

ACADEMIC COUNCIL

Minutes of Meeting

March 20, 2019

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of February 27, 2019
3. April 10 Assembly Agenda Topics (Election of 2019-20 vice chair; action on Posthumous Degrees Policy, Revisions to Bylaw 336; Area "d")

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

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

Proposed APM 011: The Joint Task Force on Scholarly Obligations and Protections for Non-Faculty Academic Appointees will be circulating a proposed APM 011 for systemwide review. The policy commits the University to recognizing the professional standards of non-faculty academic appointees who contribute to the academic mission of the University, and to ensuring that they are respected. It also clarifies that the academic freedom protections outlined in APM 010 adhere to faculty who engage in teaching and research and are obligated by the commensurate responsibilities outlined in the Faculty Code of Conduct. The Task Force consulted a wide range of stakeholder groups on the policy, including the represented librarians.

Admissions Scandal: Chair May asked Council to consider a response to the recent national scandal involving individuals accused of cheating on the SAT and accepting bribes to gain admission to universities, including UCLA. He suggested that UC students who gained admission on a fraudulent basis should be dismissed or have their degree rescinded, with potentially lesser penalties if the student is found to be ignorant of the fraud. Council members noted that adjudication of the cases should follow existing policies and procedures concerning academic dishonesty.

- **ACTION: UCLA Chair Bristow, UCB Chair Spackman, and Vice Chair Bhavnani will draft a statement. BOARS will also discuss the need for updates or changes to UC admissions policies.**

UCSF/Dignity Affiliation: Council reviewed a petition signed by UCSF faculty, staff, and students opposing a new affiliation relationship between UCSF and four hospitals managed by Dignity Health, a religiously-affiliated health care system, over concerns that Dignity restricts some health care services, particularly those related to women's and LGBT health, in ways that do not align with UC's public mission and philosophy. UCSF Chair Teitel emphasized that UCSF is at capacity and the affiliation will help meet demand and increase access to affordable health care both for UCSF patients and for Dignity patients who want to access UCSF services. Chair May noted that the UCFW Non-Discrimination in Healthcare Task Force is conducting a broader review of UC's relationships with health services chains and hospitals.

Citrus Spraying: Faculty from the UCB School of Public Health have asked the University to form a task force to examine concerns about a new pesticide proposed for mandatory use on California citrus, and its effect on human health and the environment.

Elsevier Negotiations: On February 28, the University walked away from negotiations with Elsevier for subscription renewal contracts. The systemwide Senate released a [statement](#) signed by members of the Academic Council and other systemwide committee chairs expressing support for UC's negotiating position. During his [remarks to the Regents](#) in March, Chair May invited the Regents to endorse the statement, noting that UC's move is a watershed event and an opportunity to develop new sustainable models for the distribution of scholarly work.

Course Evaluations Task Force: A task force consisting of subject-matter experts and Senate representatives from UCAP, UCAADE, UCEP, and CCGA will meet to discuss issues of reliability, validity, and bias in student evaluations, determine the scope of any problems, and make recommendations for possible remedies.

Public Records Act Bill: UC faculty working in controversial research areas have been targets of harassing Public Records Act requests that are undermining their ability to do research. The Union of Concerned Scientists is sponsoring legislation to amend the California PRA, an effort that has resulted in AB 700 (Friedman). UCOLASC's Vice Chair has asked to speak to Council about this issue in April.

Incarcerated Students: Chair May has asked UCEP and CCGA to draft a policy addressing incarcerated students' access to UC undergraduate and graduate degrees.

Graduate Applications: Chair May has asked CCGA and UCAADE to consider a proposal to redact information on graduate school applications related to applicant name, gender, year of birth and other information that carries a bias potential.

III. Next Steps for Area D

o Eddie Comeaux, BOARS Chair

In February 2008, the Assembly approved [revisions to Senate Regulation 424.A.3](#), proposed by BOARS. The revisions increase the existing minimum Area D (laboratory science) requirement for freshman admission from 2 units to 3 units (3 are currently recommended), while continuing to require 2 units of coursework that "provide basic knowledge in at least two of the fundamental disciplines of biology, chemistry, and physics." In addition, BOARS has approved updated evaluation guidelines in the A-G Guide that expand the courses eligible for approval in Area D as the third recommended year of the requirement. These include courses such as engineering and computer science not explicitly mentioned in the Senate regulations. The amendments also change the name of the Area D requirement from "Laboratory Science" to "Science" to reflect the broader range of science disciplines to be accepted for the third unit under Area D.

However, the Senate's recommendation on Area D has been placed on hold, because the Administration has reservations about one of its key elements – increasing the requirement from 2 to 3 units. While BOARS supports further study of these concerns, it wants to move ahead with approval of the other components of the proposal. BOARS has resubmitted proposed revisions as three separate items for Council and Assembly approval. In the meantime, UC's Area D requirement will remain at two years of science coursework required; three years recommended.

