

ACADEMIC COUNCIL

Minutes of Meeting

February 22, 2023

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Council Minutes of January 25, 2023
3. UCLA Master of Data Science in Health

ACTION: Council approved the consent calendar.

II. Senate Officers' Announcements

- o **Susan Cochran, Academic Council Chair**
- o **James Steintrager, Academic Council Vice Chair**

Assembly Meeting: On February 8, the Assembly approved revisions to Senate Regulations 610 and 630, updating the residency prerequisite for an undergraduate bachelor's degree to require freshman and transfer undergraduates to complete a minimum of six units of in-person courses during a quarter/semester for one year. The change will allow campuses to experiment with online majors and minors approved by UCEP.

February Regents Meetings: The Regents Special Committee on Innovation Transfer and Entrepreneurship discussed strategies to increase revenue-generating entrepreneurship activities and a new effort to lobby the state to support a proof-of-concept fund that will help faculty leverage research into a startup company or patent. The Health Services Committee discussed efforts to treat long Covid and recommended to the full Board UCSD's preliminary plan to rebuild Hillcrest Medical Center.

Budget: A report from Legislative Analyst's Office (LAO) recommended to the Legislature that it request more specificity about how UC will spend the 5% increase included in the Governor's proposed 2023-24 budget, reconsider several proposed UC capital projects, and reject a proposed Transfer Admission Guarantee (TAG) program at UCLA in favor of a UC systemwide transfer guarantee. The Senate is working with UCOP Graduate, Undergraduate and Equity Affairs to develop options for that guarantee. The University is also discussing how it will meet the budget compact expectation to increase graduate enrollment given the uncertainties of future graduate enrollment outcomes within this new landscape of graduate education. Senate leaders doubt that graduate enrollment growth from state-supported master's programs will offset other cuts or contribute substantially to undergraduate instructional support. Self-supporting graduate programs are not state supported and thus their enrollment figures are not included in the compact.

UC Online: The UC Online Advisory Committee met January 31 to discuss a Deloitte Consulting report's conclusion that UC Online is not meeting expectations for its potential contributions to the institution. Faculty have observed that UC Online is not adding substantially to existing campus efforts to design online courses or collaborate with other campuses on

systemwide online course development, and that those systemwide courses are not always well coordinated with department or system needs. The Advisory Committee recommended that UC Online refocus its mission on activities the campuses cannot do.

Post-Strike Guidance: Systemwide Senate leadership circulated guidance to campus faculty about effort reporting for grants and contracts required for compliance with Regental policy and federal and governmental regulations. They have recommended against docking faculty pay if course grades have been submitted. Senate leaders are working with Provost Newman on a charge for a joint systemwide workgroup that will explore new pedagogical and financial models for graduate education and training. Several campuses are also forming workgroups to discuss the future of graduate education.

III. UCOP Office of Research and Innovation

- **Theresa Maldonado, Vice President, Research, and Innovation**
- **Scott Brandt, Associate Vice Provost for Research, and Innovation**

VP Maldonado joined Council to discuss current activities and initiatives in the Office of Research and Innovation (R&I).

Research Funding with Restrictions: UC policy includes a general prohibition on extramural agreements or publications that include citizenship-based restrictions, a principle rooted in UC's commitment to nondiscrimination and open dissemination of research. Restricted research is permitted only in limited circumstances. However, the University is re-evaluating this policy in the context of the new federal CHIPS (Creating Helpful Incentives to Produce Semiconductors) Act that provides funding to boost domestic semiconductor research and manufacturing. Some CHIPS Act funding includes citizenship restrictions given national security concerns. UC engineering and science faculty have requested a more flexible policy that gives them access to CHIPS Act research opportunities and funding.

- Council members noted that some faculty would oppose a more flexible policy as a fundamental change to UC's open research environment, while others would support a change to policies that they view as restricting their individual academic freedom and their ability to compete for grants and advance in their careers.

Labor Contracts: VP Maldonado noted that UC leaders are discussing how the University might work with federal and state agencies to help support the higher cost of graduate student labor under the new employee contracts. She suggested that faculty contact their National Institutes of Health (NIH) program officer to request supplements to active grants and to build in salary increases into the budgets of new grant applications. Council members noted that supplements usually are not intended to cover labor contracts. The NIH expects faculty to perform work outlined in the original funding application and is not concerned with details of graduate student funding and training. Moreover, if the NIH increased funding to UC, it would reduce its ability to fund grants at other institutions. They suggested that UCOP create a team to coordinate communications with NIH rather than encourage individual faculty to do so. Council members noted that escalating the salary budget in a grant reduces resources available for travel, supplies, and other needs, which might compromise a faculty member's ability to fulfill the grant terms.

