legislators tend to focus on undergraduate education because they want to extend the opportunity of a UC education to as many students as possible. She said individual UC campuses are not generally implicated in the difficult relationship between the Legislature and UCOP; legislators tend to love their local UC campus and outreach can be effective when campus people make direct connections between legislators’ specific policy interests and UC research. She encouraged faculty to work with the UC Office of State Governmental Relations to schedule meetings with individual legislators, and she suggested that the Academic Senate ask higher education committee chairs to schedule hearings on research contributions. She added that UC is sometimes criticized for a lack of transparency around the cost of education and the research mission.

Finally, Regent Park noted that although much is asked of the University and of all public institutions – to do more, and to be all things to all people – ultimately it is positive that people still make demands of UC. The University is in trouble if people stop asking and expecting it to solve problems.

III. Consultation with Senior Managers

- **Janet Napolitano, President**
- **Michael Brown, Provost & Executive Vice President, Academic Affairs**
- **Nathan Brostrom, Executive Vice President and Chief Operating Officer**

State Audit: President Napolitano apologized for UCOP's handling of the surveys administered as part of the state audit of UCOP, and said she accepts responsibility. She issued a [formal apology](#) to the Regents following the closed session of their November 16 meeting. She noted that she is working to repair relationships and to assemble a fulsome plan for budget advocacy and engagement. She intends to continue as president and bring the University to a better place. She understands that faculty are concerned about University governance. The Regents have asked her to initiate an examination of the UCOP culture to determine what led to the governance failure, and to recommend any appropriate policy changes. The President is meeting with UCOP senior managers tomorrow to discuss possible organizational changes. She said the reputation of the University of California remains strong. It is a unique institution that marries commitments to academic excellence, access, and diversity.

State Budget: UCOP will be advocating against a proposal to separately appropriate the UCOP budget. Diverting state funds from the campuses to UCOP hurts smaller campuses that fund their UCOP assessments from medical center revenues auxiliaries, or other non-state funded sources. The best use of state funds is to support faculty, students, and instruction, not UCOP administrative expenses.

AB 97: Provost Brown and EVC Brostrom are directly engaged in negotiations around provisions in the State Budget Bill (AB 97) concerning funding for 1,500 new undergraduate enrollments. The President believes the University has put forward a funding plan that includes the necessary compromises and that will do the least harm to the University. The University continues to educate the Legislature about the need to support the University's research and graduate education missions.

Federal Tax Bill: UC has significant concerns about the tax reform bills passed by the U.S. House of Representatives and under consideration by the Senate, particularly their impacts on tax benefits for graduate students, charitable giving tax incentives, tax exempt bond financing, and other provisions that would subject UC to significant new tax liabilities. President Napolitano and the student Regents released a [joint statement](#) about the bill's impact on graduate students. The President also sent a letter to the California Congressional delegation urging them to vote "no" on the bill. And UC is also engaging its UC Advocacy Network (UCAN) on these issues.

UCRP: CFO Brostrom noted that UCOP is exploring contingencies around a planned increase of the UCRP employer contribution rate from 14 to 15 percent effective July 1, 2018, based on outcomes from the state budget process.

Salary Gap: Provost Brown noted that the UC faculty salary gap is troublesome and risks eroding the quality of the University. He said there is evidence that the gap is narrowing, which presents an opportunity to address competitiveness over a shorter time frame.

Discussion: Academic Council members observed that the future health of the University depends on rebuilding trust between UCOP and the Legislature. Council members encouraged the President to initiate a robust "lessons learned" process that identifies key communication silos and

blocks, and enables stronger shared governance with the Senate. They noted their support for a strong UCOP, but also for finding the right balance between UCOP leadership and campus autonomy that preserves the distinct identity of the campuses. Council members acknowledged that the University is in an environment of constant criticism, which can have a chilling effect on transparency; however, the University should not be afraid to air weaknesses. Organizations improve by identifying and understanding weaknesses, not by hiding them. Council members said it may be prudent to increase the role of campuses in advocacy, and offered to help by meeting with individual legislators.

