

## ACADEMIC COUNCIL

**Minutes of Meeting  
February 22, 2017****I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Council Minutes of January 18, 2017
3. UC Irvine Master of Science degree in Business Analytics (MSBA)

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

**II. Senate Officer's Announcements**

- o **Jim Chalfant, Academic Senate Chair**
- o **Shane White, Academic Senate Vice Chair**

January Regents Meeting: Chair Chalfant's [remarks](#) to the Regents in January anticipated the Board's plan to adopt a policy limiting nonresident enrollment in March, how a fixed cap on nonresident enrollment could harm the University, and how a policy establishing different caps for individual campuses would institute tiering of campuses in the form of unequal funding and different levels of quality. The January Regents meeting also featured discussions about UC's efforts to prepare Ph.D. students for careers outside of academia, diversity in UC's graduate programs, and funding guarantees for graduate students. Chair Chalfant has invited Regent Pérez to attend an upcoming Council meeting.

Title IX Release: In response to a Public Records Act request, UC is preparing to release reports on as many as 113 Title IX actions from the past three years involving both staff and faculty.

UCAADE Salary Equity Request: UCAADE is seeking feedback from Senate divisions about its October 2016 [recommendations](#) for future analyses of faculty salary equity on the basis of gender and ethnicity.

BOARS Report to the Regents: BOARS has completed its annual [Report to the Regents on Undergraduate Admissions Requirements and Comprehensive Review](#), covering application, admissions, and yield outcomes between 2012 and 2016.

Revisions to Senate Bylaws 335/336: At its February 8 meeting, the Assembly [approved](#) amendments to APM 015 and 016 that implement policy revisions recommended by the Joint Committee on investigation and adjudication processes for sexual violence and harassment cases involving faculty. The Senate will review conforming amendments to Bylaws 335 and 336 after the Regents approve the revisions in March.

Outsourcing of Target Date Funds: UC plans to shift management of its UC Pathway target date retirement savings funds to an outside firm. The Senate expects to participate in the review of potential vendors.

Overhead Rates for State-Funded Research: UC and the state recently negotiated a schedule of overhead rate increases for state-funded research. Under the agreement, the current rate will

increase incrementally from 25% to 40% over the next three years. Some faculty have raised concerns about how the increases could affect funding in their area of research.

Conflicts of Interest: One Senate Task Force recently addressed the need to avoid conflicts of interest by making appropriate recusal arrangements. However, it was noted that the systemwide Senate bylaws do not specifically address conflicts of interest. Chair Chalfant has asked UCOC to draft a bylaw that is guided by divisional best practices.

### **III. Framework for UC Growth and Support**

Council reviewed a Project Statement for the Framework for UC Growth and Support. It includes a timeframe and expected elements of the 2040 “visioning exercise” due to UCOP by March 31. UCOP has asked campuses to submit an enrollment scenario estimating their overall size in 2040, with a tally of total students, staff, and instructional appointees; proportions of ladder-rank, clinical/adjunct faculty, and lecturers; assumptions or anticipated changes regarding current operations; and the budget, capital, and other resources needed to fulfill the scenario.

Discussion: Council members reported that some campuses are assembling groups of administrators and faculty to generate scenarios. One member remarked that the project was conceived by the administration, and Senate effort should be proportional to the perceived benefit.

### **IV. Executive Session**

#### **V. Consultation with Senior Managers**

- **Janet Napolitano, President**
- **Aimée Dorr, Provost & Executive Vice President, Academic Affairs**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

Davis Chancellor: Yesterday the University announced the selection of Georgia Tech engineering dean Gary May as the new UC Davis chancellor. If confirmed by the Regents, he will begin at Davis on August 1, 2017.

