UNIVERSITY OF CALIFORNIA **ACADEMIC SENATE**

ACADEMIC COUNCIL

Minutes of Meeting
February 28, 2024

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Minutes of January 31, 2024

ACTION: Council approved the consent calendar.

II. Senate Officers' Announcements

- **James Steintrager, Academic Council Chair**
- **Steven W. Cheung, Academic Council Vice Chair**

Regents Meetings: The February 14 Regents Health Services Committee (HSC) meeting covered two main topics: 1) a draft UC Health Strategic Framework focusing on UC Health's contributions to the UC tripartite mission and expanding access to high-quality care; and 2) rising premium costs in UC's Student Health Insurance Plan associated with increased emergency room utilization.

Following the HSC meeting, the Regents held a special meeting of the full Board at which they voted to disapprove the proposed Senate Regulation (SR) 630.E, a systemwide campus experience requirement to earn an undergraduate degree, and to reaffirm campus autonomy over undergraduate degree program requirements. The Regents determined that SR 630.E approved by the Assembly of the Academic Senate in February 2023 was subject to Board review and action.

The Regents did not provide an opportunity for the Senate leaders presenting the recommendation to address questions, raising concerns about protocol and shared governance.

As the result of the Regents' action, SR 630 will revert to its previous wording in the Manual of the Systemwide Academic Senate.

Mathematics Admission Requirement (Area C): BOARS has released its Area C Workgroup (ACW) Stage 1 report. It focuses on the types of high school math courses that can qualify for the recommended fourth year ("advanced math") of area C preparation. BOARS Chair Knowlton summarized the ACW's two main recommendations: 1) only advanced math courses that include substantial advanced algebra content can validate an Algebra II/Math III course; therefore, statistics courses will no longer substitute for Algebra II/Math III; and 2) fourth-year math courses should extend math knowledge beyond content included in foundational lower-level area C courses. The ACW's Stage 2 report will focus on UC's definition of foundational math for college preparation, and also identify content that is appropriate for both introductory data science and fourth-year mathematics.

Legislative Matters: Chair Steintrager appeared with Provost Newman, CCC and CSU faculty and administrative leaders, and advocacy group representatives, at a joint hearing of the State Senate Education Committee and Assembly Higher Education Committee, to discuss existing and potential new mechanisms to increase intersegmental coordination and collaboration.

UC State Governmental Relations has asked the Council to prepare and endorse opposition letters to proposed State Assembly Constitutional Amendment (ACA) 14 (Ortega). In September 2023, Council sent a letter opposing ACA 6 (Haney) which failed passage; however, ACA 14 includes identical language to ACA 6 and would require UC to conform to the state's rules governing its employees. The provisions of the bill would impose labor standards developed for state employees on the University and are inappropriate for many employees in an academic and clinical setting; the bill would also mark an incursion in the University's constitutional autonomy.

III. Executive Session

Notes were not taken for this portion of the meeting.

IV. Consultation with Senior Managers

- **Michael V. Drake, President**
- **Nathan Brostrom, Executive Vice President & Chief Financial Officer**
- **Katherine Newman, Provost & Executive Vice President**

Campus Climate: President Drake expressed concerns about the Middle East conflict and its divisive impact on UC campuses. He emphasized the importance of education and dialogue as pathways to understanding and acceptance during challenging times. He also lamented recent campus incidents targeting visiting speakers and students, underscoring the University's commitment to free speech while opposing expressions of racism and violent disruptions of speech. Safeguarding campus safety and upholding UC principles of community remain top priorities.

Budget: The governor's January budget reflected strong support for the University by deferring a planned 5% base increase for 2024-25 to a 10% increase in 2025-26, despite a significant budget deficit. However, the Legislative Analyst's Office recently projected a larger state budget deficit than anticipated. While the University does not expect a budget cut, it is concerned that the deficit could further delay funding as promised in the governor's budget compact with UC. CFO Brostrom added that the University plans to continue the 2024-25 salary program for faculty and non-represented staff, with final decisions on non-salary aspects of the budget pending the release of the governor's May budget revision. He noted that the positive capital market environment is bolstering UC investments and UC's position in the bond market.

Other financial updates from the CFO included a positive ruling on refinancing Build America Bonds, insurance renewal negotiations in London, UC Health hospital acquisitions, and two proposed General Obligation Bond bills submitted for the November 2024 state ballot.

Equitable Student Employment Opportunities: The Regents voted to suspend implementation of the Opportunity for All policy , which would have allowed undocumented students to hold paying jobs at UC. After extensive examination supported by analysis from UC Legal and outside counsel, the University concluded that no viable legal pathway existed to employ students without legal work authorization. While many State legislators expressed disappointment, UC is committed to collaborative exploration of solutions for affected students, including new opportunities for financial aid and fellowships in association with experiential learning opportunities.

