

ACADEMIC COUNCIL

**Minutes of Videoconference Meeting
February 23, 2022****I. Consent Calendar**

1. Today's agenda items and their priority
2. Academic Council minutes of January 26, 2022
3. UCB Proposed Master of Nutritional Sciences and Dietetics

ACTION: Council approved the consent calendar with minor revisions to the January minutes.

II. Senate Officer Announcements

- **Robert Horwitz, Academic Council Chair**
- **Susan Cochran, Academic Council Vice Chair**

Regents Meetings: Senate leaders attended the February meeting of the Regents Committee on Health Services, where EVP Byington discussed COVID management and newly-signed affiliation agreements with Dignity Health and Adventist Health. They also attended a meeting of the Regents Special Committee on Innovation Transfer and Entrepreneurship, where Vice President Maldonado announced agreements with the chancellors to maintain individual campus patent tracking systems, and with UCOP to maintain a systemwide patent data warehouse, best practices inventory, and legal support services for faculty.

Berkeley Lawsuit: The Regents convened a special meeting to discuss a court order mandating that UC Berkeley freeze enrollment at fall 2020 levels following a community group's lawsuit under the California Environmental Quality Act (CEQA) that objected to the campus's plans to construct new academic space and housing. Berkeley projects that it will be forced to offer 3000 fewer students a spot this fall. Official estimates forecast a \$57M financial loss; other estimates are far higher.

Presidential Proclamation 10043: President Drake responded to Council's December 2021 statement of concern about a US State Department policy that affects certain Chinese graduate students and researchers. He asked Council to identify key faculty to help the UC Office of Federal Governmental Relations facilitate a discussion with State Department officials.

Systemwide Work Groups: The Working Group on Mitigating COVID-19 Impacts on Faculty is finalizing its final report. One of the preliminary report's most important recommendations is to incorporate "Achievement Relative to Opportunity" principles in the merit and promotion process, to reflect how difficult it was for some faculty to conduct research during the pandemic. The UC Online Advisory Committee met in early February and encouraged UC Online to reevaluate its mission in the context of post-pandemic opportunities, complexities, and limitations concerning online education. Finally, the Academic Planning Council Workgroup on Master's Degree Programs and Program Review will begin meeting soon to address its charge.

Climate Crisis Memorial: The Assembly did not have time to fully address the proposed Climate Crisis Memorial on February 9. The Assembly will return to the proposal at its April 13 meeting.

- UCFW Chair Hollenbach expressed concern that campuses are not all following ARO principles or using them uniformly. Chair Horwitz noted that the Regents will discuss the final report of the Mitigating COVID-19 Impacts Working Group at their May meeting, which will help to publicize the recommendations across campuses.

III. The Question of a Transfer Task Force

Ad hoc Senate advisors on transfer policy Professors Jim Chalfant (UCD) and Mary Gauvain (UCR) joined Council to discuss potential systemwide Senate structures that will support a strong and informed faculty leadership role in transfer policy.

Chair Horwitz noted that UC transfer policy is under significant political scrutiny and pressure. Assembly Bill 928 charges ICAS to develop a singular general education transfer path from the California Community Colleges to UC and CSU by December 31, 2022, or relinquish responsibility to administrators, a bad outcome given the Senate's prerogative over curricular matters. The Senate's ad hoc advisors provide guidance to Senate leadership on transfer issues, but leadership would benefit from more permanent and formal Senate expertise. Transfer touches three standing committees—BOARS, UCEP, and UCOPE—but all have full plates.

Professors Gauvain and Chalfant noted that the Senate developed the UC Transfer Pathways to address criticisms about the complex and dissimilar campus transfer requirements some have characterized as a “transfer maze.” The Pathways clarify common campus transfer requirements for similar majors and emphasize the importance of academic preparation and UC transfer readiness. Professors Gauvain and Chalfant said faculty should control transfer preparation requirements for their majors. A permanent expertise-based structure will enable the Senate to respond more quickly to fast-moving transfer policy issues and will demonstrate the Senate's commitment to transfer issues. They recommended a special Academic Council committee modeled on ACSCOLI with embedded expertise such as exists on the UCFW Task Force on Investments and Retirement. The group should report to the Council, to ensure inclusion of division chairs and relevant committee chairs. The Council should act periodically to extend or disestablish the special committee as needed.