Immigration: UCOP continues to devote substantial attention to the impact of the federal administration’s new immigration actions and policies on members of the UC community. It recently clarified that campuses should continue to admit students as usual from the countries affected by President Trump’s Executive Order regulating travel. President Napolitano is one of 11 former national security officials who signed a [joint declaration](#) noting that the Executive Order weakens national security. The UC President is also concerned about a new set of policies announced yesterday that greatly expand immigration enforcement. UC will monitor future actions and issue guidance to campuses as needed. UC also has a new systemwide [immigration website](#) that gathers all policies, campus resources, and statements in one place.

UC Budget: In January, the Regents approved a 2.5% increase in undergraduate tuition and a 5% increase to the student services fee to support continued enrollment growth, financial aid, and improved student outcomes. The public has been receptive to UC’s message of small, predictable tuition increases coupled with robust financial aid. UC continues to fight for key priorities, including full marginal cost funding for undergraduate enrollment, funding for graduate enrollment growth, and funding for deferred maintenance.

Nonresident Enrollment: In March, the Regents will consider a policy for nonresident undergraduate enrollment that gives all campuses a similar opportunity to incorporate nonresidents into their academic and financial plans; avoids cutting current campus revenues; and minimizes the risk that the Legislature will find the policy inadequate. The policy limits nonresident enrollment to 20% on each campus and allows campuses that currently enroll more than 20% nonresidents to maintain, but not increase, their current proportions. The policy will be reassessed every five years, and will include a statement emphasizing the Regents' commitment to maintaining a common standard of excellence across all campuses.

SVSH and Title IX: In March, the Regents will approve revisions to the Faculty Code of Conduct that incorporate new language about preventing and responding to incidents of sexual violence, assault, and harassment. In addition, Kathleen Salvaty has joined UCOP as the University's first systemwide Title IX coordinator.

Federal Funding: The University is concerned that federal non-defense discretionary spending is projected to decline to 3.1% of GDP in 2018, the lowest level in more than 50 years. UC will be advocating for government investments in higher education, research, and health care. UC is also concerned about the administration's promise to repeal and replace the Affordable Care Act. UC's position is that any alternative health care legislation should make UC whole, to ensure that UC Health remains a vital safety net for vulnerable patient populations.

Discussion: Council members noted that the proposed nonresident enrollment policy does not endorse a "common standard of excellence" but creates a two-tier system that evokes a "separate but equal" construct.

President Napolitano noted that the Regents know how important nonresident enrollment is to campuses, and campuses with fewer nonresidents should feel free to take advantage of the opportunity to grow within the policy. She added that the five-year review of the policy should demonstrate that nonresident enrollment does not displace CA residents, supports the enrollment of additional residents, and enriches the academic experience for all.

A Council member noted that several incidents of threatening student evaluations and anonymous emails to faculty that were not adequately addressed have raised concerns about faculty safety. Some are calling for a systemwide standard—a "Faculty Bill of Rights"—that outlines the support faculty should expect from campus police and administrators.

President Napolitano noted that faculty who feel threatened physically should immediately contact campus police. Chair Chalfant added that faculty should become acquainted with best practices for handling classroom disruptions, including videotaping without consent, and the resources available to them through Student Judicial Affairs offices for addressing student misconduct.

Framework for UC Growth and Support: The "visioning" exercise will attempt to describe the maximum enrollment the University could manage in 2040 with adequate resources. It is part of a larger effort to develop a comprehensive systemwide financial model for UC's operating and capital budgets that UC can bring to the Legislature, and later, a new Governor. UCOP is asking campuses for a single scenario that extends to 2040 that can be discussed at an all-campus meeting in April. Campuses should base their scenarios on approximations. To help campuses assemble their scenarios, UCOP has provided a variety of demographic data, including

projections of eligible CA resident high school graduates and “a-g” completion rates over time. Each campus has a point person available to answer questions about the Framework.

*Discussion:* Council members noted that a vision for the maximum enrollment capacity of a given campus is a different question from a vision for sustaining the campus as a high-quality research institution.

*Finance Update:* UCOP will be engaging Senate committees on a proposal to change the discount rate used to estimate UCRP’s pension liability (currently 7.25%), and how the change could affect STIP borrowing and the employer contribution. In addition, UCOP recently issued a systemwide RFP to identify housing developers who can work on projects at multiple campuses under a new systemwide public-private partnership finance structure. UCOP has narrowed the pool of candidates to eight.

