

**Minutes of Videoconference Meeting**

**December 14, 2022**

**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Council minutes of November 21, 2022

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

**II. Senate Officers' Announcements**

- o **Susan Cochran, Academic Council Chair**

Regents Meetings: UC senior managers are attending two UC Board of Regents meetings today at UCLA: a meeting of the Regents Health Services Committee and a special meeting to vote on UCLA's prospective membership in the Big Ten.

Transfer: The AB 928 Associate Degree for Transfer Intersegmental Implementation Committee has study groups assigned to three areas of work called for by the AB 928 legislation: 1) Goals: Identifying annual goals for increasing transfer rates in California and closing racial equity gaps in transfer outcomes to be adopted by the state ; 2) STEM: Developing a proposal for a new STEM Associate Degree for Transfer (ADT) pathways that include six additional units of STEM courses; and 3) Re-engagement: Re-engaging ADT earners who do not transfer or apply for transfer into a four-year postsecondary educational institution.

Assembly Meeting: The Assembly of the Academic Senate on December 8 approved a new UC Senate Regulation 479, creating the California General Education Transfer Curriculum (Cal-GETC).

Strike Update: The University and United Auto Workers union have agreed to enter third-party mediation with Darrell Steinberg, the current Mayor of Sacramento and former President Pro Tempore of the California State Senate. If the mediation fails, the matter will go before an arbitration panel of the Public Employee Relations Board. If that panel fails to reach a decision, UC could impose a contract on the striking workers.

Pay Status for Strikers: UC Regents Policy 7303 prohibits paying compensation to any employee who is not actively engaged in the service of the University. The University is exploring a mechanism to dock the pay of striking union members and faculty who are striking in solidarity. It is expected that the University will ask salaried employees in the union who complete time sheets to submit a self-attestation form noting their absence from work, with pay adjustments reflected in a future paycheck. (Striking students' fees and tuition benefits are not subject to remission.) Faculty will also be asked to complete a separate attestation form, which will help the University ensure compliance with federal regulations concerning work performed on grants, in anticipation of an audit. Faculty Principal Investigators (PIs) will be required to accurately certify the work effort performed on a grant to the relevant agency.

- Council members noted that individual campuses are emphasizing grading as an essential component of the faculty’s duties under the Academic Personnel Manual (APM). Chair Cochran noted that California labor law protects faculty members who choose to fully strike from any disciplinary actions, but that striking faculty can still have their pay withheld under Regents Policy 7303. Fully striking faculty cannot be disciplined under the Faculty Code of Conduct (APM 015), but “partial striking” – performing some duties but not others – could subject a faculty member to discipline.

### **III. Behavioral Health Access and Options**

- **Teresa Dalton, UCFW Chair**
- **Michael Ong, UCFW Health Care Task Force (HCTF) Chair**

Council reviewed a report from the UCFW HCTF Behavioral Health Working Group (BeHWoG). The report analyzed problems with access to behavioral healthcare within UC provider networks, and options for improved access and delivery.

Chair Ong noted that the report found significant barriers to behavioral healthcare access affecting UC employees at every campus and location. The barriers include difficulty finding behavioral health providers who meet employee needs, and an excess of “ghost providers” who are listed as available in insurance networks, but do not actually take UC insurance or see patients within the UC Health system.

The report makes several recommendations for improving access to quality behavioral healthcare: better leveraging UC Health resources in ways that expand UC training programs for behavioral health clinicians and that increase the participation of UC psychiatrists in UC employee health plans; implementing additional prevention resources for employees; working with insurance plans to address ghost providers; addressing low reimbursement rates; new cost-sharing options; increasing access to telehealth; and better monitoring of health plans to ensure accountability.

Chair Ong noted that the current national mental health crisis makes addressing barriers to behavioral health more critical than ever. Doing so will help the University better serve its own employees but it will also extend UC’s public mission to provide healthcare leadership and service to the State of California and its people.

- Council members agreed that the access problems are serious. They noted that fixing the ghost provider problem will probably require better reimbursement rates, which could mean higher premiums.