Chair White also expressed dissatisfaction with the governance of the University and recommended three improvements:

- 1) The appointment of a senior advisor to the President, with deep campus operational experience in teaching, research, policy, with diplomatic skills, not otherwise involved in the administration or conduct of the University, and someone that the President would be comfortable working with, not necessarily faculty, but possibly a former Senate chair.
- 2) Elevation of the role of the Provost to a level consistent with that office's historic level of responsibility, and to the level that protocol and policy describe, so that the full weight of subject-matter expertise on the policy and operation of the University's teaching, research, and service missions be included in all key discussions.
- 3) Inclusion of a Senate leader in the President's "cabinet" or major planning meetings, whether informal or formal. Early involvement of the Senate in an initiative or in response to a crisis can only improve the outcome.

President Napolitano responded that she will seriously consider the recommendations. She also said she welcomes a more active role for the Senate in advocacy. She said rebuilding trust requires both personal interaction and UCOP demonstrating that it follows through on its promises and commitments. She said she is committed to improving the culture of UCOP and its interactions with the Legislature and the campuses. She recognizes that she can be a lightning rod for criticism, but believes it is still important for her to personally reach out to legislators. The hostility toward UCOP is due in part to a lack of understanding about the good work it does. Breaking the negative feedback loop cycle is fundamental to the long term health of the University.

IV. UC Path Update

o Mark Cianca, Associate Vice President, Operational Services

Associate Vice President Cianca is the Program Director for UC Path, a technology platform that is gradually consolidating eleven separate versions of the outdated Payroll Personnel System (PPS) currently in use across the UC system, into a single payroll, benefits, human resources system.

UC Path has been live at UCOP since December 2015. On December 1, it will be deployed to 16,000 additional employees at UC Merced, UC Riverside, and the Associated Students of UCLA. The original December 2017 deployment plan included the greater UCLA campus and medical center, but data conversion issues that arose during testing that made it difficult to guarantee success. UCLA and UCOP made a joint decision to delay deployment at UCLA until at least August 2018, and UCOP is currently assessing a realistic timeline for bringing UC Path there and to the remaining campuses. The Regents will review a recommended new timeline in January.

The UC Path project has suffered significant cost overruns since its launch in 2011 (the total estimated cost is now \$504 million), but UCOP is confident that Path will eventually reduce costs and support new UC administrative efficiencies, in part by moving many low-value transactional business functions from campuses to a new UC Path Center at Riverside.

V. National Laboratories

UCORP Chair Jeffrey Richman reported that the Regents have authorized the University to submit a bid for the follow-on management and operating contract for Los Alamos National Laboratory (LANL). UC's current management contract for LANL expires on September 30, 2018. UC has three months to prepare and submit a bid.

VI. Discussion of Special Regents Meeting on November 16, 2017

Notes were not taken during this portion of the meeting; however, one action was recorded:

ACTION: Council encouraged Senate division chairs to disseminate links to [Justice Moreno's independent fact-finding review](#), the November 16 statements from the [Chair of the Regents](#) and the [President](#), and the [November 17 Academic Council minutes](#).

VII. Conflict of Interest Statement/Policy

o G.J. Matthey, UCRJ Chair (Phone)

In response to a specific issue on a Senate task force last year, the Committee on Rules and Jurisdiction (UCR&J) discussed an addition to Bylaw 128 governing conflicts of interest (COI) on Senate committees and task forces. The bylaw would be supplemented by a separate Conflict of Interest statement drafted by UCOC and discussed by Council last month.

UCRJ Chair Matthey asked Council to consider and clarify several issues. The first is who should be the final arbiter in cases of doubt about an appropriate recusal action. UCRJ believes that a neutral party, not the committee chair or vice chair, should have this authority, it suggests that either UCRJ or UCOC would be an appropriate neutral party. UCRJ also recommends making it mandatory for a committee member to inform the chair about a potential COI, and clarifying which recusal actions are performed by the member versus the chair – including whether steps toward recusal can be initiated by either the member or the chair; whether the chair (or vice chair if the member with a COI is the chair) determines the appropriate actions if a COI arises; and whether both the member and chair have the option of consulting the neutral party. Council members agreed that any committee member should be able to raise a concern about a potential COI, and recommended that the Council chair should serve in the consultative role and act as the final arbiter.

ACTION: UCRJ will revise the bylaw and statement for Council's review at a future meeting.

