

ACADEMIC COUNCIL

**Minutes of Videoconference Meeting
February 24, 2021****I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of January 27, 2021
3. UCEP proposed revision to SR 610 (approve sending for systemwide Senate review)

ACTION: Council approved the consent calendar.

II. Senate Officers Announcements

- **Mary Gauvain, Academic Council Chair**
- **Robert Horwitz, Academic Council Vice Chair**
- **Hilary Baxter, Executive Director**

ICAS Meeting: At its February 4 meeting, the Intersegmental Committee of Academic Senates discussed the Governor's proposed "dual admission" program for California Community College students that would guarantee CCC freshmen a transfer spot at a UC or CSU campus. UC faculty emphasized UC's longtime and ongoing work to improve the transfer pathway and communicate preparation requirements to CCC students. They also raised concerns that, given UC's limited capacity for accommodating transfer students, this program would have the unintended consequence of reducing the number of transfer slots available to students who discover they want to transfer to the UC while they are taking classes at CCC.

ECAS: Chair Gauvain and Vice Chair Horwitz have been working with the systemwide Office of Ethics, Compliance and Audit Services (ECAS) on plans to enhance communication with faculty around IT compliance and related issues.

Assembly Voting: An Assembly member is seeking clarity about Assembly member reporting and voting obligations, and whether members can vote as individuals or are expected to represent their group. Senate leadership will request a formal roll call vote in Assembly on certain issues in the spirit of transparency and accountability (although an Assembly member may request a roll call vote on any issue).

Regents Standing Order 100.4(qq): UC Legal has responded to Council's request for guidance about the President's and Chancellors' authority to adopt curtailments or salary reductions without declaring an "Extreme Financial Emergency" as described in Regents Standing Order 100.4(qq). UC Legal views the authority as additive to the President's existing authority to undertake furloughs, curtailments, or salary reductions. UCFW-TFIR is also consulting a UC law faculty for independent advice on the matter.

Student Committee Representatives Orientation: The systemwide Senate is planning a new fall orientation meeting for systemwide committee student representatives that will welcome and introduce them to the Senate, clarify their role, and encourage their participation.

III. Faculty Salary Scales Task Force Report and Recommendations

Council reviewed comments from Senate divisions and committees to the report and recommendations of the Academic Planning Council Faculty Salary Scales Task Force, which was charged with making recommendations for increasing the market relevance and equity of the published UC faculty salary scales, and for reducing the University's reliance on off-scale supplements to achieve competitive compensation. The Task Force recommended moving UC to more competitive, transparent, and equitable salary scales that continue to be uniform across campuses, and that are adjusted annually to gradually eliminate or substantially reduce the need for off-scale compensation. It proposed two possible compensation models for achieving these aims: a comparison-based model focused on new hires, and a disciplinary-based model.

- Council members noted that the systemwide faculty salary scales establish a compensation baseline, promote transparency and equity, support the merit-based peer-review system, and help unify and sustain UC as a single system. They emphasized the need to reduce UC's salary gap with the "Comparison 8" group of institutions and return the published scales to market reality and competitive relevance.
- Many reviewers emphasized the value of off-scales in the highly competitive academic marketplace concern and concern about how reducing or eliminating them could harm recruitment and retention. They agreed that off-scales should be used sparingly, but should nevertheless remain available to campuses.
- Faculty were divided about the value of maintaining a systemwide scale. Some felt strongly that the issues identified in the report are better addressed separately at each campus, rather than through a common scale. Several observed that the report could do more to incorporate data on the cost-of-living differences across campuses, and on total compensation. More data and modeling would also be welcome concerning how the proposed models would affect diversity and equity, and faculty in specific disciplines.
- Faculty emphasized the need to involve faculty in off-scales and other compensation decisions. Administrative control over off-scales on some campuses further decouples salaries from the merit system, reduces transparency, and undermines peer review.

ACTION: Council will send a summary of comments to Provost Brown.

IV. Systemwide Review of Innovative Learning Technology Initiative (ILTI)

Council reviewed comments from Senate divisions and committees to the review of ILTI, UC's program for funding online and hybrid course development with the \$10m Governor Brown asked UC to set aside for online learning each year, beginning in 2013. The report recommends eliminating ILTI's program for non-matriculated students; increasing the proportion of funding distributed to campuses; and focusing ILTI's efforts in three areas (managing cross-campus enrollments, coordinating systemwide IT support, and a simplified grants program to support online course development). The report also recommends increasing faculty involvement in ILTI, and maintaining ILTI at UCOP.

