

## ACADEMIC COUNCIL

## Minutes of Meeting

February 27, 2019

**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of January 27, 2019

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

**II. Senate Officer Announcements**

- o **Robert May, Academic Council Chair**
- o **Kum-Kum Bhavnani, Academic Council Vice Chair**

ICAS Legislative Day: The Intersegmental Committee of Academic Senates held its annual Legislative Day meeting in Sacramento on February 20. Faculty leaders from the three segments of California public higher education met with legislators and their staff to convey faculty perspectives on issues of common interest, including State funding, student financial aid, faculty diversity, and graduate education. In addition, ICAS met with Assemblymember Medina and Senator Glazer, who are sponsoring a bill to add a General Obligation bond for higher education to the 2020 ballot.

Elsevier Negotiations: The University continues its negotiations with Elsevier for subscription contracts that expired December 31. Council members agreed that if negotiations collapse, Council should issue a statement in support of UC's negotiating position. The statement would also express support for UC librarians' efforts to ameliorate the negative effects of the loss of journal access, and to closely monitor alternative access and its effects on research and teaching. The statement would be posted on the Academic Senate website, and distributed to campus faculty at the discretion of divisional Senate chairs.

Task Force Updates: The Academic Council's Standardized Testing Task Force met in Oakland in early February. The joint task force on privileges and responsibilities of non-faculty academic appointees is finalizing a proposed policy, which will be circulated for systemwide review.

**III. UC Path**

- o **Susan Carlson, Vice Provost for Academic Personnel**
- o **Pamela Peterson, Executive Director and Deputy to the Vice Provost**

Council invited guests from the Office of Academic Personnel and Programs (APP) to discuss processes for ensuring that graduate students are paid correctly during the transition to UC Path. Payroll errors have been concentrated particularly among graduate students, who often have complicated pay statuses, and multiple payroll sources as a result of having both staff and academic positions. Campuses have developed workarounds to address ongoing complications associated with graduate student pay in the current PPS system, but these will not translate directly to UCPath. After discussion with systemwide stakeholders, APP has asked a group of campus Academic Personnel Directors to assemble options for a more permanent solution to the

complications of graduate student pay. These solutions should align with various guiding principles of academic pay in UC Path: efficiency, consistency, accuracy, and adaptability.

Some of the programmer contractors who designed and built UC Path underestimated the complexity of payroll for graduate students, faculty, and higher education more generally. In productive, recent meetings with UCPath, APP has emphasized 1) the need for programmers to distinguish between academic personnel and other represented academic appointees as well as policy-covered employees, and 2) the need for better ongoing communication among programmers, the UC Path Center, graduate students, and the three UC centers of expertise: Academic Personnel, Human Resources, and UC Payroll.

#### **IV. Proposed Memorial to the Regents on Divestment from Fossil Fuel.**

The UCSF Senate Division has approved a Memorial to petition the Regents “to divest the University’s endowment portfolio of all investments in the 200 publicly traded fossil fuel companies with the largest carbon reserves.” 79% of the UCSF Division voted in favor of the Memorial. Proponents note that climate change is a major problem with catastrophic consequences for human health and the planet; and that while the impact of UC divestment will be more indirect, it is important for University to do anything it can to advance clean energy resources and healthy energy policy, and to make a major statement on climate change, especially given the political attacks on climate science.

[Senate Bylaw 90](#) outlines the Memorial process and its requirements. It specifies that after notifying the chair of the Academic Senate, the initiating division will notify the other nine Senate division chairs. Divisions then have 90 calendar days to vote on the memorial using any procedure authorized by the Bylaws of the Division (including, but not necessarily a vote of the entire campus faculty). The Division must vote on the exact wording of the proposed Memorial; no amendments are permitted. If at least three divisions representing 35% of total Senate members approve the Memorial, it moves to a vote of the entire UC faculty.