They suggested that UC help pay tuition and fees for students supported by grants to reduce the burden on faculty.

Climate Action: R&I released a request for proposals for UC Climate Action research projects supported by a \$100 million state allocation. They received nearly 500 letters of intent with a total request of \$1.1 billion and are evaluating the proposals. The state also has offered supplementary funding to research proposals with a strong community engagement component.

Laboratory Fees Research Program (LFRP): R&I is preparing to launch the 2023 version of the LFRP, a competitive grant program funded by the \$18-20 million in fee income UC receives every two years for managing the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory.

UC Innovation Council Initiative: R&I is implementing several recommendations from the Regents' Special Committee on Innovation Transfer and Entrepreneurship for eliminating systemwide barriers to the faculty's ability to translate research discoveries into commercial products. The recommendations include revising workflows and upgrading the patent tracking system and other software platforms. VP Maldonado invited Council to discuss campus-based barriers to innovation and entrepreneurship activities to help inform discussions of best practices.

IV. Revisions to Presidential Policy on Developing and Maintaining Presidential Policies

Council reviewed comments from Senate divisions and committees in response to the proposed revisions to Presidential Policy on Developing and Maintaining Presidential Policies ("Policy on Policies") distributed by APP/VP Haynes office. The revisions update the policy's name, scope, and summary; clarify processes for developing, reviewing, approving, and rescinding presidential policies; add and update definitions for frequently used terms; and add requirements around the use of gender-neutral terms and the review of presidential policies every five years.

In general, Senate reviewers expressed support for the policy and the revisions. Comments underscored the importance of having UC policies that ensure compliance with federal and state regulations, and the need for UC's policy development and review processes to gather broad input from constituencies including the Academic Senate. Reviewers appreciated the requirement for a five-year review to keep policies up to date, and the emphasis on equity in the call for gender-neutral language. However, reviewers also noted that it is not practical for all policies to be gender-neutral in their use of terms and this exception should be acknowledged in the policy.

The review surfaced several other concerns about the need to distinguish between policies and procedures and for systemwide policy review timelines to ensure adequate review time and opportunity for Senate reviewers. There was also a concern about the expanding array of policies with reporting requirements, some of which create unfunded mandates and affect the conduct of work on campuses without having a clear benefit for the core UC mission. It was recommended that UCOP consider adding a cost-benefit analysis section to all policies summarizing new staffing and other costs needed to implement and monitor the policy.

ACTION: A motion to forward the comments and a summary letter to Vice Provost Haynes was made, seconded, and passed.

V. Consultation with Senior Managers

- **Michael Drake, President**
- **Katherine Newman, Provost & Executive Vice President, Academic Affairs**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

Covid: President Drake noted that Covid-related hospitalizations and deaths are trending down compared to a similar period in each of the past two years. The illness is much less severe for those who have been vaccinated. However, Covid is still present, and UC continues to be thoughtful about safety.

Post-Strike Actions: The president shared that Provost Newman is working with a group of campus executive vice chancellors and UCOP administrators to write a post-strike “reflections and opportunities” report examining best practices for communication and collective bargaining strategy to help prepare the University for future contract negotiations. He also noted the provost is in conversation with the Senate on a joint workgroup to assess the impacts of the strike and chart a future course. UCOP has sent campuses updated guidance on the labor attestation process that should address lingering questions and concerns. The variety of conditions experienced by members of the organizing units and faculty across the ten campuses make it imperative to find the panoply of solutions that are needed.

Budget: President Drake had a productive exchange with the state Senate budget subcommittee yesterday about the complexity and funding challenges of the UAW contract and the importance of academic graduate education to the University and the state. The president told the subcommittee that individual programs may cut enrollment, but that the University has not told the campuses to reduce the size of future graduate classes on a systemwide basis and intends to meet the compact’s mandate to increase graduate enrollment through the end of this decade. The president also emphasized UC’s success as a transfer institution, its commitment to maintaining a 2:1 freshman to transfer enrollment ratio, and its ongoing efforts to streamline the transfer pathway.

Remarks from Provost Newman: The provost has been visiting campuses to meet with students, faculty, administrators, and staff. She also updated the Regents’ Special Committee on Innovation Transfer and Entrepreneurship about the status of 13 recommendations in the May 2021 Regents Working Group report. UC Academic Affairs is working with the Academic Senate to prepare a March 2023 Regents presentation on recommendations for streamlining general education requirements and further improvements to major preparation requirements for UC transfer students.

