

ACADEMIC COUNCIL

**Minutes of Videoconference Meeting
December 13, 2023****I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Minutes of November 20, 2023
3. Master of Real Estate Development at UCLA

ACTION: Council approved the consent calendar.

II. Senate Officers' Announcements

- o **James Steintrager, Academic Council Chair**

Vice Chair: Vice Chair Cheung is currently attending the December meeting of the Regents Health Services Committee Meeting at UCLA.

UCRP Update: In November, the Regents approved a plan to gradually increase employer contributions to the UC Retirement Plan (UCRP) without raising employee contributions, with the goal of achieving full funding in 25 years. However, individual regents continue to advocate for an increase in employee contributions to establish a 50-50 split in employer/employee contributions (the required split for State employees) and to more quickly achieve full funding.

APC Workgroup: The Academic Planning Council (APC) Workgroup on the Future of Doctoral Programs at UC has released its interim report for feedback and implementation by divisions as they see fit. Both Provost Newman and Senate leadership agree that more efforts should be made to ensure wider circulation and review of APC workgroup outputs.

Presidential Task Force: President Drake has approved the establishment of a presidential task force on instructional modalities and UC quality undergraduate degree programs. The joint Senate-Administration task force, to be co-chaired by Vice Chair Cheung and Vice Provost for Academic Personnel and Programs Haynes, will assess instructional modalities and determine whether criteria for UC-quality baccalaureate degree programs that may be delivered remotely can be established and what these criteria might be. Preliminary findings and recommendations from the task force are expected to be shared at the systemwide academic congress on online education hosted by the Provost Newman in May 2024.

- Council members encouraged the task force to examine the resources needed to expand online education and to consider ways to solicit systemwide Senate feedback on its forthcoming report. This should include circulating the report for systemwide review and enabling a comprehensive discussion at the systemwide congress.

III. Academic Personnel and Programs (APP)

- Douglas Haynes, Vice Provost, Academic Personnel and Programs
- Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs

Nearly one year after the graduate student employee strike, the University continues to grapple with reconciling the dual roles of Graduate Student Researchers (GSRs) and Teaching Assistants (TAs) as both students and employees under the new collective bargaining agreements. In August, the Coordinating Committee on Graduate Affairs issued guidelines to faculty on distinguishing activities undertaken by graduate students for 299/599 course credit from their employment responsibilities. UCOP Labor Relations has also provided guidance to campuses on the implementation of collective bargaining agreements, including model job description templates. The October congress on doctoral education and the ongoing work of the APC Workgroup on the Future of Doctoral Programs at UC are contributing to efforts aimed at aligning UC graduate education with this new reality. In February 2024, APP will host the inaugural Academic Personnel Academy in Anaheim to foster a more comprehensive understanding of academic labor and pertinent academic personnel issues.

Labor Update: The University is nearing a settlement with the UAW regarding U grades assigned to graduate students across four campuses during the fall 2022 strike. UC and the UAW have also agreed to merge GSRs and Academic Student Employees (ASEs) into a single unit, with bargaining to resume once the current contracts expire.

Math Fellows: Visiting assistant professors in mathematics will join the postdoctoral scholars bargaining unit under the title “Math Fellow.” APP has asked individual campuses to collaborate with their divisional Senates to permit Math Fellows to serve as the instructor of record in courses until systemwide [Senate Regulation 750.B](#) can be revised.

During the discussion:

- Council members noted several communication challenges, including that the systemwide guidance UCOP sends to campuses often fails to reach individual faculty who need to implement it. Moreover, campus graduate divisions may not always provide clear information about what faculty can and cannot discuss with students.
- Council members sought advice from administrators on various issues related to student activity during summer, including considerations for graduate students who work on their dissertations during the summer but are not enrolled in courses. Some faculty are paid a summer salary through their grants that support the GSRs. They expect GSRs to focus on the ongoing research that will inform their dissertation. Other grants do not pay students during the summer and some students are suggesting that they are not accountable academically during the summer because their contracts do not mention summer salary. In addition, most faculty are on 9-month appointments, so supervising student dissertation work during the summer is unpaid labor.
- Concerns were raised about students with NSF fellowships who are not part of the union due to the independent nature of their work under the fellowship.
- Members raised the question of how faculty should credit a student as an author on a journal article, especially if it is considered work rather than part of their dissertation.
- APP committed to prioritizing these issues and questions for further discussion.