- Council members agreed that a dedicated group of faculty transfer experts would provide helpful guidance to the larger Senate. The charge or charter for the Special Committee should clarify the Committee's relationship to BOARS and other systemwide bodies. The charter should also define a role for administrative consultants.

ACTION: Council will review a proposed charter and charge at the next Council meeting.

IV. Regents Committee on Health Services

- **Sonia Ramamoorthy, Senate Representative to Regents Committee on Health Services**

Professor Ramamoorthy summarized several current focus areas for the Health Services Committee:

Affiliations: The Health Services Committee is monitoring implementation of a new policy on UC's affiliations with outside healthcare organizations. The policy terminates affiliations with organizations that do not follow UC's nondiscrimination policy by 2023. UC Health has adjusted several existing affiliate contracts to adhere to the policy, and several other contracts are pending. The policy includes other implementation details related to training, communication,

complaint resolution, reporting, and accountability. All UC hospitals have implemented internal processes to manage these details.

Covid Management: The Health Services Committee has encouraged UC health systems to share best practices and resources, to increase collaboration around workforce management and long-term Covid planning, and to develop uniform policies for faculty and staff during the pandemic.

Strategic Plans: The Committee reviews the strategic plans of the UC medical centers. These plans discuss needs around increased patient volume, growth, and expansion; increased community outreach; the integration of the University's tripartite mission with the clinical enterprise; and a projected healthcare worker shortage.

Clinician Well-Being: UC Health created a Special Committee to advise EVP Byington about the best systemwide approach to clinical faculty issues affecting morale, burnout, and mental health. The Committee is collecting data about well-being factors including those that may relate to Senate membership.

- Council members asked how UC Health was planning to increase clinical faculty numbers in ways that meet demand and also integrate teaching, research, and service into the clinical enterprise. Members also noted a growing disconnect between the general campus and the medical enterprise and a lack of financial transparency in the medical enterprise.
- Professor Ramamoorthy noted that it will be a complex matter to address non-Senate clinician concerns. Compensation and contracts are among the key concerns that can affect UC's ability to recruit and retain faculty and support diversity and equity. She noted that some non-Senate faculty want better access to shared governance and acknowledged the risk of creating a two-tiered system of faculty without thoughtful attention to these matters.

V. Consultation with Senior Managers

- **Michael Drake, President**
- **Michael Brown, Provost and Executive Vice President**

UCLA students ended a 16-day sit-in after the campus addressed their requests related to course hybridization, Covid safety measures, and other topics. UC campuses remain among the safest places in terms of Covid outcomes. Case positivity rates are very low and are expected to continue falling through March. Indoor mask mandates will continue for the foreseeable future.

The University has filed a request with the California Supreme Court to stay a court-ordered enrollment freeze at Berkeley filed under CEQA that requires an environmental impact review of a proposed expansion plan. A ruling is expected soon. A negative ruling would be detrimental to Berkeley's budget as well as to UC's enrollment growth plans.

President Drake testified at last week's Assembly Budget Subcommittee hearing. He said the University very much appreciates the proposed state budget for UC, but it also believes the state budget surplus presents an opportunity for additional one-time funding to support deferred maintenance.

Provost Brown thanked Council for its persistent attention to the issue of academic dishonesty and intellectual property theft enabled by online student tutoring providers and said the Regents will host a closed session discussion in March on the issue. Provost Brown also said he wants to rebuild support for systemwide academic programs such as the UC Observatories, the UC Center in Washington, the UC Education Abroad Program, and the UC Humanities Research Initiative

(UCHRI). He noted that UCOP is assembling a 2022-23 faculty salary program and considering alternatives to existing budget rebenching formulas.