This course of action will allow for additional study while enabling renaming of the requirement and expansion of approved courses to proceed.

- A Council member noted that maintaining the two course requirement while expanding the course list should not permit students to take courses from only the expanded list, rather than from the traditional trio of biology, chemistry, and physics. Chair Comeaux clarified that students will continue to be required to take two courses from biology, chemistry, physics, or integrated versions of these foundational disciplines. They may then take the recommended third course from any and all approved area “d” courses, which includes the expanded list.

ACTION: A motion to approve the following actions was made, seconded, and passed unanimously.

- 1. Rename the Area D requirement from “laboratory science” to “science”.**
- 2. Endorse the expanded course list approved by BOARS**
- 3. Encourage the administration to increase the course requirements from 2+1 recommended, to 3, in keeping with the NGSS.**

IV. Concerns about the Use of Research Information Management Systems at UC

- **Maryann Martone, UCACC Chair**
- **Richard Schneider, UCOLASC Chair**

Council reviewed a report and eight recommendations from UCACC and UCOLASC concerning administrators’ use of research information management systems (RIMS). The report echoes concerns expressed by UCAP last year about campuses’ use of Academic Analytics, one RIMS that collates quantitative data on faculty research productivity. The concerns relate to 1) the use of data analytics for faculty advancement, strategic priority-setting, and resource allocation; 2) the quality, reliability, and transparency of the data and algorithms RIMS use for evaluation; and 3) the encroachment of commercial third party systems into core university operations and data without well-defined policies governing their use and appropriate safeguards. A survey by a UC Office of Scholarly Communication Working Group found that at least 16 RIMS are in use on individual campuses. However, the Working Group was limited in its ability to collect meaningful data, and seeks the systemwide administration’s help in facilitating a more exhaustive inventory of RIMS and their uses

ACTION: A motion was made and seconded to 1) endorse the eight recommendations and forward them to the President and Provost; and 2) ask the Provost to commission a systemwide review of all RIMS employed by academic units and elsewhere across UC.

V. Executive Session

VI. Consultation with UC Senior Managers

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

Cheating Scandal: Provost Brown invited Council to opine on the national college admissions application scandal, in which cheating, bribery, and deceit were used to gain individual access to several colleges and universities.

NAGPRA: President Napolitano’s Native American Advisory Council is reviewing existing policies, committee structures, and implementation practices related to the curation, repatriation,

and disposition of Native American remains and cultural items in UC custody. The Advisory Council's Cultural Repatriation Work Group is also working through barriers to effective repatriation.

Nonresident Enrollment: Provost Brown appeared at a State Assembly Budget Subcommittee hearing to address concerns about nonresident enrollment. He noted that the University's reasons for enrolling nonresidents extend beyond finances; and that nonresidents enrich campus diversity and the educational experience for all students.

Nonresident Tuition: A proposed 2.6% increase in nonresident tuition passed the Regents Committee on Finance, but was tabled by the full Board after several Regents expressed concern about its effect on diversity. Rejecting the increase will create a \$29 million gap in the 2019-20 budget. UCOP is modeling several cohort-based tuition pricing scenarios (for both nonresidents and residents) that guarantee a tuition level or schedule over four years.

Multi-Year Planning: An update on the multi-year planning framework presented at the March Regents meeting outlined plans for growing the professoriate, increasing graduate degree attainment, and improving the academic infrastructure, along with a proposed funding plan.

State Funding Priorities: The University is focusing its advocacy efforts on converting the remaining \$95 million in one-time State funds provided in 2018-19 to permanent funds; securing funding for past enrollment funding shortfalls and new enrollment growth; and adding a General Obligation bond to the 2020 ballot.

Capital Finance: The University took a \$645 million General Revenue Bond to market last week. The proceeds will fund capital projects and improvements throughout the system, including several projects at UCSC.

VII. Executive Session: Nomination of 2019-20 Vice Chair

ACTION: Council selected Professor Mary Gauvain of UC Riverside as its candidate for 2019-20 Vice Chair. The nomination will be forwarded to the Assembly of the Academic Senate for consideration at the Assembly's April 10 meeting.

VIII. Mid-Career Leadership Award

An endowment has been created for an award for Mid-Career Leadership in the Academic Senate, to honor individuals whose records demonstrate an exceptional ability to work effectively with different University constituents and exceptional promise for further service to the Senate. Nominations for the biennial award are made through Divisional Committees on Committees to the University Committee on Committees. UCOC, in turn, submits the names of two nominees to the Academic Council.

ACTION: Council selected Professor Onyebuchi Arah of UCLA and Sean Malloy of UC Merced as 2019 award recipients.