Senate Regulation 630.E: President Drake acknowledged the unfortunate circumstance of the Regents' abbreviated discussion on the Senate's proposed regulation 630.E. The University will consider ways to enhance Board governance and meeting conduct to provide for more comprehensive discussion of important issues and engagement with experts' research and insights on topics brought before the Board. He also emphasized the Regents' ultimate authority over degree attainment policies. Their decision on 630.E means that decisions concerning fully online undergraduate degrees will fall under divisional Senates' purview, guided by the upcoming recommendations of the Presidential Task Force on Instructional Modalities and UC Quality. He looks forward to continued collaboration with the Senate.

Other Faculty Issues at the Board: President Drake highlighted upcoming Board of Regents discussions about political statements on department websites and faculty due process rights and privileges, noting that maintaining academic freedom and faculty rights is critically important to UC's success. In addition, an update on the recommendations of the BOARS Area C Workgroup is planned for the Academic and Student Affairs Committee at the March 2024 Regents meeting.

President Drake concluded by emphasizing that the challenges facing the University have solutions but will require collective efforts to overcome them.

Systemwide Events: Provost Newman joined the meeting from the inaugural Academic Personnel Academy, a systemwide gathering in Anaheim of UC academic personnel staff. She also reported on the upcoming February 28-29 Congress on Artificial Intelligence at UCLA that will focus on harnessing AI as a teaching, learning, and administrative tool.

Labor Consultant: Provost Newman is expecting a report from a consultant (Jenny Faust) hired by UCOP to provide recommendations for improving and strengthening UCOP's organizational and communication structures regarding academic labor relations, including a structure that ensures faculty engagement.

Entrepreneurship: The Regents, under the guidance of their Special Committee on Innovation Transfer and Entrepreneurship, approved a $2 million fund for campuses to develop proof-of-concept investments in faculty, graduate student, and post-doctoral early-stage transformational research and translational research. This initiative will benefit the researchers, campuses, and greater community.

During the discussion:

Chair Steintrager asked President Drake to comment on the proposed State Assembly Constitutional Amendments.

- President Drake stated that UC has every interest in abiding by labor laws, being an outstanding employer, and adjusting its labor practices to improve working conditions, and it can address the goals of the constitutional amendment through individual statutes or collective bargaining. The University opposes constitutional amendments that reduce the University's protected autonomy.

A Council member asked about the risk of moving forward with a 4.2% faculty salary program, given the state budget. Another expressed concern that pending labor contracts could compound budget impacts on campuses already struggling with the cost of the new academic employee contracts.

- CFO Brostrom noted that UCOP will discuss options for the salary increase with the chancellors. Campus budgets have been helped by an unusually high number of staff vacancies. UCOP is discussing alternative revenue strategies with campus budget and finance leaders including optimizing investment returns.

A member expressed concern about an instructor allegedly organizing a field trip to a political demonstration and offering students extra credit for attending the demonstration; the instructor also allegedly encouraged students to contact their local legislator to advocate for a political position.

- Provost Newman noted that there are various UC policies concerning the use of a classroom or course for political advocacy. The Senate has a role in making faculty aware of guardrails; however, the line between academic freedom and political opinion can be ambiguous. Next year's Congress on Academic Freedom will be an opportunity to dig into the complexities.

UCEP Chair Cocco noted that Senate Regulation 630.E did not ban fully online undergraduate degrees and allowed campuses alternative pathways to seek online program approval. The Regents' brief discussion of the policy misrepresented the policy and UCEP's work.

V. Preliminary Discussion of Regents Policy on Use of Administrative Websites

A proposed Board of Regents Policy on Use of University Administrative Websites is under systemwide Senate review. The policy would restrict department members from expressing "the personal or collective opinions of Unit members" on the main landing pages of administrative websites. It mandates that any opinions expressed on other parts of administrative websites include a disclaimer clarifying that these opinions do not represent the official views of the University or the Unit. Academic Council will hold a special meeting on March 12 to discuss the policy.

In June 2022, the Senate released recommendations for departmental statements, drafted by the University Committee on Academic Freedom (UCAF). These recommendations were crafted to

assist departments in posting statements in ways that support academic freedom while also clarifying that the department's views do not necessarily reflect those of the entire University. UCAF Chair Ackerman emphasized that the recommendations were developed through extensive consultation with faculty on each of the ten campuses and UC Legal consultants.

