UNIVERSITY OF CALIFORNIA   **ACADEMIC SENATE**

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ACADEMIC COUNCIL

Minutes of Videoconference Meeting
December 11, 2019

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I.   Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of November 20, 2019
3. UCI Pre-proposal for School of Pharmacy and Pharmaceutical Sciences

ACTION: Council approved the consent calendar.

II.   Senate Officer Announcements
- **Kum-Kum Bhavnani, Academic Council Chair**
- **Mary Gauvain, Academic Council Vice Chair**

Leadership Searches: The Academic Advisory Committee for the Presidential Search held its first meeting in November. Several campus Senates have held or plan to hold faculty "town hall" meetings to discuss the search process and gather feedback about qualifications the AAC and the Regents should consider. The joint Advisory Committee for the UC Merced chancellor search is screening potential candidates.

➢ Council members reported that faculty strongly support an academic leader as the next UC president, but they are also skeptical that the Regents will prioritize an academic background.

Task Forces: An Academic Senate Task Force on Online Undergraduate Degrees, led by UCEP Chair Serences, is considering the implications of full-time online undergraduate degree programs. The Senate is gathering nominations for a Task Force on Extending Faculty Diversity, and the Teaching Evaluations Task Force and the Standardized Testing Task Force will both meet later this month. Chair Bhavnani and Chancellor Block co-chair a Task Force on Disciplinary Guidelines that is evaluating the consistency of SVSH sanctions across campuses.

ICAS: The Intersegmental Committee of Academic Senates is discussing ways to streamline and better coordinate the undergraduate transfer function across the three segments of higher education. ICAS is also planning its annual Legislative Day in Sacramento, to be held in April.

WGCA: The Regents' Working Group on Comprehensive Access is discussing principles to guide future affiliations between UC health systems and non-UC health systems, and is also reviewing existing contracts with non-UC health systems to ensure consistency with those principles and values. The Working Group will hold its final meeting later in December. President Napolitano has indicated that she will release the Working Group's report for a 45-60 day systemwide review.

III.   PPIC Report on Area D
- **Eddie Comeaux, BOARS Chair**

In November, the Public Policy Institute of California (PPIC) released a report, *New Eligibility Rules for the University of California? The Effects of New Science Requirements.* The report examines how schools and students may fare under the Senate's February 2018 revisions to

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Senate Regulation 424.A.3, concerning the Area D ("Laboratory Science") requirement for freshman admission. The Senate's February 2018 policy has three components:

- Increase the minimum Area D requirement from two courses (three recommended) to three courses, while continuing to require that two courses "provide basic knowledge in at least two of the fundamental disciplines of biology, chemistry, and physics";
- Change the name of the requirement from "Laboratory Science" to "Science"; and
- Broaden the range of Science disciplines to be accepted for the third course.

The revisions were intended to align UC's Area D expectations with the new expectations for high school science curricula based on California's adoption of the Next Generation Science Standards for K-12, which broaden the set of courses and disciplines considered college preparatory science. However, the first component of the new policy was placed on hold due to the Provost's concerns about its potential effect on the UC eligibility of students in high schools that do not offer three science courses. The Provost is concerned that those students are more likely to come from underrepresented backgrounds and that while it would be possible to admit such students under comprehensive review, the three-year requirement could discourage them from applying to UC at all. The Provost also notes that students who entered UC with two and three science courses exhibit no difference in first-year persistence.

The PPIC report makes several recommendations to the University, high schools, and the State. To UC, it recommends opening up Area D to include additional Science electives, including interdisciplinary courses and courses beyond Biology, Chemistry and Physics.

➢ Council members agreed that Council should offer the Assembly a recommendation about next steps. Options for the Senate to consider include advocating for the Assembly's 2018 recommendation; returning to the status quo of a two-course science requirement drawn from the three "fundamental" disciplines; and adopting the PPIC recommendation to allow students to satisfy one or more of the (two) Area D courses with additional Science electives. Council might also encourage the University to offer Science "bridge" courses to students without access to three sciences courses, and also encourage the state to bolster science education resources at disadvantaged high schools. Council was leaning toward recommending returning to the status quo two-course Area D requirement.

IV.   Council Response to UCAF Statement on Defense of Academic Freedom

Council reviewed a draft letter in response to UCAF's *Statement on Defense of Academic Freedom*, discussed by Council in October. The letter notes that Council declines to endorse the Statement in its present form and asks UCAF to consider a reformulated statement.

ACTION: Council approved sending the response to UCAF.

V.   Systemwide Review of Proposed Revised Policy on Copyright Ownership

Council reviewed comments from Senate divisions and systemwide committees to the proposed revised policy, which establishes a framework for copyright ownership of copyrightable works created at UC. The revisions are intended to clarify and streamline language; expand the definition of academic authors eligible to own copyrights and the pool of works eligible for copyright ownership; create a definition for "Significant University Resources" as a limitation on the University's ownership; and clarify copyright ownership by graduate students of their theses, dissertations, and other copyrightable works.