**ACTION: Council endorsed the report and will forward it to President Drake.**

### **IV. Proposed Senate Regulation Revisions from BOARS**

- **Barbara Knowlton, BOARS Chair**

Chair Knowlton introduced a set of proposed amendments to Senate regulations governing undergraduate admission recommended by BOARS. The amendments to Senate Regulations 419, 428, 440, 450, 452, 464, and 465, and new Senate Regulation 467 align the regulations to recent policy actions by the Board of Regents related to standardized testing, particularly the

removal of standardized tests from the Comprehensive Review admission criteria. The amendments also conform the regulations to the Regents' recent consolidation of Standing Orders and associated policies on admissions.

- A Council member noted that the elimination of standardized test scores makes the “compare favorably” standard using only high school GPA (HSGPA) a less robust tool. Chair Knowlton responded that BOARS is exploring new ways to assess compare favorably, including through a “California GPA” that uses first-year GPA performance at UC to improve the measurement value of HSGPA.

**ACTION: Council endorsed BOARS' request to circulate the proposed revisions for systemwide Senate review.**

## **V. Executive Session: Labor Relations Update**

- **Douglas Haynes, Vice Provost, Academic Personnel and Programs (APP)**
- **Melissa Matella, Associate Vice President of Employee and Labor Relations, Systemwide Human Resources**
- **Aviva Roller, Director, Academic Labor and Employee Relations, APP**
- **Allison Woodall, Deputy General Counsel for Education Affairs, Employment & Governance, UC Legal**

*Notes were not taken for this discussion, which is protected by the attorney-client privilege.*

## **VI. Strike Discussion**

Council members noted that unionization has shifted the faculty-graduate student relationship from a mentor-mentee relationship to an employer-employee relationship. They noted that the strike is dividing faculty and causing friction on campus. The University has seemed unprepared for the strike and efforts to reach resolution have so far been ineffective. Communications from the campus and systemwide administrations have been inconsistent, disorganized, and lacking sufficient guidance. Adding to the confusion is a significant disconnect between campus-based cost projections and UCOP projections. For example, one campus estimates a total five-year incremental cost of \$136 million, while UCOP's estimate is less than 20 percent of that estimate. Long-term planning is difficult without a clearer picture of how a new contract will affect graduate student recruitment and costs associated with graduate education. Faculty may need to respond to higher grant costs under the new contract by reducing the number of graduate students they hire.

Council members noted the strike has renewed interest in the graduate student funding model. Faculty and administrators should anticipate the post-strike period by developing a plan to confront the challenges of a new era of graduate education. Campuses should also allow faculty who are up for merit reviews to provide a strike impact statement.

Council members noted that some faculty may be resistant to completing attestation forms because it overlooks faculty's complex and multifaceted roles and suggests faculty are University employees without expectations for high-level professional performance that is

independently initiated. To discipline faculty for partial striking would also denigrate their hard work during the pandemic.

Chair Cochran noted that faculty can take concrete measures to protect themselves. Striking faculty who attest to their participation in the strike will be protected from disciplinary actions. Faculty who are consumed with work normally done by TAs can go on record with their department chair that they are trying to do their job but are overwhelmed.

UCEP Chair Cocco, in response to ad hoc online instruction during the strike, noted that UC's accreditor uses a 50% face-to-face instruction threshold to distinguish between in-person and correspondence courses and requires online courses to include specific engagement activities to meet the minimum requirement for financial aid. She added that the University cannot move courses online unilaterally without potentially affecting accreditation status and students' financial aid.

## **VII. Reports from Division Chairs**

Division chairs are participating in regular meetings with campus administrators, registrars, and financial aid offices about the strike and developing contingency plans for instruction if the strike continues into the winter quarter/spring semester. These include plans to help instructors move to asynchronous instruction to keep classes going; grading support for faculty; adjusting grading deadlines; and identifying the most vulnerable students, particularly those at risk of losing financial aid if they have no reported grades.

Campus Senates are communicating frequently with their faculty regarding facts and updates about the strike and ways faculty can support undergraduates. Academic Senates are striving to maintain neutrality, but some are challenged by erroneous and misleading information being circulated by individual campus faculty and faculty groups about the strike.

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Meeting adjourned at 1:30 pm  
Minutes prepared by Michael LaBriola, Assistant Director  
Attest: Susan Cochran, Academic Council Chair