During the discussion:

- Chair Ackerman expressed concerns about the process leading to the proposed policy's development, its content, and potential implementation. He highlighted as context for the process concerns Academic Personnel Manual (APM) 010 (Academic Freedom), which delegates to the faculty the authority to determine scholarly and pedagogical standards and defines the process by which academic freedom concerns and policies are addressed through shared governance.

- It was noted that the proposed policy is ambiguous, and lacks criteria for what constitutes "official business" or a "political statement." The policy as currently worded could extend to statements in support of the value of diversity, addressing climate change, and other commonly held viewpoints. Moreover, most department websites contain content beyond official business and many also serve as platforms for scholarly production that can include political content, particularly in fields that delve into societal issues.

- It was noted that while some Regents argue the policy does not directly relate to academic freedom, it is unclear what problem the policy is aiming to solve. Some faculty speculate it is intended to suppress political speech that individual Regents disagree with.

- It was noted that the 2022 Senate recommendations were advisory, recognizing the diverse opinions and potential impacts across individual schools, divisions, and departments.

- The policy also lacks clear enforcement mechanisms, and its vagueness will make consistent implementation challenging. There has been no discussion about the staffing resources required for policy implementation and compliance monitoring.

VI. Revised Presidential Policy BFB-BUS-46 (Use of Vehicles and Driver Authorization)

Council reviewed comments from Senate divisions and committees to the proposed revisions to Presidential Policy BFB-BUS-46. The Senate reviewed an earlier version of this policy in winter 2018-19. The current version of the policy explicitly states its applicability to personal vehicles when used for "University business," but concerns persist about its clarity and scope. Many reviewers expressed concern about its implications for faculty, graduate students, and others who drive personal vehicles for commuting, research and fieldwork activities, and other UC-related professional duties.

ACTION: A motion was made and seconded to forward comments from the systemwide review to the Chief Risk Officer, with a note that Council declines to endorse the policy until the previous concerns, as well as several new concerns from the current review process, are adequately addressed. The motion passed unanimously.

VII. UCOLASC Request to Co-Sponsor Right to Deposit Webinar

- **Mark Hanna, UCOLASC Vice Chair**
- **Richard Schneider, Past UCOLASC Chair**

UCOLASC asked Council to co-sponsor a national webinar being organized by the UC Libraries and Authors Alliance to increase awareness of issues related to a 2022 White House Office of Science and Technology Policy public access memo, which requires federally funded research to be available in open access repositories immediately upon publication without an embargo. The webinar will encourage attendees to advocate for a declaration that emphasizes the obligation of funders to create transparent legal frameworks and uniform guidance language that provides maximum support to authors in retaining rights to their works. The federal register already includes guidance in the form of the federal purpose license.

During the discussion:

- There was general support expressed for the requested action as consistent with past Council actions favoring open access principles and initiatives. However, a question was also raised about whether Council had ever co-sponsored an event and whether sponsorship in this case set a good precedent.

ACTION: A motion was made and seconded to endorse the proposal. The motion passed 16-1.

VIII. UC Quality Statement

- **Melanie Cocco, UCEP Chair**

Academic Council reviewed a proposed Academic Senate statement on UC quality titled "Characteristics of Educational Quality at the University of California," presented by UCEP. Chair Cocco noted that the statement had been updated from one originally developed in 2011 during the UC Online Education pilot project. It serves as an aspirational document outlining the factors contributing to the quality of a UC education, including the expertise of UC faculty, the engagement of UC students, and the research-based environment integral to the UC system. This quality is manifest in the quality of educational environment, offerings, oversight, and outcomes. Chair Cocco requested that Council circulate the statement for systemwide Senate review to collect feedback.

ACTION: A motion to circulate the statement for systemwide Academic Senate comment was made and seconded and passed unanimously.

IX. Reports from Senate Division Chairs

- Campuses are currently addressing responses to student demonstrators who become disruptive. While campuses have "time, place, and manner" policies in place to regulate political events and demonstrations, there are concerns that these policies may overly restrict free speech and academic freedom.

- The roll-out of new budget models at UCI and UCSC has frustrated and challenged faculty and staff, and Senate leaders are pushing for efforts at budget literacy, transparency, and communication.

- The implementation of new budget models at UCI and UCSC has posed challenges for faculty and staff, leading Senate leaders to advocate for initiatives focused on budget literacy, transparency, and communication. UCD's transition to Oracle is being closely monitored for potential issues observed at other campuses. Additionally, the UCD Senate is collaborating with the administration on assessing how well units are fulfilling their core mission needs with existing staffing levels.

- UCSF has finalized the acquisition of St. Francis and St. Mary's hospitals in San Francisco.

- The UCLA Senate is seeking faculty expertise from other campuses regarding research parks and public-private partnerships to inform the development of shared governance processes in response to the recent purchase of a research park on their campus.

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