

## ACADEMIC COUNCIL

## Minutes of Videoconference Meeting

December 12, 2018

**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of November 28, 2018

**ACTION: Council approved the consent calendar with corrections to the November 2018 minutes.**

**II. Senate Officer Announcements**

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

Regents Health Sciences Committee: At its December 3 meeting, the Committee discussed the affiliation relationship between UCSF and four hospitals managed by Dignity Health, a religiously-affiliated health care system. Some UCSF faculty are concerned that Dignity Health places restrictions on services in ways that do not align with UC's public mission and philosophy; however, others note that UCSF and Dignity Health have closely aligned values as safety-net health care systems. Moreover, UCSF physicians working with Dignity will continue to be bound by the UC statement of values and will not be restricted from discussing specific health care options or referring patients to other institutions for specific procedures.

Policing Task Force: In late November, UCOP released for one-week review the recommendations of a Presidential Task Force on Universitywide Policing Policies and Processes. Three faculty members served on the Task Force, including UCFW Chair Malloy, who noted that a UCFW Public Safety Task Force released its own [report](#) on the UC Police Policies and Administrative Procedures manual (the "Gold Book"), in June. The UCFW report recommended several best practices, including the creation of community Police Advisory Boards on each campus to provide independent oversight and accountability for UC campus police departments.

**III. UCPT Proposed Revisions to Senate Bylaw 336**

- o Jorge Hankamer (UCSC rep/member to University Committee on Privilege and Tenure)
- o Cynthia Vroom (Senior Counsel assigned to UCPT)

Council reviewed the University Committee on Privilege and Tenure's proposed revisions to Academic Senate Bylaw 336. The revisions respond to the California State Auditor's recommendation that Senate bylaws be further defined to require that 1) hearings on SVSH complaints against faculty respondents be scheduled before the Senate P&T Committee no more than 60 days after the Chancellor files charges, unless an extension is granted for good cause; and that 2) P&T issue its recommendation to the Chancellor no more than 30 days after a hearing concludes.

UCPT is proposing revisions to Bylaw 336 that significantly compress and streamline current divisional P&T processes. The revised bylaw also includes a clause allowing extensions for

“good cause,” defined as “material or unforeseen circumstances related to the complaint and sufficient to justify the extension sought.” UCPT plans to develop additional guidance about those circumstances. In addition, while the Auditor’s recommendations pertain only to disciplinary cases involving SVSH, UCPT felt it would be important for Bylaw 336 to define a uniform procedure for handling all alleged violations of the faculty code of conduct, irrespective of their nature.

**ACTION: Council agreed to authorize the release of the revisions for 90-day systemwide Senate review.**

#### **IV. Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment**

Council reviewed comments from Senate divisions and committees to a set of proposed revisions to the UC Presidential Policy on Sexual Violence and Sexual Harassment (SVSH). The policy has been revised in response to two mandates – the first issued by the Department of Education Office of Civil Rights (OCR) in a “Resolution Agreement” following its investigation into UC Berkeley’s handling of SVSH cases, and the second by the CA State Auditor (CSA) in a June 2018 report. The OCR asked UC to revise systemwide policy to clarify language around the informal resolution process, acts committed by and against third parties, and prompt resolution timelines. The CSA asked UC to clarify issues related to the faculty discipline process, informal resolutions, and investigation timeliness. In addition, UCOP invited campuses to submit general feedback about the existing policy, and incorporated those inputs into the revisions.

Significant revisions to the policy include clarifications to definitions of prohibited conduct and investigation and adjudication procedures; the addition of a 30- to 60-day timeframe for alternative (informal) resolutions, the extension of the timeframe for formal investigations from 60 days to 90 days, and a provision explicitly permitting Title IX to initiate an investigation despite the absence of an identifiable individual respondent or the lack of a specific complainant.

Reviewers raised a number of questions and concerns about the expanded discretion and authority the policy gives to Title IX officers; provisions related to privacy and confidentiality; mandatory faculty reporting responsibilities; and the relationship of the policy to Senate P&T processes. There were also questions about circumstances that might compel a report in the context of public speech or creative classroom expression, and concerns that the policy should not weaken the confidentiality of the Title IX and P&T proceedings. Reviewers also opined that complainants should not be entitled to P&T’s confidential report to the Chancellor, and offered other suggestions for improving the clarity of the policy’s definitions and processes. Berkeley encouraged consideration of an alternative approach for mandatory reporting used at Oregon. Several reviewers recommended a mechanism to ensure fair, transparent, and consistent consequences for policy violations within a campus and across campuses, and clear guidelines to ensure systemwide consistency in the application of discipline policies.

- Council members noted that a one-size-fits-all approach to discipline may not be appropriate, and a balance should be found between minimum systemwide standards and local discretion. It was also noted that the vast majority of cases never reach the P&T hearing stage.