Reviewers expressed support for the University's efforts to update, streamline, and clarify the Policy language. However, there were significant concerns about the Policy's attempt to clarify the "academic exception" to the "work made for hire" provisions in copyright law – that is, at a University, the faculty member – not the institution employing them – own the work they produce while employed at the University. While the revised Policy does not remove the default copyright ownership status for faculty, it suggests this exception exists as a tradition, or a kind of "gentleman's agreement." A number of the reviewers objected to this characterization, noting that the academic exception is not a right the University can grant, but a right that is central to academic freedom, and one that is also established in case law. The Policy should include a clear statement validating the faculty's ownership over their copyright.

In addition, several divisions requested a clearer definition in the Policy about which funds and what level of funds fall under the "significant university resources" category that may prompt the University to retain copyright ownership. Several divisions noted that the Policy and the FAQs should clarify copyright provisions for student works, including copyright ownership for graduate students under contract. Reviewers also asked that the Policy broaden the scope of "academic works" considered under the policy, to include more comprehensive and nuanced set of examples of scholarly, aesthetic, and performance works that better accounts for difference across fields.

ACTION: Council agreed to request revisions and clarifications to address the specified concerns and circulated for a second round of 60-day review.

VI.   Consultation with UC Senior Managers
   o   **Michael Brown, Provost and Executive Vice President, Academic Affairs**

Standardized Testing: Provost Brown noted that he expressed a policy position on standardized testing at a recent academic conference. His comments were reported widely in the media, but it was not his intention to make a public statement ahead of the Standardized Testing Task Force's report, or attempt to influence their work. He respects the Senate's role and process.

Area D: Provost Brown encouraged the Senate to consider how inequitable conditions in the K - 12 system could affect students' ability to meet a higher bar for Science preparation, and noted that students who arrive at UC with two or three science courses perform equally well. If the Senate's goal is to support the NGSS and send a signal about science preparation to schools, students, and policymakers, the PPIC report suggests those groups have a differential ability to detect and respond to those signals. He noted that the current Area D requirements are appropriate and there is no compelling reason to change them. The University should not contemplate an expansion until schools incorporate and implement the new NGSS requirements.

Revisiting Rebenching: The University is planning a comprehensive evaluation of rebenching, including what is has accomplished; its strengths and shortcomings; how the current formula affects campus resources and per student funding; and a potential revised allocation model for new money.

Systemwide Reviews: Provost Brown thanked the Senate for its robust review of the revised Policy on Native American Cultural Affiliation and Repatriation. He noted that UCOP has just released for systemwide review the State Assessment Report on the UC Center in Washington. He encouraged the Senate to focus on the UCDC budgetary model and the best way to support

and enhance the quality of the program, given limited systemwide funding; as well as how experiences like UCDC and UC Sacramento can supplement campus-based education.

Budget Presentations: The Regents Committees on Student Affairs and Finance and Capital Planning are planning a series of presentations from campuses about their long-term academic goals in the context of expected resources.

VII.   Reporting Preferred Names

Preferred Names: UCOP is inviting comments on a draft policy that would allow students and employees to use their preferred name in place of their legal name on certain university records or documents. The policy asks campuses to identify systems that require legal name, and adapt information systems to accommodate both legal name and preferred name.

➢ There was some concern that tracking two names for one person could increase the complexity and cost of updating and maintaining IT systems. These costs should be considered. However, it was also noted that computer systems should not drive a values-based policy judgement, and that the university should as an initial step move ahead with implementing preferred names on diplomas for students graduating in 2020.

VIII.   Executive Session

IX.   Guidelines for addressing SVSH in a clinical setting
   o **Suzanne Taylor, Systemwide Title IX Coordinator**
   o **Nicholas Webster, UCPT Chair**
   o **Rachel Nosowsky, Deputy General Counsel - Health Affairs & Technology Law**

In May, President Napolitano charged a Working Group, co-chaired by the Title IX Coordinator and UCSF Chief Medical Officer, to develop a policy to improve systemwide practices for preventing, detecting, and responding to sexual misconduct in the clinical setting.

A subcommittee also met to develop guidelines about more immediate interim measures. The guidelines issued December 9 cover prohibited conduct in the context of patient care, including sexually motivated touch, as well as guidelines for investigating allegations of prohibited conduct. The investigation guidelines call for an interdisciplinary team response to investigate allegations; outline provisions to provide an effective response to allegations, including short and long-term physician removal; and address when to share information about allegations with external entities such as the medical board or with internal UC offices. In addition, UC Health EVP Byington issued additional guidance related to enhancing chaperone policies, expanding supplemental credentialing application questions, enhancing due diligence practices related to unprofessional sexual conduct, and enhancing education and training regarding boundaries. President Napolitano has asked campuses to implement the guidelines by February 15, 2020.

Meeting adjourned at 2:00 pm
Minutes prepared by Michael LaBriola, Principal Committee Analyst
Attest: Kum-Kum Bhavnani, Academic Council Chair