*Indirect Cost Recovery Rates:* Recognizing that the state historically has underpaid UC on Indirect Cost (IDC) recovery for state-funded research and is no longer the primary funder of campus construction projects, UC has negotiated a schedule of increasing IDC. Rates for most state agencies will rise from 25% to 40%. (The California Department of Food and Agriculture will begin at 10% and increase to 25%.) The campus chancellor and CFO Brostrom approve all requests for IDC waivers.

## **VI. Executive Session**

## **VII. Senate Representative to the Regents Committee on Health Services**

The term of the Senate’s representative to the Regents Committee on Health Services ends June 30. Per [Senate Bylaw 125.B.14](#) and past practice, the Academic Council selects a nominee with a clinical appointment at a School of Medicine from a slate of nominees submitted by campuses. In contrast, UCOP chooses a Senate representative to the UC Health Executive Steering Committee from a slate of three nominees drawn from the UCFW Health Care Task Force.

*Discussion:* Council members noted that a multi-year appointment to the Committee on Health Services can foster expertise, rapport, and continuity, although it is also important to encourage a diversity of perspectives through periodic renewal. It was agreed that an annual renewal of the appointment should be allowed up to three years, after which an open search should be required.

**ACTION: A motion was made and seconded to re-appoint UCSD Professor Joel Dimsdale for an additional term ending June 30, 2018. The motion passed unanimously.**

## **VIII. Nonresident Enrollment**

### **o Bernard Sadoulet, UCPB Chair**

UCPB estimates that the proposed 20% cap on nonresident enrollment will over five years reduce the resources available to campuses by \$140 million and financial aid by \$34 million. The Committee agrees that the policy has no educational justification, and believes it should include an “escape clause” before the five-year review to account for the possibility of additional state cuts. The committee has considered different versions of a “cap and trade” system with some amount of resource sharing between campuses above 20% and below 20%; however, UCOP does not support that approach.

*Discussion:* Council members noted that the nonresident enrollment cap is unanimously opposed by the ten campus Senates and Chancellors, all of whom are concerned about the educational and budgetary harm a cap will do, and about promoting unequal levels of quality across campuses through a tiered funding system. A Council member suggested that UC develop a nonresident referral pool to help other campuses meet higher enrollment targets. It was agreed that Council should consider an additional statement before the March Regents meeting, after reviewing the final written policy.

## **IX. UCEP Report on Campus Policies for Student-Led Courses**

UCEP has responded to the President's request for a Senate review of campus policies, procedures, and best practices for undergraduate student-led courses. UCEP found a high degree of policy uniformity across the campuses for the faculty oversight of undergraduate student-led courses. All campuses require a faculty mentor or supervisor who is involved in the design—and often delivery—of the course and who attends class for at least a portion of the lectures. In addition, several campuses require or encourage training in pedagogy for the student instructor to help ensure the quality of the course and provide training for the student.

**ACTION: Council agreed to forward UCEP's report to the President.**

## **X. UCFW Issues**

### **o Lori Lubin, Chair, UCFW**

#### **1. Report on Domestic Partner Benefit Equity**

Council reviewed a UCFW report calling on UC to extend health and welfare benefits to the domestic partners of all active UC employees and retirees, regardless of gender or age. Currently, opposite-sex domestic partners of UC employees do not have access to the same health and welfare benefits as same-sex domestic partners unless one partner is 62 years or older. In contrast, there is no age requirement for opposite-sex domestic partner survivors to receive UC pension and retirement benefits.

The report was inspired by a specific set of circumstances, but is driven by a general desire to increase the fairness of UC's benefits structure and promote more family-friendly policies at the University. UCFW also believes that the policy is a legal liability, and notes that five of UC's Comparison Eight institutions do not maintain unequal policies for same- and opposite sex domestic partners. UC's consultant estimates that extending benefits to opposite-sex domestic partners would cost about \$21 million, of which UC's direct cost increase would be \$7 million.