IV. Presidential Policy on Anti-Discrimination

UCOP has responded to the Senate's May 2023 concerns about the proposed Presidential Policy on Anti-Discrimination and is asking for the Council's endorsement of the policy.

Prior concerns included 1) the redundancy and overlap of the policy with other UC and campus policies including the Abusive Conduct Policy, the Sexual Violence and Sexual Harassment (SVSH) Policy, and the Policy on Discrimination, Harassment and Affirmative Action; 2) the role and authority of the Local Implementation Officer (LIO); 3) the potential of the policy to harm academic freedom; and 4) the interaction of the policy with the Academic Senate's role in investigating and adjudicating these matters when they include faculty.

The letter addresses each concern, noting that the policy replaces the existing Policy on Discrimination, Harassment, and Affirmative Action in the Workplace, but that it would be infeasible to combine it with the policies on SVSH and Abusive Conduct due to different applicable regulatory requirements and scopes. The letter also confirms that the policy does not replace or supplant existing Senate disciplinary procedures as set forth in Academic Personnel Manual (APM) 015 and APM 016, meaning that no Senate faculty member can be disciplined for violating the policy without going through the privilege and tenure process. Finally, the letter clarifies the limits of the LIO's authority and outlines several robust academic freedom protections in the policy.

- Council expressed a few continued reservations about the policy, including why the specific issues it aims to address cannot be resolved through existing policies, as well as a more general concern about the proliferation of policies and potential for overlap. Members also found the policy lacking in detail about the mechanism for appointing LIOs and defining their role, including whether the LIO will be a new position or an existing one with additional duties.
- Council noted that future presidential policy proposals, as previously requested, should always include an analysis of financial and staffing impacts. The policy will fall under a new systemwide Office of Civil Rights, but it is unclear how or if the new unit will be replicated across the ten campuses and what new or different staffing and resource requirements each campus will be obligated to fulfill.

ACTION: A motion was made and seconded to endorse the policy with reservations about past concerns not yet addressed. The motion passed 11 to 1 with 4 members abstaining.

V. Consultation with Senior Managers

- **Michael V. Drake, President**
- **Katherine Newman, Provost & Executive Vice President**
- **Nathan Brostrom, Executive Vice President & Chief Financial Officer**

Middle East Conflict: President Drake expressed his wish for peace in the Middle East, acknowledging the ongoing impact of the conflict on UC campuses and nationwide. He highlighted recent incidents where university presidents faced pressure to resign over their handling of congressional testimony on campus antisemitism. President Drake emphasized his goal for UC to be a supportive environment that supports the respectful exchange of ideas and provides a balanced platform for learning that lifts communities and allows people to reach their human potential. Meetings with campus chancellors and diversity officers are underway to explore strategies for improving campus climate.

It has also been challenging to reconcile varying interpretations of what the First Amendment and campus codes of conduct allow and require. The University is exploring the creation of a toolkit to help faculty and senior administrators address these complex issues and questions.

Budget: CFO Brostrom highlighted California's \$68 billion deficit over the next three years, mainly due to a significant decline in tax revenues in 2022-23. While the state has signaled that the 5% budget increase under the compact will remain, no additional one-time funds are expected. UC is grateful that the state provided debt service for several state-approved capital projects last year so UC can issue bonds against and continue progress on those projects. The University is advocating for placing a general obligation bond on the 2024 statewide ballot. UCOP is collaborating with academic medical centers on debt capacity and strategic alignment for potential acquisitions. The University remains committed to the current 2024-25 salary plan for a 4.2% increase to the scales.

Academic Labor Relations Consultant: Provost Newman thanked Council members for participating in an interview with UCOP's consultant on labor organization structures. The consultant will present options for communication and consultation models in future collective bargaining, including the composition of the UC bargaining team. Additionally, the consultant will provide guidance on contract implementation.

Academic Congresses: The Congress on the Future of Graduate Education sparked interest in the link between graduate and undergraduate education. In response, Provost Newman will host a fully remote "mini-congress" focused on faculty innovations in undergraduate education delivery. Congresses on artificial intelligence and online education are planned for February and early May 2024, respectively. Council members are invited to contribute ideas for future congresses.

Online Education: Provost Newman noted that the Congress on Online Education will explore the expanded use of online education, including to create degree-granting programs for UC students who separated prematurely and working adults where in-residence learning experience is infeasible, which the provost said should be offered by coalitions of willing faculty where

online education make sense. She added that it is not a question of whether UC should offer online degrees, but on ensuring their quality.