#### **V. Executive Session**

#### **VI. Consultation with UC Senior Managers**

- Janet Napolitano, President
- Michael T. Brown, Provost & Executive Vice President, Academic Affairs
- Nathan Brostrom, Executive Vice President and Chief Financial Officer

2019-20 Budget: The Governor’s proposed 2019-20 budget provides UC with a \$240 million (6.9%) increase in permanent ongoing funding over 2018-19, and \$153 million in one-time funding, including \$148 million for deferred maintenance and \$15 million to support a degree completion pilot program. However, the budget only partially addresses UC’s request to make permanent \$145 million in one-time funding from the 2018-19 budget. Of that it provides \$40 million to reverse the graduate medical education fund swap, and \$10 million to support existing enrollment. The proposed budget also identifies specific expected uses for the \$240 million, in contrast to the past practice of funding UC through a block grant. One priority identified is UC’s Multi-year Framework proposal for improving degree attainment and student success. The budget does not fund UCRP. Between now and the release of the May Budget Revision, UC will

be working with the State to convert the remaining \$95 million one-time funds into permanent funds, and to fund 2,500 new undergraduates and 1,000 new graduates.

Capital: Senator Glazer is sponsoring a bill to place an \$8 billion GO bond measure on the March or November 2020 ballot, to fund critical deferred maintenance and seismic safety needs at UC and CSU. The proceeds would be split equally between UC and CSU. UC has identified \$5 billion in deferred maintenance needs for state-funded buildings alone.

Asset Optimization: The University is using asset optimization strategies to reduce its reliance on State funds. In 2008, it created the Total Return Investment Pool (TRIP) to maximize the long-term working capital of campuses. TRIP now includes about \$9 billion, and generates more than \$300 million in discretionary revenue for the campuses at low risk, and at a 4% higher return rate than STIP. UC is also creating the Blue and Gold Investment Pool to further optimize returns on working capital not needed for 3-5 years.

Housing: The University is well on its way to meeting its goal of adding 14,000 affordable student housing beds by fall 2020. The projects are being funded through a variety of models, including internal financing and Public-Private Partnerships (P3). New projects at UCSD, UCB, UCR, and UCD, could create an additional 15,000 beds beyond the 14,000 target by 2024.

Travel: President Napolitano, Provost Brown, UCSB Chancellor Yang, and UCEAP Director Nyitray recently traveled to Korea and Singapore to explore opportunities for educational and research partnerships with universities there. President Napolitano also met in Washington with Representative Roybal-Allard about the congresswoman's plan to reintroduce the Dream Act.

March Regents Meeting: The Regents will discuss the Multi-year Framework; receive an update on UCOP budget outcomes for 2018-19; and hear an in-depth presentation on ANR. The Special Committee on Basic Needs will discuss the Governor's budget as it relates to student hunger and housing, and Provost Brown will present evidence on the public value of a UC degree. The Regents will be asked to approve several multi-year plans for PDSTs; and UC's Chief Compliance Officer will discuss issues related to foreign influence.

President Napolitano noted that protecting research integrity and maintaining an open research environment are foundational UC values; but it is also important for UC to address legitimate national security threats. She appreciates the work of the systemwide tiger teams that made recommendations for addressing vulnerabilities, and she has also asked campuses to inventory their engagements with specific foreign firms in the event the federal government takes action against those firms.

NAGPRA: February 1 was the first meeting of the Native American Advisory Council established to advise the President and Provost on policies and practices concerning Native American human remains and cultural items in UC custody; the recruitment and retention of Native American students, faculty, and staff; and other issues related to academic and cultural engagement with the Native American community.

UC Path: UCOP is convening a Student Pay Working Group to recommend ways to reduce complexity and inefficiency in student employee payroll processes, in time for fall 2019 UC Path deployments. UC and the UAW have agreed that each student employee affected by payroll processing errors will receive at least \$150 and up to \$400 depending on circumstances.

UCOP Searches: Searches are underway or will soon begin for a new 1) Vice President, National Laboratories; 2) Executive Vice President, UC Health; and 3) UCSC chancellor.

Title IX: The University's comments to the U.S. Department of Education about the proposed Title IX rules revisions noted that the revisions are overly prescriptive and unworkable.

Carbon Neutrality Initiative: There is a much activity on the campuses related to the University's goal of achieving carbon neutrality by 2025. UC is also participating in the University Climate Change Coalition (UC3), a collection of North American research universities that have adopted specific sustainability goals.

- A Council member noted that it may be difficult for campuses to improve time-to-degree while also absorbing thousands of new students without additional funding for faculty, facilities, and student support services. In addition, there was concern that the push to increase transfer enrollments might increase the number who enter UC not adequately prepared to graduate on time, and that the proposed UC Transfer Guarantee could also lead to more unprepared transfers. A Council member encouraged UC to add an assessment component to the student success initiative, to help document and evaluate outcomes, and explain how and why students achieve success within a given timeframe. Provost Brown noted that the UC Transfer Pathways are more rigorous than existing TAGs.
- The President's Chief of Staff noted that the President did not receive the statement regarding academic boycotts signed by the 10 chancellors.