A Council member noted that the marriage equality ruling removes one rationale for extending domestic partner benefits to same-sex couples. He noted that \$21 million is not a small amount of money, and encouraged a more principled discussion about UC's responsibility to employees.

**ACTION: A motion was made and seconded to endorse the report and forward it to Executive Vice President Nava. The motion passed unanimously with one abstention.**

#### **2. Funding for Health Care Facilitator Program**

Council reviewed a UCFW letter asking UCOP to increase central funding for the Health Care Facilitator Program, to support campus hiring of additional facilitators and staff to meet growing demand. UCFW understands that facilitators were overwhelmed with calls during the transition to Anthem earlier this year, highlighting the need for more support. UCFW is also asking UCOP to collect data on the use of the program, types of requests received, and outcomes, and to increase publicity for the program, which many UC employees are not aware exists.

*Discussion:* A Council member urged Council to defer action on UCFW's request until having a broader discussion about other possible budget priorities that considers why the program should be funded centrally rather than at the campus level, and verifies how campuses are using funds provided to support the program.

**ACTION: Council decided to table the letter pending additional data and discussion.**

#### **XI. Systemwide Review of Revised Presidential Policy Business and Finance Bulletin G-28 Travel Regulations**

Council discussed responses from Senate divisions and systemwide committees to a set of [proposed revisions](#) to Presidential Policy Business and Finance Bulletin G-28 Travel Regulations. The proposed revisions allow, in limited circumstances, reimbursement of pre-approved travel and childcare expenses for spouses, domestic partners, dependent-care providers, and dependents who accompany a UC employee traveling on University business, and candidates for employment traveling to UC locations for recruitment purposes.

In general, Senate reviewers supported the proposed revisions and efforts to craft more inclusive and “family-friendly” systemwide travel policies. Reviewers also raised several specific concerns about language related to the oversight and review of family travel that need additional clarification.

**ACTION: Council will forward a summary of reviewer comments to Vice Provost Carlson.**

#### **XII. Second Systemwide Review of APM 278 and 210-6**

Council discussed responses from Senate divisions and systemwide committees to a set of [proposed revisions](#) to APM sections defining the duties and responsibilities of the non-Senate Health Sciences Clinical Professor title (HCSP, APM 278) and advancement criteria for individuals in the title (APM 210-6).

The changes are intended to clarify criteria for appointment and promotion in the HSCP title and better differentiate that title from the Volunteer Clinical Professor title (APM 279), to emphasize that HSCPs perform not only clinical work but also contribute to the full research and teaching missions of the university. In the initial June 2016 systemwide review, Senate reviewers expressed opposition to the addition of a “*research and/ creative activities*” requirement to the appointment and advancement criteria in APM 278. Other reviewers focused on the vagueness of that requirement and suggested that some specific advancement criteria under that heading would be better placed under the Teaching or Service heading. Designated Senate representatives and administrations met in a September conference call to discuss the components of a new revision that responds to the concerns. They agreed to replace the term “*research and/or creative activity*” with “*scholarly or creative activity*” to better align the language with existing

expectations for appointment and promotion and to better differentiate the title from the Professor of Clinical “X” series.

Some Senate reviewers noted that the revisions add much needed clarity to the expectations for members of the series, and allow campuses flexibility to interpret and implement those expectations. Others noted that the revisions do not sufficiently address the concerns raised in the initial review, and HSCP appointments and promotions should be based on teaching and clinical work only. It was noted that research has always been part of the expectations for the series, and the revision reduces that expectation.

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

### **XIII. Letters of Recommendation Update**

- **Henry Sanchez, BOARS Chair**
- **Amani Nuru-Jeter, UCAADE Chair**

Chairs Sanchez and Nuru-Jeter updated Council on their committees’ efforts to address the President’s request for a systemwide policy on the use of letters of recommendation (LORs) in freshman admission for approval by the Regents. This year, Berkeley is requesting LORs from all applicants ranked as “possible” admits, and Berkeley Professor Jesse Rothstein is running an expanded study of the effect of LORs in Berkeley admissions, the results of which will be available in June.