Remarks from EVP & CFO Brostrom: UC Finance issued a \$2 billion refunding bond issue last week that produced \$160 million in cash flow savings for the campuses. UC Finance is preparing several items for the March 2023 Regents meeting, including new housing proposals totaling 7,800 beds; an update on UC’s efforts to take advantage of California’s new student housing

grant program; an update on UC's captive insurance platform Fiat Lux; and a proposal to place a general obligation bond on a 2024 statewide ballot.

- Council members requested clearer, more detailed, and more frequent communications from UCOP to campuses about implementation of the new UAW contracts, and better communications from UC Labor Relations during future collective bargaining. They added that the exclusion of faculty from the bargaining process caused misunderstandings to persist longer than necessary.
- Members noted that individual campus administrators concerned with the fiscal impacts of the UAW contracts are encouraging faculty to admit fewer PhD students and have in some cases suggested target percentages for reductions. They asked UCOP to help campuses manage costs to avoid an unplanned contraction of PhD admissions. They noted that granting agencies are not likely to provide supplementary funding to cover labor contracts.
- Council members asked Provost Newman to include faculty on the after-action group discussions following the strike and emphasized the need for the campus and systemwide workgroups on the future of graduate education to share information and work together.
- Members noted that problems with the Retirement Administration Service Center (RASC) continue to affect faculty.

- President Drake responded that the new contracts are complex, and that implementation will be an ongoing process that will differ across campuses and departments. The University is being cautious to avoid mistakes, and the UCOP labor relations team is in contact with its campus counterparts daily. He encouraged faculty with questions to contact their campus labor relations offices, which can contact systemwide labor relations if needed. He noted that UCOP has issued no mandate for an enrollment cut. UCOP will provide a pool of funding to help campuses bridge cost increases this fiscal year, but over the long term, campuses will need to make decisions based on rational criteria that considers both academic priorities and fiscal resources.
- President Drake said there have been improvements at RASC and UCPath, but both units continue to perform at an unsatisfactory level, and an active hiring program is bolstering the units. Provost Newman added that UCOP implemented additional reforms at RASC recently, including adding a special team dedicated to survivor benefits issues.
- Provost Newman said she would value the reflections of the Council and other faculty on the future of graduate education and is considering the best mechanism to gather input. It may not be possible to include every group on every effort. She noted that the new contracts have unavoidable fiscal consequences and agreed that funding agencies are unlikely to provide supplements, but said there might be an opportunity to pursue more flexibility within existing allocations.

VI. Office of Ethics, Compliance & Audit Services (ECAS)

- **Alexander Bustamante, Senior Vice President and Chief Compliance and Audit Officer, Ethics, Compliance & Audit Services**

SVP Bustamante noted that ECAS is an independent arm of UCOP that reports directly to the Regents. ECAS investigates misconduct complaints, monitors compliance requirements, and initiates audits, including those related to cybersecurity, based on risk assessments in

consultation with the Regents. ECAS works with federal agencies to convey UC's values and needs around compliance. The unit also develops tools for enhancing communication and education on compliance requirements to improve faculty's understanding of cybersecurity regulations, conflicts of interest, and other issues. ECAS relies on faculty for information about how compliance policies affect their work. His team has been working with the faculty to find effective ways to increase education and awareness. These efforts include:

- A series of one-page briefings that provide essential information about international collaborations, and other issues.
- A new task force on export control regulations to address efforts by antagonistic foreign countries to leverage UC intellectual property.
- A series of documents distilling the landscape and providing a decision tree around compliance with the Americans with Disabilities Act.

ECAS also manages the administrative side of presidential policies, to ensure that appropriate stakeholders have contact with the policy and that the systemwide review is effective and gives the president enough information to make decisions.

Council members asked about the status of implementation of the Native American Graves Protection and Repatriation Act (NAGPRA) and the 2020 audit of undergraduate admissions. They noted the sensitivities around how emerging CHIPS Act funding could lead to discrimination based on national origin. SVP Bustamante responded that the University identified several shortcomings around UC's NAGPRA implementation, which helped inspire a new emphasis on compliance. ECAS' internal audit of undergraduate admissions focused on local policies, processes, and controls around admission by exception, athletics, and special admissions. The University made several corrective actions based on the audit findings, and ECAS does not expect that issues will re-emerge. He said the CHIPS Act will require security measures around the use of technology controls, facilities, and equipment security and could also inspire UC to re-evaluate its stance on restricted research.

Chair Cochran thanked SVP Bustamante for his partnership and for his shared governance approach to compliance.