- Council members asked President Drake to comment on UC's plans to delineate graduate student researchers' separate roles as students and employees. They noted that the unionization of GSRs will put faculty in a position of paying tuition for students who are unionized employees, and that higher GSR pay will increase pressure on faculty grants and discourage some faculty from hiring GSRs. Members asked how unionization would affect non-student research employees who lack student-employee benefits such as tuition remission, and they noted that a graduate student's thesis work should not be considered "employee" work.
- A Council member asked President Drake to comment on the impact of the 2021 data breach and the prospect of making credit monitoring a permanent part of UC benefits.
- President Drake noted that GSRs have a right to organize as employees. The University will carefully establish the lines between a student's role as student and employee. UC believes that students meet the definition of employee by doing work that benefits the enterprise and is a critical need. President Drake said he expects the University will extend employees the free credit monitoring subscription.
- UCPB Chair McGarry noted that a UCPB working group is analyzing rebenching simulations that adjust weights and set-asides to reduce funding inequities across campuses.
- Members expressed support for systemwide academic initiatives and multi-campus research programs and noted that the UCHRI helps many faculty who work in the humanities.

VI. Online Education and Fully Online Degrees

○ Susan Cochran, Academic Council Vice Chair

Vice Chair Cochran presented Department of Education data that compare three prominent fully online education programs –Arizona State, Penn State, and Maryland Global—with their residential counterparts; the nine undergraduate UC campuses; UC's "Comparison 8" institutions; and Ohio State.

The data showed that fully online degrees are not common at the Comparison 8, although several offer programs through Extension or an online-only unit, and others offer a limited number of online majors through the main campus. The data also show that admission to most online programs is not highly selective, especially compared to UC campuses and the Comparison 8, and that online programs tend to attract adult learners who did not enter college directly from high school. Online programs are particularly attractive to first generation Pell students, but do not always contribute to diversity at their home campuses. Data on quality measures show that online programs tend to have higher student/faculty ratios compared to their in-person counterparts, as well as lower average faculty salaries, which suggests a less experienced instructional staff. Campuses spend far less per student on online education, but students see small financial benefit from those lower costs. Finally, online degree programs have poor degree completion and graduation rates and leave former online students in debt.

UC's 2020 Undergraduate Experience Survey showed that student satisfaction was not harmed by the experience of pandemic remote instruction. Students also indicated that pandemic instruction was better in terms of class organization and course feedback, but worse in terms of intellectual and social engagement, and other social factors such as loneliness.

- Council members noted that online degrees could harm equity and access given that diverse students tend to need more in-person support. Faculty are also finding that students are less prepared in general after year of pandemic instruction. Higher student satisfaction may correlate with more lenient grading policies associated with the pandemic.
- Members emphasized that there is a difference between online instruction implemented as an emergency measure during the pandemic and a high quality online program designed thoughtfully and intentionally. Additional resources would be needed to support high-quality online courses. Nevertheless, a significant expansion of online education could harm UC's reputation given a general perception that online education is lower quality. It may be better for UC to experiment with hybrid programs before approving a fully online degree.
- UCEP Chair Lynch noted that UCEP is currently investigating what additional student supports would be needed and available to students enrolled in an online undergraduate degree program.

VII. Academic Freedom and Student Learning Accommodations

Council discussed recommendations from UCAF about campus policies that mandate the recording of classes to accommodate disabled students, and additional student calls at UCLA and other campuses for the continued mandatory recording of classes for all students, post-pandemic.

UCAF Recommendations on the Mandated Recording of Classes

UCAF Chair Alper noted that his committee's letter emphasizes that the shift to remote instruction during the pandemic was an extraordinary emergency circumstance, and that a continued blanket requirement for class recording violates academic freedom and risks chilling student and faculty speech. UCAF's letter also clarifies that the Americans with Disabilities Act (ADA) supersedes academic freedom in the context of the case-by-case accommodations process for a specific student's need for recording.

The letter considers different types of instructional recording scenarios. It recommends that Student Disability Offices (SDOs) 1) consult faculty in the accommodations process and establish an appeal process for faculty; 2) consider accommodation requests in the context of risks to academic freedom and free speech and alternative accommodations that lessen the potential for the chilling of speech; and 3) take steps to limit access to and distribution of class recordings beyond the accommodated student. A fourth recommendation encourages departments to develop flexible hybrid and online options to accommodate students unable to attend a class in-person for a variety of reasons.