## **VII. UC Chancellors' Statement on Academic Boycotts**

Council continued its discussion about a potential response to a statement issued by the UC chancellors opposing the academic boycott of Israeli universities. Since Council's discussion in January, UCAADE wrote to Council noting that 1) the statement has the appearance of an institutional position on a contentious issue affecting campus climate, and 2) the lack of Senate consultation on a matter affecting academic freedom undermines shared governance protocol. UCAF also issued a letter inviting further dialogue with the chancellors about the meaning of the statement and the process of making or clarifying university policy on academic boycotts.

- Several Council members noted that an academic boycott would by definition involve faculty, and that faculty have the right to voluntarily participate in boycotts as a form of protected expression. They noted that the chancellors have the right to speak on any issue; however, given that the statement was issued on UCOP letterhead and does not indicate they were speaking as individuals, it could be interpreted as policy, or at least as carrying the weight of a university statement of values. These members encouraged Council to release a statement reaffirming shared governance, academic freedom, and the faculty's right to boycott consistent with their other duties and responsibilities outlined in APM 015 (without taking a position on the merits of any boycott or movement).
- Another member noted that two Senate divisions were consulted about the chancellors' letter, and no faculty objected. Nothing in the letter abrogates the rights of faculty. It simply reaffirms the chancellors' 2016 statement concerning a boycott proposed by the American Association of Anthropologists.

**ACTION: It was agreed that a small group of Council members would draft a letter focused on concerns about the process and presentation of the chancellors' statement, and circulate it to Council members for local discussion.**

### **VIII. Politicization of Science**

Council continued its discussion of a UCORP statement expressing concern about the politicization of science and attacks on academic freedom that extend to climate research, primate research, stem cell research, and other areas. Council also considered a new letter from UCAF echoing those concerns and urging the University to monitor and document cases of interference that undermine scientific discovery and academic freedom.

**ACTION: A motion to endorse the letters and forward them to the president was made, seconded, and passed unanimously.**

### **IX. Proposed Revision to Senate Regulation 636.E**

UCOPE has endorsed a revision to Senate Regulation 636.E proposed by UCSB to address equity concerns related to how UC students may satisfy the University's Entry Level Writing Requirement (ELWR). Under current policy, a student at given UC campus who fails to satisfy the ELWR, takes a leave of absence, enrolls in a CCC, and takes an ELWR-satisfying writing course, is not given credit for the course if they re-enroll at the same UC campus. However, the same CCC writing course will satisfy the ELWR at a different UC campus, and a CCC transfer can satisfy the ELWR with the writing course. The revision adds language stating that the Senate Division of the student's campus may approve an exception to 636.E in cases where a student has earned transferable credit while on an approved leave of absence for non-academic reasons.

It was agreed that as a substantial change to a Senate regulation, the proposal will be circulated for systemwide review. Council members noted that Senate divisions should be encouraged to consult with writing program and/or department leads on the matter.

**ACTION: The proposed revision will be circulated for systemwide review.**

### **X. Market Research on Perceptions of UC**

- **Claire Holmes, Senior Vice President, External Relations & Communications**
- **Vanessa Correa, Chief Brand Officer and Director of Marketing**

SVP Holmes and Director Correa presented the results of a 2018 study focused on perceptions of the University. The goals were to assess UC's reputation, identify new advocates, and new ways to communicate UC's value and contributions to the state. The study employed 8- to 12-person focus groups of parents, voters, business people, "informed publics," and policy influencers; an online qualitative survey of UC alumni living in CA; and a quantitative survey of voters, informed publics, and alumni. Findings included the following:

- Nearly 50% of California voters believe the state is heading in the wrong direction, particularly because social mobility is becoming more difficult due to the high cost of living and housing.
- A strong majority of voters view UC favorably, based on its breadth and diversity, and its history, prestige, and international reputation. A strong majority also agree that UC sparks innovation and is critical to the state's future and economy.