IX. Second Systemwide Review of Proposed Presidential Policy on Open Access for Theses and Dissertations

Council reviewed comments from Senate divisions and systemwide committees to the second systemwide review of the UC Open Access for Theses and Dissertations Policy. The initial policy reviewed by the Senate in 2018 included a clause allowing graduate students who do not want to make their work immediately available to specify an embargo period of two years or longer for “compelling circumstances.” At that time, Council recommended the policy include more flexibility concerning the length of embargoes; permit students to request an initial embargo of up to six years; clarify the definition of “compelling circumstances”; and include an “opt-out” clause. The policy was revised to allow all student authors to opt-in to a two-year embargo initially, with the possibility for additional renewals of up to two years each.

Discussion: Council members agreed that the policy should be revised to allow for greater variation and customization across disciplines, to make the process for requesting extensions more flexible and student-friendly, and to include options for longer-term embargo periods at the time of filing, including a six-year option for book-based fields. A two-year embargo in book-based fields is too brief, could hurt students’ publication chances, and expose them to the risk of copyright infringement. It was also noted that students working with classified information may need to request an indefinite embargo. Others recommended including a default initial embargo period, rather than requiring students to opt-in to an initial embargo, to provide time for students to determine the appropriate official period. Council members also expressed support for giving students more independent control over decisions about an embargo extension, noting that requesting additional extensions from a dean or dissertation chair could burden some students. The balance of decision-making should be with the student unless the dissertation includes data or other intellectual property of faculty, which requires their input to be considered equally.

ACTION: A draft letter synthesizing comments will be circulated to Council for review.

X. Proposed Revisions to Senate Bylaw 336

- **Adebisi Agboola, UCPT Chair**
- **Cynthia Vroom, Senior Counsel - Educational Affairs**

Council reviewed comments from Senate divisions and committees to a set of proposed revisions to Senate Bylaw 336 concerning Committee on Privilege and Tenure procedures for handling disciplinary cases. The revisions respond to the CA State Auditor’s recommendation to modify Senate bylaws to require that 1) hearings on SVSH complaints against faculty respondents be scheduled before the Senate P&T Committee no more than 60 days after the Chancellor files charges, unless an extension is granted for good cause; and that 2) P&T issue its recommendation to the Chancellor no more than 30 days after a hearing concludes.

The revisions compress and streamline current divisional P&T processes, and include a clause allowing extensions for “good cause,” defined as “material or unforeseen circumstances related to the complaint and sufficient to justify the extension sought.” In addition, while the Auditor’s recommendations pertain only to disciplinary cases involving SVSH, UCPT felt it would be important for Bylaw 336 to define a uniform procedure for handling all alleged violations of the faculty code of conduct, irrespective of their nature.

Many Senate reviewers noted that the compressed timelines for various stages of the process are unworkable, especially 5 business days for the formation of the P&T hearing committee, and 2 business days after hearing dates are fixed, for the committee to reach and communicate its decisions on prehearing matters. The timelines need more flexibility to account for other faculty obligations that would make it difficult or impossible to serve on a hearing committee.

- Council members observed that additional guidance is needed about circumstances that constitute “good cause” for an extension, what is meant by “material circumstances,” and how to interpret “sufficient to justify.” A flexible definition of “good cause” is needed; however, it is expected that good cause will apply only to circumstances that truly impact the faculty members’ ability to participate.
- It was noted that the policy applies only to cases that are sent to UCPT, not early resolution. Bylaw 336 currently lists mediation as an option, but it will no longer be possible for P&T to suggest that a case be referred to mediation after charges have been filed. Any attempts at mediation between the parties will have to occur before charges are filed with P&T.
- It was noted that the revisions will require a major change in the P&T Committee culture. Committees will need to expand, and P&T members will need compensation for work during the summer. The bylaw changes cannot be implemented as an unfunded mandate. New funding will be needed for faculty stipends and additional staffing. The Senate should have a plan to monitor the implementation of the policy and to review the policy in 2-3 years to determine its effectiveness.

ACTION: A motion was made and seconded to approve the changes to Senate Bylaw 336 as proposed by UCPT. The motion passed 17-1 with two abstentions.

XI. Proposed Revisions to SVSH Academic Frameworks

Council reviewed comments from the systemwide review of revisions to the SVSH Investigation and Adjudication Frameworks for Senate and Non-Senate Faculty. The revisions respond to a mandate from the CA State Auditor to revise the frameworks to: 1) require the Chancellor or Chancellor’s designee to consult with their campus Title IX Officer on discipline for faculty, staff, and non-faculty academic personnel found in violation of the SVSH Policy, and 2) require the Chancellor to issue a final decision about discipline for Senate faculty within 14 days of receiving a recommendation from the Privilege and Tenure Committee.

Several reviewers expressed concern that the revisions inappropriately expand the discretion and authority of Title IX officers to determine discipline for faculty. However, it was also noted that an increased consultative role for Title IX officers in determining the range of discipline can be valuable to the extent that it helps ensure consistent application of discipline both within and across campuses.

ACTION: A letter synthesizing comments will be sent to the administration.

 Meeting adjourned at 4:15 pm
 Minutes prepared by Michael LaBriola, Principal Committee Analyst
 Attest: Robert May, Academic Council Chair