- Council members expressed general support for the first three recommendations and proposed deleting the fourth to avoid promoting the expansion of accommodations beyond the ADA. They noted that some faculty are not fully versed in ADA requirements related to class recordings, and that an educational effort may be needed. Faculty are concerned that some Disability Offices have been inappropriately assertive in directing faculty to make recording accommodations in ways that fundamentally change the nature of the course. It is important for SDOs to take academic freedom concerns seriously. Members also noted the importance of classroom privacy expectation, particularly around sensitive topics, given that the unauthorized distribution of course recordings could expose students and instructors to attacks and discourage open discussion. Council members also recommended that campus SDOs should provide sufficient resources to assist faculty in addressing course recording accommodations that fall under the ADA.

UCLA Student Demands

UCLA Vice Chair Cattelino and Immediate Past Chair White joined Council to discuss how the issue of course recording mandates relates to a broader set of teaching management issues and to a recent action by the UCLA Disabled Students Union (DSU). The DSU circulated a petition calling on UCLA to mandate universal and permanent dual modality instruction (also known as hybrid; in which faculty teach students in the classroom and online simultaneously); and to prohibit “punitive attendance policies.” A DSU-led sit-in supported by a coalition of student groups ended after UCLA administration and Senate leaders agreed to a series of engagements.

Professor Cattelino said the issue of accessible instruction is broader than student disability and not limited to UCLA. The Senate should vigorously defend the principle of academic freedom, and also see the post-pandemic period as an opportunity to consider the future of education in ways that help all students. Key issues include educational inequality and ableism, and faculty labor, resources, and autonomy. The Senate can advocate for improvements to policies and services that better support students with disabilities, and encourage and disseminate best practices in teaching that support disabled student learning. The Senate should articulate the range of concerns that make universal dual modality untenable, consider the role of academic freedom in the rapidly changing higher education environment, and not allow academic freedom claims to result in campus complacency around maintaining high quality instruction.

- Council members agreed that a systemwide response would be useful given that similar student demands are likely to emerge on other campuses and that student-led efforts to expand instructional modalities as the standard for all courses affects all campuses.
- Members expressed concern that the current market-oriented discourse around education has focused on students as “consumers” and faculty as needing to tailor course modality to meet consumer demands. This approach neglects the authority of the faculty as experts in pedagogy and their prerogative as teachers who understand the benefits of various instruction modalities. Faculty define educational quality; and they know how students learn, and learn most effectively. They know that instruction is not simply a transmission of information from the professor to the student, but a matter of interaction, engagement, and participation. They know that the value of a UC degree derives from the student’s experience on a UC campus learning collaboratively with faculty and other students. Faculty are committed to their students’ success.
- Many student requests for remote learning accommodation are likely related more to a desire for greater choice of learning engagement than to a disability. Students may want the convenience of remote instruction, but they have not shown how it will benefit their learning. Students also may not be aware how much extra work it is to teach well in dual modality. Faculty who have taught in hybrid mode attest that it is more than double the work of teaching a course in a single modality.
- Some faculty are open to discussions about moving toward greater accommodation for course recording and teaching modality. However, quality remote instruction is expensive and cannot happen without a serious commitment of resources from campus administrations.

ACTION: Council will ask UCAF to remove recommendation 4, and then endorse and forward the recommendations to campuses.

ACTION: Council will write a separate letter responding to the calls for universal hybrid instruction

VIII. UCFW Letter on Fertility Benefits

Council reviewed a letter from UCFW asking UCOP to initiate a fact-finding process to explore the viability of adding fertility benefits to the standard suite of UC health and welfare benefit options. UCFW noted that doing so would support gender equity, faculty welfare, and UC's competitiveness with the growing number of top employers who provide those benefits, including UC itself, which has agreed to offer the benefit to its represented Medical Residents and Fellows.

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

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