- Among all groups, the primary concern about UC is its perceived cost and affordability, although voters still view UC as a better value than private colleges. There is also a perception, strongest among alumni, that UC is not focused enough on educating Californians; however, most voters are unwilling to pay higher taxes to increase in-state enrollment.
- All groups responded positively to messages focused on UC's role in keeping California strong; its status as a job creator and engine of social and economic mobility; the economic return on taxpayer investment; the contributions of the UC health systems to medical innovation; and the economic and social contributions of campuses to local communities.
- The majority of alumni are willing to vote for candidates who support UC, and 64% of alumni say they want to be more engaged in advocacy. Outside of alumni, UC's strongest supporters are college degree-holders and urban voters, but there are opportunities to gain advocates within other specific voter segments.
- Council members agreed that it is important to frame the University as a public good and to emphasize how it can be a think tank for the grand challenges facing the state. However, they also encouraged UC to create narratives that look beyond STEM, the economy, and workforce training, to encompass the entire university; in particular, how the social sciences, humanities, and arts address real problems facing individuals; and help enrich their understanding of moral and ethical judgements, social circumstances, financial needs, and culture.

## **XI. International Research and Students**

The President has endorsed recommendations from two systemwide tiger teams for protecting UC from potential risks from foreign entities. The Teams on 1) Vulnerabilities Associated with International Students, and 2) Sensitive Information and Materials Related to International Agreements were asked to develop recommendations for protecting UC systems and intellectual property in ways that address federal concerns about national security but also support UC's commitment to an open and collaborative research environment. A second letter from the president provides additional guidance for UC engagements with specific Chinese network equipment companies, in anticipation of possible federal action against those companies.

Several Council members observed that the letters do not acknowledge the unintended consequence of racial profiling, and seem to validate a reactionary and xenophobic political spirit in the culture. UCORP Chair Baird, who was a member of the International Agreements Team, noted that the combined recommendations are intended to raise awareness about real, organized efforts to steal intellectual property and sensitive information from the University, and to get UC in front of the issue so it is not forced to take more draconian measures. He clarified that the recommendations are not intended to target a specific country or ethnicity but to express general principles as they relate to foreign visitors, faculty, and students. It was noted that some individual investigators are forming contracts and agreements outside of UC processes and creating risk situations.

Council members agreed that a subgroup would draft a response articulating Council's views about 1) the need to educate faculty about adhering to existing UC policies on international agreements and research; 2) the need to protect UC's open research environment from improper interference; and 3) the need to be appropriately sensitive to the potential for racial profiling.

**ACTION: UCSF Chair Teitel, UCSC Chair Lau, UCLA Chair Bristow, UCFW Chair Malloy, and UCORP Chair Baird will draft a letter for Council’s review.**

**XII. UCPT Letter on Resources to Implement SB 336**

Council reviewed a letter from UCPT regarding the need to provide campus Academic Senate offices with additional resources to successfully implement the [proposed revisions to Senate Bylaw 336](#), in anticipation that the revisions will result in a larger number of hearings and require additional expenses for hearing facilities and staff. Comments on the proposed revisions are due in mid-March. Council members agreed to wait to receive comments from the systemwide review before formulating any specific request for resources.

**ACTION: A motion was made and seconded to endorse the memo in principle and review it again with the revisions to SB 336.**

**XIII. UCAP Issues**

- o Dan Farber, UCAP Chair

**Inappropriate Comments in Student Course Evaluations**

To address the problem of students who include irrelevant, racist, sexist, or otherwise offensive comments in faculty evaluations, UCAP recommended that campuses create a procedure to allow faculty to request the redaction of such comments from the review process and the permanent record. Council members noted that more guidance is needed about what constitutes “inappropriate” and who would perform the work of redaction. Members were also interested in information about existing formal and informal procedures for redaction, and about the overall value placed on teaching evaluations in the CAP process.

**ACTION: UCAP and UCAADE will request a task force to examine issues surrounding student teaching evaluations.**

**Death of a Faculty Member with a Pending Promotion**

UCAP recommended a University policy to clarify that upon a faculty member’s death, the campus should complete any pending promotion or advancement action as a symbolic expression that the university values the contributions of the deceased.

**ACTION: A motion to endorse the recommendation was made, seconded, and passed unanimously. The recommendation will be forwarded to Vice Provost Carlson.**

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Meeting adjourned at 4:30 pm  
Minutes prepared by Michael LaBriola, Principal Committee Analyst  
Attest: Robert May, Academic Council Chair