- Council members observed that the 2018 report is out of date, especially in the context of the transition to remote instruction during the pandemic. They noted that some campuses have launched task forces to examine online learning outcomes and pedagogy that could provide relevant information to inform next steps for ILTI. Another new context is the proposed 2021-22 state budget that asks UC to increase online courses by 10%. Council members

suggested allowing these data and circumstances to evolve more fully before proceeding in any significant way on ILTI.

- Council members noted that campuses are skeptical about ILTI's value, given existing campus efforts around online education, the low demand for cross-campus ILTI courses and the high attrition rates in those courses, and concerns that ILTI courses do not always seem well-coordinated with department needs. Faculty strongly support the recommendation to send more ILTI funding directly to campuses to support local online education, given that campuses are better equipped to determine student needs.
- Members expressed support for focusing ILTI's mission on funding strategic cross-campus efforts that support UC's overall online learning needs, and on systemwide courses that help students satisfy requirements in impacted majors; reduce time to degree; lack enrollment to be viable on a single campus; and/or are high-demand or specialty courses.
- Another issue to consider is who teaches ILTI courses and how online courses affect the workload balance in a department or campus. Council members noted that ILTI courses should continue to be created and approved on individual campuses, and authority for course approvals should continue to reside within Senate governance structure.

ACTION: Council will send a summary of comments to Provost Brown.

V. Systemwide Review of Presidential Policy IS-12 (IT Recovery)

Council reviewed comments from Senate divisions and committees to a revised presidential policy on IT Recovery. The policy describes requirements and procedures for the recovery of UC data and other IT resources following a disaster, and details the planning, oversight, and implementation of an IT recovery program at each UC location. The revisions update the policy to reflect contemporary technology concerns and issues; provide guidance to UC locations on data recovery; provide for local governance of IT recovery, budgeting, and risk management; and outline a standards-based approach to IT recovery. The policy also defines the responsibilities of personnel assigned to IT recovery at each location.

- Chair Gauvain noted that recent ransomware attacks on the University have increased awareness and urgency around robust data security and IT recovery plans. Faculty can help create effective responses by working with IT staff to communicate how faculty use data.
- Council members noted that clearer definitions, implementation criteria, and management reporting structures would help faculty more easily understand the implications of the policy for faculty in their roles as researchers and educators, and best practices to follow.
- It was noted that a costly new bureaucracy may be needed to implement the policy, forcing a significant unfunded mandate onto campuses bracing for budget cuts. However, it was also noted that the policy includes an escape hatch that allows campuses flexibility to fund the most critical needs.

ACTION: Council will send a summary of comments to Provost Brown.

VI. Consultation with Senior Managers

- Michael Drake, President
- Michael Brown, Provost and Executive Vice President, Academic Affairs

○ **Nathan Brostrom, Chief Financial Officer**

COVID: President Drake expressed hope about the recent downward trend in COVID cases and hospitalizations, the national rollout of two vaccines, and UC's very low on-campus positivity rates. He said UC Health has the capacity to distribute more vaccines than the state is providing, and he expects the initial challenges with vaccine availability to be resolved soon. UC is modeling a variety of scenarios for fall 2021 in-person instruction and expects to have a clearer picture in six weeks. Significant herd immunity will be required to support a full opening.

Budget: Governor Newsom announced that his May budget will fully restore the \$300 million cut to UC in last year's budget. The University is also advocating for additional permanent funding, and is concerned about several budget line items that intrude on UC's academic self-governance.

Comprehensive Access: President Drake said the Regents will continue their discussion of UC's potential affiliation with external healthcare providers later this year. He noted his commitment to ending healthcare discrimination and to increasing access to quality healthcare, and he said profit is insufficient justification for an affiliation. He said proposed CA Senate Bill 379, which would limit UC's ability to affiliate with providers that impose policy-based restrictions on healthcare, could interfere with UC's relationship with the VA hospitals and other entities. UC is also following AB 705, which would prohibit California healthcare facilities from limiting access to comprehensive care.

Open Access: President Drake said UC is making significant progress in its negotiations with Elsevier, and will soon announce a watershed agreement that will have major implications for the broader academic publishing world. Provost Brown added that Senate leadership was crucial to efforts that led to the agreement.

Curtailment Authority: President Drake said the curtailment plan was intended to ease the financial pressure of the pandemic on campuses and prevent layoffs of low-income workers. He noted that the authority to declare a financial emergency given to chancellors in 2008 was in addition to their existing authority to adopt curtailments or salary reductions to manage campus budgets. That authority is never taken lightly and will always include Senate consultation.

NAGPRA: Provost Brown thanked the Senate for its past reviews of the UC Policy on Native American Cultural Affiliation and Repatriation, related to the curation, repatriation, and disposition of Native American remains and cultural items in UC's custody. UC is again revising the policy in response to suggestions and concerns raised by Native American tribes.