At its February meeting, UCAADE passed a motion opposing a systemwide policy to require or broadly invite LORs as part of UC’s admissions application process. UCAADE is concerned that LORs will introduce bias and exacerbate racial and class disparities. It is also concerned that the Berkeley study will not answer all questions about the differential effect of LORs, considering that all applicants in the study were invited to submit letters, but racial and other types of disparities can occur at the level of the original request. In January, a straw vote of BOARS members revealed no support for a systemwide policy requiring LORs. BOARS also opposes adding LORs to the [Comprehensive Review Guidelines](#) as a 15<sup>th</sup> selection criterion. In addition, many high school counselors and all UC campus admissions directors oppose a systemwide LOR requirement. At its February meeting, BOARS appointed a subcommittee to respond to the President’s questions and draft a policy on LORs.

*Discussion:* It was noted that campuses have the ability to request additional information (such as LORs) for specific applicants as part of a supplemental/ augmented review protocol. The study will not determine what specific information in the letter made a difference in the admissions decision and whether that information could be secured another way – for example, through the eight new personal insight questions on the UC application. It was noted that Berkeley sees LORs as a way to obtain more information about applicants, has felt constrained by the number of students admitted through augmented review, and would be concerned about any finding that LORs make it more difficult for URM groups to gain admission.

### **XIV. Off-Campus Endowed Chairs**

Council discussed UC policies for Endowed Chairs ([APM 191](#)) and Presidential Chairs ([APM 265](#)), Senate review practices, and strategies for ensuring Senate involvement when chairs are allocated to units other than campuses.

President Napolitano created the Presidential Match for Endowed Chairs program in 2014. It uses \$500,000 matching awards to encourage donors to establish \$1 million endowed Presidential faculty chairs across all UC locations. Chairs are being established not only at the ten campuses, but also the Division of Agriculture and Natural Resources (ANR) and Lawrence Berkeley National Laboratory (LBNL). There is no policy for appointing and reviewing chairs under the new program, although APM 191 requires UCOP to consult the Senate prior to establishing an endowed chair, and APM 265 outlines a role for chancellors. Finally, no policy exists to address ANR's possible allocation of chairs to non-faculty farm advisors in off-campus county offices.

Chair Chalfant noted that the establishment and naming of endowed and presidential chairs should follow APM policies. He proposed that if a chair is appointed off campus it should be reviewed in accordance with the campus review outlined in the APM. In addition, the Senate should ask to review both Senate and non-Senate chairs and the use of the funds after a given number of years.

*Discussion:* Council members noted that most endowed chairs address a specific purpose identified by the donor, but that "chair" should not be used to identify a non-faculty appointment. A member suggested that the UCPB Task Force on Agriculture and Natural Resources take up the issue as it relates to ANR.

## **XV. Funding for President's and Chancellor's Post-Doctoral Fellows**

Council discussed the Senate's involvement in the President's and Chancellor's Postdoctoral Fellowship Programs, the budget for the programs, the extent to which they represent the most cost-effective strategies for increasing the URM faculty pipeline, and principles underlying the subsidization of FTEs.

Chair Chalfant noted that the Senate does not have enough information to advise the administration on the potential expansion of the Fellowship programs. He proposed that the Senate and administration review the programs and their outcomes systematically to determine their effectiveness in expanding faculty diversity. For example, would it make sense to provide subsidies to departments for any URM hire, rather than only hires made through these programs? What is the most effective proportion of funding that should be directed to Fellowship awards versus FTE hiring subsidies? Were Fellows who were not offered employment at UC able to obtain employment outside of UC?

*Discussion:* It was suggested that Council assemble a list of questions and invite the director of the programs to a future Council meeting.

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Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Jim Chalfant, Academic Council Chair