VII. ELWR Task Force Report and Proposed Revision to Senate Regulation 636

In November 2022, Council asked UCOPE to review feedback from the Senate review of the Entry Level Writing Requirement (ELWR) Task Force report and advise the Council about the recommendations and a new revision to Senate Regulation 636.

Council asked UCOPE to consider three changes: 1) replace the term "equity" with "educational equity"; 2) broaden the composition of the proposed ELWR Oversight Committee to include both Senate and non-Senate writing faculty familiar with the ELWR; and 3) clarify Senate Regulation 636 to reflect an expectation that the ELWR should prepare students for success in all first-year college-level courses, not just first-year writing courses.

UCOPE adopted the first change. In response to the second, it suggested calling the oversight group the “ELWR Coordinating Council (ECC)” rather than the “ELWR Oversight Committee” to emphasize that the group makes recommendations to UCOPE. The regulation does not discuss the specific construction of the ECC. It rejected the third change, noting that it was beyond the scope of the ELWR to prepare students for success in all first-year courses.

Members agreed that the Council should endorse the proposed revisions and work with UCOPE on the composition of the ECC.

ACTION: A motion to endorse the letter and forward it to the Assembly was made, seconded, and passed.

VIII. UCFW Letter on Survivorship Benefits

o Teresa Dalton, UCFW Chair

Council reviewed a letter from UCFW expressing concern about delays at the UC Retirement Administration Service Center (RASC) in processing survivor and beneficiary benefits following the death of a UC retiree.

Chair Dalton noted that a large backlog of survivor cases has accumulated and RASC has been unable to process the cases in a timely manner, which has caused unnecessary emotional and financial distress for survivors. These delays compound the larger ongoing problems with RASC related to the delayed processing of new retirement applications and disruptions to health insurance for some retirees.

ACTION: A motion to endorse the letter and forward it to President Drake was made, seconded, and passed.

IX. Reports from Senate Division Chairs

Division chairs noted several post-strike activities of divisional Senate faculty: organizing joint task forces and other groups to review the graduate education funding model; hosting town halls to discuss strike impacts and grant support for students; writing post-strike guidance letters; and working with administrations on bridge funding plans and other programs. Individual administrations have signaled that short-term cost increases will be a shared financial responsibility. UCD has undertaken a review of campus administrative functions and staffing levels to identify areas of inefficiency and alignment with the core mission.

Divisional chairs noted several topics that would benefit from systemwide discussion and coordination. These include how artificial intelligence programs, such as ChatGPT, affect teaching and research; the role of summer session and remote teaching; the status of graduate courses in the 299 series and the need to develop model syllabi to separate the educational and research aspects of graduate student researcher work; and strategies to increase faculty interest in campus and systemwide Senate service.

Individual campus Senates are discussing financial and business process problems associated with the transition to Oracle Financials software; strategies for improving interactions between faculty and disabled student offices and for increasing Senate involvement in annual budgeting

processes; expectations for Senate service compensation and course release; upcoming decarbonization studies; and advocacy around expanding Senate membership to non-Senate faculty series.

X. Office of Academic Personnel and Programs (APP)

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

Labor Issues: Campuses are analyzing the financial implications of the four new graduate student employee collective bargaining agreements, and a few have committed to providing bridge support for GSR salaries for grant-funded principal investigators. The strike brought to light several pressing issues related to support for graduate students, the size of the graduate student workforce, the relationship of research to doctoral education, and the overall graduate education financial model. A joint task force will consider these issues, as well as the effect of unionization on the UC academic culture and the roles and responsibilities of faculty and students under the contracts. The exercise will help UC learn from the recent collective bargaining experience and better position itself for similar actions in the future.

Mentoring: Faculty mentoring plays an indispensable role in supporting the quality of undergraduate and graduate education. On February 23, APP will circulate for management consultation review a proposal to update Academic Personnel Manual (APM) 210 with new language concerning the consideration of mentorship in the file review process for different academic titles. The proposal responds to an August 2021 Senate request.

- Council members expressed concern that the new APM policy could create more work for faculty or suggest that mentoring is a required activity. UCAP Chair Dunn noted that the proposal originated with UCAP and CCGA. It does not seek to add a new review criterion but to clarify the definition of mentoring and to recognize existing mentoring activities more appropriately. VP Haynes added that it will help elevate mentoring and emphasize it as an activity that should be valued.

Meeting adjourned at 4:30 pm
Minutes prepared by Michael LaBriola, Assistant Director
Attest: Susan Cochran, Academic Council Chair