COVID Impacts on Faculty: Provost Brown noted that he will be working with the Senate and others to develop an appropriate comprehensive strategy for addressing the multi-year career impacts of the pandemic.

Admissions: Provost Brown noted that UC is monitoring how the current atmosphere of uncertainty, changes to K-12 grading during the pandemic, and UC's new policy on the use of tests scores affect admissions outcomes for underrepresented groups.

- A Council member noted that SB 379 does not restrict UC's ability to affiliate with the VA and other public agencies with legally-mandated restrictions on care; that UCFW-TFIR wants to participate in a "financial fitness" survey of UC employees; and that UCFW wants to survey faculty about childcare and work-life balance issues.

- Members asked if UC plans to mandate vaccines for UC students and employees, and if UC will be able to fully vaccinate its community members by fall. There is concern that some UC campuses have received very few vaccine doses.
- Council members noted that the solidarity across UC constituencies on open access was a source of strength; that the Regents have not responded to the Senate’s Memorial on fossil fuel divestment, suggesting an unclear long-term commitment; and that it is not enough for UC to admit more underrepresented students; it must also support their success.
- President Drake responded that the University is committed to divestment from fossil fuels, and he agreed to consider ways to make that commitment clearer. He said that at a minimum UC will issue strong guidance on the vaccine, and that a high level of vaccination will create herd immunity and support a safe and normal campus environment. He noted that UC relies on the state for its vaccine supply and expressed hope that UC will be able to vaccinate its entire community by summer.
- Provost Brown noted that the University has an institutional responsibility for promoting equity and supporting student success.

VII. Regents Policy 1203 on Emerita/Emeritus

- **Susan Carlson, Vice Provost for Academic Personnel**
- **Kimberly Grant, Director - Academic Policy and Compensation**

In May 2018, the Regents rescinded Standing Order 103.5 relating to the conferral of emeritus status and incorporated the provisions into Regents Policy 1203. Simultaneously, the policy changed eligibility requirements for conferring emeritus status for certain non-tenured Senate faculty. As a result, only ladder-rank Associate Professors and Professors currently have the status conferred automatically, leaving other Senate faculty to go through additional review before the title can be conferred. When conforming revisions to APM 120 were circulated for systemwide review in 2019, Senate input included strong support for reinstating the automatic conferral of the emerita/emmeritus title to all Senate faculty. Based on the feedback, UCOP plans to ask the Regents to revise Policy 1203 in May to confer the Emerita/Emeritus suffix automatically on every Senate faculty member at the Associate Professor and Professor rank (or equivalent), upon retirement.

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

VIII. BOARS Letters

- **Eddie Comeaux, BOARS Chair**

1. Statewide Eligibility Index

In January, BOARS approved a new model and minimum thresholds for the Statewide Eligibility Index, which currently identifies the top 9% of California high school graduates eligible for UC based on an index involving both high school GPA and standardized test scores. Changes to the index are needed to conform with the Regents decision to phase out standardized testing. BOARS considered several models, and decided on one that uses HSGPA and the number of A-G courses completed in 10th and 11th grades and expected in 12th grade. The new model is expected to capture competitive students, and also projects more diversity among URM groups. (The change to the index does not affect the Eligibility in the Local Context pathway, which extends eligibility to the top 9% of high school graduates in each high school based on GPA.)

ACTION: A motion to approve the recommendation was made, seconded and passed. The recommendation will move to the Assembly.

2. Continuing Use of Pass/No Pass Grades in CA High Schools

In March 2020, BOARS and Council approved the temporary waiver of several admission requirements due to the pandemic. These included Senate Regulation 424.B.1 to allow non-letter grades for A-G courses, in response to the move by some school districts to a pass/no pass grading system. A new letter from BOARS announces the extension of the SR 424.B.1 waiver through summer 2021. It also encourages potential applicants to take letter grades when possible, particularly in certain subjects, given the ambiguity of a “pass” grade. (The University cannot require districts to use a letter grade.) Finally, the letter encourages faculty and administrators to expect and plan for more students with academic and emotional support needs.

- Council members expressed support for BOARS’ guidance, including the message that students should seek letter grades when possible. Members noted that faculty will need to trust admissions staff to make fine-tuned decisions.

3. Tribal Membership and Comprehensive Review Selection Criterion #13

Council reviewed a letter from BOARS re-affirming BOARS’ 2008 position that federally-recognized tribal membership should be included as one acceptable consideration in admissions under comprehensive review selection criterion #13.