VIII. Systemwide Senate Review: Report on the Negotiated Salary Trial Program

Council reviewed responses from systemwide Senate committees and divisions to the [report](#) on the Negotiated Salary Trial Program (NSTP) from the Fourth Year NSTP Taskforce. The five-year NSTP has been in effect since 2013 on the UCI, UCLA, and UCSD campuses.

Most reviewers expressed at least conditional support for continuing and expanding the pilot, although two campuses were firmly opposed, and support was tempered by numerous reservations and concerns about the NSTP's potential to 1) exacerbate salary inequities, particularly for faculty in disciplinary areas with fewer external sources of research funds, and along lines of gender, race, and ethnicity; 2) undermine the merit and promotion system; and 3) compromise the core mission of the University by shifting faculty effort from teaching, service, and graduate student support to revenue-producing research activities. In addition, many reviewers observed that the report lacked convincing data to support clear conclusions about either the program's positive impact on recruitment and retention or its detrimental impact on equity, faculty teaching effort, or graduate student support.

Council members observed that evidence cited in the task force report concerning the NSTP's recruitment and retention benefits was largely anecdotal. They agreed that an extended trial period should include clear goals and metrics and a more robust collection of data to assess success or failure. Members also opposed renaming the NSTP "General Campus Compensation Plan," noting that it would be inappropriate to elevate the program in such a way and that the NSTP name confirms its continuing status as a pilot. They also noted that once a faculty member has been granted a new benefit, it is difficult to rescind. Creating an "experimental pilot program" without a plan to end the program creates a systemwide policy by default. A rescindment plan should be created before the trial program is extended.

ACTION: A draft summary letter will be circulated to Council for review and approval.

IX. Systemwide Senate Review: Proposed Revisions to Senate Regulation 424.A.3

Council reviewed Senate division and committee responses to a set of [proposed revisions](#) to SR 424.A.3 related to the area "d" (laboratory science) requirement for freshman admission. BOARS proposed the revisions to better align UC's expectations for high school science preparation with upcoming changes to high school science curricula expected based on California's adoption of the Next Generation Science Standards (NGSS) for K-12. Also joining the meeting were Stephen Handel, Associate Vice President, Undergraduate Admissions, and Monica Lin, Director, Academic Preparation and Relations with Schools and Colleges.

The revisions would increase the minimum area "d" requirement from 2 units (3 recommended) to 3 units, while continuing to require 2 units of coursework that "provide basic knowledge in at least two of the fundamental disciplines of biology, chemistry, and physics"; and would change the name of the area "d" from "Laboratory Science" to "Science." BOARS notes that currently, 95% of UC applicants already take more than the two required years of area "d" science.

In addition, BOARS is proposing changes to the [Area D Goals and Course Criteria & Guidance](#) that broaden options for science disciplines that can fulfill the third year area "d" requirement. Under the revised criteria, high school students would be able select a third course from the three fundamental disciplines of biology, chemistry, and physics listed in the regulation, or from other disciplines reflected in the NGSS, including earth and space sciences, interdisciplinary sciences, computer science, engineering, and applied sciences. Finally, it proposes expanding the criterion

requiring area “d” courses to include “hands-on laboratory activities,” by linking the criterion to “authentic investigations consistent with the practices of the field” and accommodating virtual labs and simulations. If approved, the changes would affect students entering high school in fall 2019.

Feedback from reviewers was mixed, and several concerns were expressed about the impact of the change on students from lower resourced high schools that may not be in a position to offer three years of science, and on underrepresented students, given that URM students comprise 60 percent of the 5 percent of applicants who currently take only two years of area “d” science. There were also concerns that allowing online laboratories and removing “laboratory” from the name of the requirement could lead to watered down, non-scientific courses.

Director Lin noted that the changes would raise the bar for academic preparation, signal UC’s support for the NGSS to K-12, and help support the CA Teacher’s Association in their efforts to transition to the NGSS and develop lesson plans that align with the new standards. Director Lin agreed to obtain data on the number of California high schools with registered “a-g” course lists that do not have at least three science courses across different disciplines in area “d.” She will also compile statistics showing the full range of available science courses across high schools.

ACTION: Council will revisit the proposal with the additional data at a future meeting.

Meeting adjourned at 4:30 pm
Minutes prepared by Michael LaBriola, Principal Committee Analyst
Attest: Shane White, Academic Council Chair