**ACTION: Council agreed to send forward a summary of comments and to continue the discussion about broader issues related to privacy, due process, and common guidelines for discipline. UCFW Chair Malloy, UCI Chair Cohen, UCSC Chair Lau will synthesize the issues for the February Council meeting.**

## **V. Proposed Presidential Policy on Principles of Accountability with Respect to Financial Transactions**

Council reviewed comments from Senate divisions and systemwide committees to the proposed Presidential Policy “Principles of Accountability with Respect to Financial Transactions.”

Senate reviewers expressed general support for the policy.

**ACTION: A motion was made and seconded to endorse the revisions. The motion passed unanimously.**

## **VI. Proposed Revisions to Presidential Policy on Protection of Administrative Records Containing Personally Identifiable Information**

Council reviewed comments from Senate divisions and systemwide committees to a set of proposed revisions to Presidential Policy BFB-RMP-7 “Protection of Administrative Records Containing Personally Identifiable Information.”

The purpose of the policy is to consolidate and update three existing systemwide policies related to UC’s collection, maintenance, safeguarding, and disclosure of personally identifiable information (PII) in administrative records. Several reviewers were concerned that the revisions may weaken, rather than strengthen, privacy protections for applicants and enrolled students. In addition, nearly every division included a list of recommended clarifications to specific definitions and guidelines.

**ACTION: Council will ask UCOP for additional revisions to the policy and another round of review that addresses the comments and concerns.**

## **VII. Systemwide Transfer Guarantee**

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

BOARS Chair Comeaux reported that BOARS has approved a model for a systemwide guarantee for California Community College transfer students. The model focuses on UC Transfer Pathway majors, requires no changes to campus admissions processes, and builds on existing campus-based Transfer Admission Guarantees (TAGs). CCC students who complete a TAG with a 3.5 minimum GPA, both in mandatory Transfer Pathway coursework and overall, will be guaranteed transfer admission somewhere in the UC system. The 3.5 GPA minimum aligns with the University’s capacity, ensures rigorous major preparation, and sends a message to transfers that they are welcome at UC.

- A Council member noted that the guarantee could encourage more students to apply to campuses they have no interest in attending, complicating transfer yield predictions. Chair Comeaux responded that about half of the UC transfers who complete a TAG agreement already enroll at a different UC campus from the one where they had the agreement. Over the longer term, BOARS hopes to encourage faculty to modify TAGs to resemble the more rigorous Transfer Pathway requirements more closely. BOARS also will assess how the various components of the program, including the GPA minimums, affect yield, enrollment, and the student profile.

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

In, August, Council issued a letter opposing APM 675, a new APM section that would enable School of Veterinary Medicine faculty to earn and retain outside non-clinical income, akin to faculty on the Health Sciences Compensation Plan (HSCP). Council proposed that the University explore other solutions to salary parity for SOVM faculty, including adjusting the HSCP. Provost Brown responded that he intends to bring APM 675 to the Regents, but that he is also open to further discussion about the limitations and inconsistencies of the HSCP.

Chair May proposed that Council write to the Provost to express support for APM 675 on the condition that the Provost undertake a significant study of the Health Sciences Compensation Plan, particularly its application to the non-medical Health Sciences faculty, and with the participation of Vet Med faculty.

### **IX. Online UC Degree Proposal**

- **Linda Cohen, Irvine Division Chair**
- **Anne Zanzucchi, UCEP Chair**

The UC Irvine School of Business is proposing to establish a fully online undergraduate degree program, the first of its kind in the UC system. The School and the UCI Academic Senate disagree about the need for a Senate review. The School contends that the degree has already been approved through individual course approval requests of parallel online course versions of face-to-face courses. The Senate contends that it has a right to review what it believes to be an entirely new program. It is also seeking clarity about how the residency requirement would apply to students admitted into the program, as students enrolled in the online major would not be permitted to take courses in person, and vice versa. In addition, UCEP believes there may be systemwide policy or review considerations, given the Compendium provision stating that a “first-ever” program must be reviewed by the systemwide Senate.

- Council members agreed that the UCI degree appears to be a new program that requires a campus and systemwide review. They encouraged the UCI Senate to request a legislative ruling from UCRJ to help clarify the matter.

### **X. New Business**

2017-18 Report on Shared Governance: 2017-18 Council Chair Shane White has submitted his 2017-18 report on shared governance for posting on the Senate website.

Learning Lab RFP: Regent Park, in her role as higher education advisor to the Governor, is running an RFP for competitive grants for California higher education Learning Labs, the purpose of which is to improve learning outcomes and to close equity and achievement gaps. She has invited campus Senates to circulate the RFP to faculty.

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