- Council members expressed support for increasing low Native American representation at UC. A Council member noted that the University should also extend consideration to tribes recognized by the state of California but not by the federal government. Chair Comeaux agreed that BOARS would consider this suggestion and requested further information about the tribes.

IX. UCAADE Letter Supporting Faculty Equity Advisor Programs at UCD and UCSC

- **Javier Arsuaga, UCAADE Chair**

UCAADE wants to send letters to faculty and administrative leaders at Davis and Santa Cruz supporting the implementation of Faculty Equity Advisor (FEA) programs on those campuses. Neither campus has an FEA program, and the campus Senate Diversity Committees have asked UCAADE for help. The Academic Council issued recommendations and guidelines for FEAs in August 2019.

ACTION: A motion to endorse UCAADE’s action was made, seconded, and was passed.

X. UC Global Climate Leadership Council (GCLC)

Faculty representatives to the GCLC (Roger Bales (UCM), Matt Barth (UCR), David Lea (UCSB), Beth Rose Middleton (UCD), and Sheri Weiser (UCSF)) joined Council to discuss the role of the GCLC and opportunities to forge closer ties with the Council and campus faculty to highlight and address climate issues. Also joining the meeting was UCOP Director of Sustainability Matt St. Clair.

UC Carbon Neutrality Initiative: In 2014, President Napolitano launched the Carbon Neutrality Initiative (CNI) with the goal of net carbon neutrality by 2025. Addressing the problem of

climate change is a moral imperative and part of UC's public mission. While UC is responsible for a minuscule portion of global emissions (and 0.3% of California's emissions) it can create change and show leadership in other ways. Campuses have made significant progress, and faculty have been key contributors.

"Carbon neutrality" and "net zero" are common and interchangeable terms describing goals for reducing emissions. Flexibility is needed around the aspirational goal of a fossil free world. Given the high cost of 100% renewable energy scenarios, and the difficulty of reducing all carbon emissions to zero, most net zero scenarios include some fossil fuel use, with remaining emissions balanced by negative emissions, carbon capture, and offsets.

To achieve the 2025 goal, UC campuses will need to continue their successful energy efficiency projects (already a 30% reduction since 2009); increase clean power procurement; address the major challenge of replacing natural gas with electrification; and consider other options such as biomethane and carbon offsets to address remaining emissions. UC has already initiated several offset projects in California and around the world.

Climate change mitigation is one outcome of UC's teaching, research, and service missions. UC faculty research has been critical to the development of scalable solutions to a low carbon future. One example is the energy-saving white LED developed by UCSB Nobel laureate Shuji Nakamura.

GCLC: The GCLC includes faculty, administrators, students, and staff. It advises the president on implementation of the CNI; coordinates campus efforts; and connects UC's sustainability goals to the CNI and to UC's teaching, research, and service missions. Eleven GCLC working groups are assigned to corresponding "pillars." Faculty are closely involved in several pillars, including "Applied Research" and "Faculty Engagement and Education," which have sponsored teaching and curriculum workshops and applied research collaborations. The GCLC is launching a Center for Climate and Health to promote education and research on the health and equity impacts of climate change, and a Sustainable Health Education Integration Initiative that will integrate climate health education into the curricula. Director St. Clair added that the UC Sustainability Steering Committee reviews policies and progress towards the goals outlined in the UC Sustainable Practices Policy.

There is increasing discussion, awareness, and bottom-up interest in carbon neutrality. In its November 2019 Climate Change Principles and Recommendations, the Academic Council proposed a working group to promote faculty participation in climate-change activities. The GCLC and Senate leadership recognize that continued and expanded faculty involvement and leadership will be essential to success, and they are discussing potential vehicles for coordination and collaboration that influence change and promote a more active role for faculty in the CNI.

- Council members noted that there may be post-pandemic opportunities to implement additional telecommuting to reduce carbon-producing car commutes. GCLC representatives observed that transportation accounts for about 40% of UC-wide carbon emissions.
- A Council member encouraged efforts to build communication and trust across faculty and administrative groups, to enable an integrated approach to climate issues and more effective progress on the 2025 goals.

XI. Healthcare Affiliations and Comprehensive Access

- **Lisa Ikemoto, UCFW-Health Care Task Force Chair**

UCFW-HCTF Chair Ikemoto summarized issues surrounding UC's potential affiliation with external healthcare providers. She noted that one in seven hospital patients in the U.S. receives care at a Catholic hospital, which are bound by the Ethical and Religious Directives for Catholic Health Care Services (ERDs), established by the US Conference of Catholic Bishops. The ERDs include religiously-based restrictions on healthcare services, such as emergency contraception for women, abortion, direct sterilization, and euthanasia. There is some variation by hospital and diocese, but ERDs affect providers' ability to provide care; some transgender patients have been denied access to care, and women have been denied miscarriage care and tubal ligations.