During the discussion:

- Council members stressed the importance of faculty involvement in collective bargaining discussions to ensure faculty experiences inform discussions. They suggested UCOP assemble a group, including faculty, to develop solutions in advance and define principles for UC's philosophy of education as a reference point in negotiations.
- Council members queried CFO Brostrom on the growing role of the medical centers in the University and their impact on the general campus and UC's teaching and research mission. They also sought insight into financial risks associated with healthcare acquisitions and encouraged UC to invest in the expansion of UC healthcare in the Central Valley and other underserved regions.

CFO Brostrom acknowledged the rapid growth of the UC medical enterprise, which now represent over 50% of the University's revenues. Despite this growth, they remain closely aligned with the UC academic mission, and like UC undergraduate education, demand for UC Health services far exceeds supply. He also noted that the Office of the CFO uses financial metrics to assess proposed acquisitions, maintaining a focus on debt service coverage, net income, and cash on hand to monitor for potential stress on the system. UC Health bonds maintain a 'AA' credit rating.

- Council members asked President Drake to comment on the Department of Education's investigation into alleged Title VI violations at several UC campuses.

President Drake noted the challenge of balancing First Amendment rights with the need to prevent a hostile campus environment. On one hand, Title VI requires the University to protect students from discriminatory behavior and harassment that creates a hostile environment based on race, ethnicity, or national origin. On the other hand, the University is required to protect the First Amendment right to free speech. While the University upholds free speech, it investigates hate-related incidents. Advocacy for genocide or terror contradicts the University's principles and code of conduct. President Drake thanked faculty for their contributions during this challenging period.

VI. Consultant Interview Session on Academic Labor Relations

Chair Steintrager invited Council members to provide additional insights into UC's academic labor relations structure, staffing, and practices for submission to the UCOP consultant. Key comments included:

- The lack of communication and consultation with faculty adversely affected UC's collective bargaining efforts. The finalization of contracts without a comprehensive understanding of the graduate education and research enterprise, faculty labor, and details such as the academic calendar, is now posing challenges for faculty who have to implement and bear the burden for contractual obligations.

- UCOP should promptly assemble a team to enhance understanding of these details and to develop a robust communication and consultation strategy for future collective bargaining. The inclusion of faculty from diverse disciplines in future bargaining teams will be essential. In future collective bargaining negotiations, UCOP should communicate to campuses the matters at hand with a greater sense of urgency.
- The Council is serving as the primary faculty contact with Academic Personnel and Programs, but it has limited agility in fast-moving negotiations. Nonetheless, there is also apprehension about introducing new entities and communication layers that might hinder the goal of improving agility and transparency.
- UC's negotiating team should actively support faculty and counter any unfair or inaccurate criticisms that may arise during negotiations.
- It was noted that UCOP has a suboptimal organizational structure to address the evolving academic labor landscape. Labor Relations and Academic Personnel and Programs operate as separate units, suggesting the need for a restructuring to create a unified entity fully equipped to address academic labor relations.

ACTION: Chair Steintrager will send a letter summarizing these observations to Provost Newman and Chief Operating Officer Nava.

VII. Systemwide Review: Proposed Revisions to Senate Bylaw 55

Council reviewed comments from Senate divisions and committees to the proposed revisions to Academic Senate Bylaw 55. The revisions uniformly extend to Teaching Professors/Lecturers with Security of Employment (LSOEs) voting rights within their departments across the UC system. At present, those in the LSOE series may vote only on matters related to colleagues in their own series, but not on those in the Professor series unless approved by a two-thirds vote within a department.

Opinions among Senate reviewers were divided. Advocates for the policy emphasized that the revisions would enhance the equity of departmental governance structures, recognize the expertise of LSOEs, and boost morale. Opponents raised concerns about the ability of LSOEs to evaluate research in the Professor series and suggested that departments should retain the autonomy to decide on voting rights.

Reviewers also recommended that, if the revision moves forward, paragraphs B.1 and B.8 should explicitly state that the provisions of the bylaw apply to faculty "with tenure or with security of employment."