The debate around affiliations arose in 2019, when UCSF faculty objected to a proposed affiliation with St. Francis hospital, and a subsequent PRA request revealed that all UC medical centers have similar affiliations. Many faculty raised concerns that such agreements undercut UC's public mission and also reflect a lack of transparency and shared governance. Later in 2019, a UCFW Task Force on Nondiscrimination in Health Care (NDHCTF) released a report recommending that UC avoid affiliations with providers who discriminate in healthcare. The Senate also opined that year on the report of the President Working Group on Comprehensive Access, and Council recommended that UC generally avoid affiliations with health entities whose values conflict with UC's, and only allow affiliations under very strict conditions.

In July 2020, UC revised its contract with Dignity Healthcare to exclude UC personnel from the ERDs. Earlier this month, State Senator Wiener introduced a bill (SB 739) that would prohibit affiliations between UC and Catholic hospitals, and Assembly member Kamlager introduced a bill that would prohibit healthcare facilities from limiting access to comprehensive care. SB 739 would not prohibit UC's affiliations with VA hospitals because the VA's ban on abortion is a legal restriction, not a policy-based restriction.

Proponents of affiliations argue that they will help meet demand for and increase access to affordable health care, both for UC patients and for Catholic hospital patients wanting access to UC services. Affiliations with Catholic hospitals would also benefit UC's public mission because as Medicaid providers, they take many more underserved and low-income patients than UC.

- Council members noted that the broader UC community may not be informed about the extent of UC's existing affiliations (for example, all UCR medical students receive their training at Catholic hospitals.) It was also noted that too broad a prohibition on affiliations could harm UC's ability to provide healthcare to Californians, and a blanket prohibition could have harmed people during COVID.
- It was noted that some faculty are uncomfortable about arguments for affiliations based on expanding UC's market share, and that the NDHCTF did not single out religious hospitals, but advocated against affiliations with discriminatory entities. It was noted that the July 2020 contract allows UC personnel to discuss non-ERD-compliant procedures with patients in Dignity hospitals, but does not necessarily allow their delivery or prevent discrimination. A member noted that it is critical for UC Health to be transparent and to engage the Senate in shared governance. It was noted that the NDHCTF report specifically states that certain affiliations with discriminatory entities might be allowable if they meet a very high bar as being justified for "the greater common good."

XII. Vaccine Distribution Issues and Fall Campus Opening Plans

Chair Gauvain noted that the UC vaccine distribution work group is seeking information about how faculty are preparing for campus reopenings in fall 2021, as well as their views and concerns about vaccine distribution, the safety of in-person instruction, and a possible vaccine mandate. This discussion was informed by reports from each of the Division Chairs about what is being planned on their campuses for fall reopening and the nature and extent of Senate involvement in planning. Council members made several observations, including the following:

- Campuses are planning for various course enrollment and classroom density scenarios (e.g., 25%, 50%, 75%, 90%) using a variety of strategies, including moving some classes online; moving some smaller enrollment classes to larger rooms; using cohort-based scheduling for classes, with recorded lectures for synchronous viewing by remote cohorts; and moving some classes outside. Some campuses already assume that fall instruction will be mostly remote, while others think it would be easier to plan for an in-person opening and then return to online, if needed.
- Some campuses are surveying faculty for their views and concerns about reopening. There is a push on some campuses to require in-person exams. Others are exploring creative alternatives to faculty masking and for using graduate students and teaching assistants in dual mode courses. Concerns include
 - 1) The vaccine status of students, staff and faculty and the extent to which vaccines will be distributed in a way that ensures herd immunity in time for fall instruction. Some faculty and staff may be reluctant to return to campus without students vaccinated, but there are also privacy concerns in the context of a possible vaccine mandate.
 - 2) How to accommodate students, staff, and faculty not ready to return or unable to return, and objective criteria that informs when to require professors to return to the classroom.
 - 3) How to find appropriate space for instruction and/or in-person exams. Some campuses are exploring the use of entertainment and conference venues in campus communities.
 - 4) How to ensure there are staff and infrastructure to record or broadcast potentially thousands of courses.
 - 5) How to accommodate density rules that may compel faculty to teach a course multiple times to separate cohorts. How will campuses award teaching credit, address teaching loads, and maintain equity around online vs in-person teaching assignments.

Meeting adjourned at 4:15 pm

Minutes prepared by Michael LaBriola, Assistant Director

Attest: Mary Gauvain, Academic Council Chair