During the discussion:

- Members in support noted that LSOEs constitute a growing faculty group who fulfill an essential role in the UC mission. Those without voting rights feel disempowered, and including them in the decision-making process ensures diverse perspectives in governance and more complete representation. While LSOEs primarily focus on teaching, they must also conduct scholarly research or its equivalent and are experienced professionals with the

capacity to analyze the research of colleagues in their field. Departments that have granted them voting rights have found the experience positive. The difficulty of changing departmental culture underscores the need for a systemwide mandate to ensure equity and inclusivity.

- Opponents argued that LSOEs' research expertise varies, and not all departments find it suitable to grant them voting rights based on ladder-rank faculty merit and promotions. Concerns were raised about removing departmental flexibility and the potential shift away from a research emphasis to a teaching emphasis. Some questioned whether the proposed revision would effectively address equity concerns and noted that equity concerns could also be applied to LSOE faculty who may be unqualified to judge the merit cases of ladder-rank faculty.
- UCSF Division Chair Hetts proposed further amendments to Senate Bylaw 55 that would grant departmental voting rights to Health Sciences Clinical and Adjunct faculty.

ACTION: A motion to endorse the revisions passed 9 to 5 with 3 abstentions. A motion to send the revisions to the Assembly passed 15 to 1 with 1 abstention.

VIII. Systemwide Review: APM 672, Negotiated Salary Program

Council reviewed comments from Senate divisions and committees to the proposed APM 672 institutionalizing the Negotiated Salary Program (NSP), which was first implemented as a negotiated salary trial program (NSTP) in 2013 and renewed for two five-year terms.

The Senate reviewed the NSTP three times over the past decade, each time acknowledging its potential value in addressing compensation gaps with UC's competitors in specific disciplines, but also expressing strong concerns about its potential to exacerbate salary inequities, undermine the merit and promotion system, and compromise the core mission of the University by shifting faculty effort from teaching, mentoring, and service to revenue-generating activities.

- Council members reiterated several concerns from the review, including: the policy's potential to exacerbate existing salary inequities and to undermine the University's responsibility to pay all faculty fairly and competitively; the lack of clarity on the handling of deans' contingency funds; the unclear definition of "good standing" that qualifies a faculty member to participate; and a provision making faculty ineligible for the NSP in the event of an allegation of misconduct, irrespective of subsequent investigation outcomes.
- Council members noted that the material provided for systemwide review did not include what the Senate had requested in its prior reviews: *comprehensive data* on the NSTP's implementation and impacts. Without such data, the Senate cannot conduct an empirically informed review of the program.
- Finally, members raised concerns about the inappropriate use of a pilot program to codify by stealth a policy that the faculty oppose.

ACTION: A motion was made and seconded to oppose the proposed new APM 672. The motion passed 14 to 1 with 1 abstention.

IX. Proposed Revisions to Presidential Policy on Vaccination Programs

Council reviewed comments from Senate divisions and committees to the proposed revisions to the Presidential Policy on Vaccination Programs. The revisions finalize the interim policy issued in August 2023, transitioning the University's COVID-19 vaccination program to a systemwide opt-out program. The policy requires covered individuals either to be up to date on the COVID-19 vaccination or to opt out. Council members echoed reviewers' support for the policy and the revisions. It was noted that a minority had raised concerns about the policy's opt-out provisions and its relatively weak enforcement mechanisms.

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

X. Reports from Senate Division Chairs

Division chairs reported that individual campuses are identifying ways to temporarily fund costs associated with the new teaching assistant contracts; however, programs expect to decrease graduate student admissions over the long term. Campus administrations have been sending guidelines to faculty about topics to avoid discussing with represented student employees, although some of these rules complicate Senate meetings where both faculty and students are present.

Individual campus Senates are developing guidelines for balancing academic freedom in the classroom, reviewing proposals for new departments, and discussing strategies for addressing the faculty and staff housing shortages, including seeking exceptions to state regulations related to workforce housing. Merced is forming a joint task force to deal with financial issues stemming from the Oracle financial system.

XI. New Business

UCFW Letter on Total Remuneration Study, and Benefits, Engagement, and Exit Surveys

Council reviewed a UCFW letter with recommendations for the planned total remuneration study, comprehensive benefits preferences survey, employee engagement survey, and staff exit survey. These include separating the four studies into four requests for proposals, prioritizing the total remuneration study, and implementing the comprehensive benefits survey as a longitudinal panel study.

Meeting adjourned at 4:00 pm
Minutes prepared by Michael LaBriola, Assistant Director
Attest: James Steintrager, Academic Council Chair