

ACADEMIC COUNCIL

**Minutes of Videoconference Meeting
March 30, 2022****I. Consent Calendar**

1. Today's agenda items and their priority
1. Academic Council minutes of February 23, 2022
2. Proposal for an Eighth Undergraduate College at UCSD
3. April Assembly Topics (Climate Memorial, remarks from SMG; vice chair election)

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

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

March Regents Meeting: Richard Leib took over as Interim Chair of the Board, succeeding Chair Cecilia Estolano, whose appointment ended on March 1. The Regents discussed financial and cybersecurity threats stemming from the war in Ukraine; an effort to add a second voting Student Regent; new UC Transfer Pathways in Chemistry and Physics; plans for capital projects at UCB, UCI, UCSD, and UCM; innovations in instructional delivery, assessment, and grading that improve learning outcomes and equity; and issues concerning academic integrity, including threats from external online tutoring service providers that facilitate student cheating and faculty IP theft. The University announced that it has extended free credit monitoring and identity theft protection services offered through Experian for an additional two years for all employees.

Meeting with FGR: The Senate chair and vice chair and members of the University Committee on International Education met with the UC Office of Federal Government Relations to discuss concerns about Presidential Proclamation 10043, a policy that allows the US State Department to deny new F or J visa applications to certain Chinese graduate students and researchers. Senate participants emphasized the policy's chilling effects on student researcher applications to UC. FGR explained that the State Department is exercising discretion on a case-by-case basis and wants to avoid legislation at this time. The Senate and FGR will continue discussions.

Berkeley Lawsuit: Governor Newsom signed legislation overriding a court order that would have forced Berkeley to freeze enrollment at fall 2020 levels. The order followed a lawsuit filed under CEQA that objected to the campus's plans to construct new academic space and housing. The pressures on campus space have renewed interest in expanding online education, including fully online degrees.

HR and Benefits: UCOP is considering a budget increase for the UC Retirement Administration Service Center to fund the restoration of retirement counseling services. UC also is addressing problems UC employees and retirees are experiencing with Navitus Health, a new administrator of pharmacy benefits. UCFW has posted a document on its website describing modeling work done by TFIR members to assist new UC employees in choosing a pension type.

COVID Impacts: The Working Group on Mitigating COVID-19 Impacts on Faculty will submit its final report to Provost Brown this Friday. The report asks campuses to incorporate Achievement Relative to Opportunity (ARO) principles in the merit and promotion process to

recognize research challenges faculty experienced during the pandemic, and also to fund research recovery and teaching duty modifications. The systemwide Senate is also preparing a survey to UC faculty and instructors about their experiences with remote instruction during the pandemic.

Climate Crisis: The Securities and Exchange Commission recently issued guidance on public companies' carbon emissions reporting. CFO Brostrom believes the guidance can inform UC's efforts to evaluate their banking partners and other commercial partners against Environment, Social and Governance (ESG) principles.

III. Phase One Report of the Entry Level Writing Requirement Task Force

○ ELWR Co-Chairs Dana Ferris (UCD) & Karen Gocsik (UCSD)

In February 2021, the Academic Council charged the Task Force to develop recommendations for updating Senate Regulation 636, the UC Entry Level Writing Requirement. The Task Force has completed its Phase 1 report, which includes initial findings and observations based on data it collected about the use of the ELWR across campuses.

The Task Force found that that campuses share common goals for the ELWR, but use a range of courses and curricula to implement it. It found that a well-constructed ELWR pathway predicts success for most ELWR students in their undergraduate studies, and that most students find the ELWR helpful and are glad they took it by the end of their term. The report notes that the ELWR is an instrument of access, equity, opportunity, and inclusion for UC's increasingly diverse student body. It offers several principles and best practices for ELWR-fulfilling courses and ELWR programs to inform the way campuses practice, support, and understand the ELWR.

The Task Force expects to complete its Phase 2 report in May 2022. That report will include additional recommendations and a proposed revision to SR 636.

IV. Systemwide Review of Proposed Revisions to Senate Regulation 424.A.3

Council reviewed comments from Senate divisions and committees to BOARS' proposed revision to Senate Regulation 424.A.3 creating an A-G ethnic studies requirement for freshman admission to UC (Area "H"). BOARS also approved a set of course criteria and guidelines for Area H, written by an A-G Ethnic Studies Faculty Workgroup. The revision aligns with state legislation mandating ethnic studies content for K-12. Also attending were Workgroup members Christine Hong and Andrew Jolivéte, and UCOP Director of A-G and Transfer Policy Analysis & Coordination Monica Lin.

BOARS Chair Sorapure noted that BOARS asked the Workgroup to revise an earlier draft of the course criteria to include language that would be more accessible to a wider audience of stakeholders, particularly to help teachers implement the criteria. The Workgroup made revisions that BOARS approved with the understanding that the systemwide review process would generate additional commentary. BOARS sought to center student and school success throughout the process.

Chair Horwitz summarized comments from the systemwide review. These included requests to clarify how students attending private or out-of-state schools would meet the requirement, the extent to which the requirement could burden under-resourced high schools, and the relationship of the UC course criteria to the State Board of Education model curriculum for Ethnic Studies.

Several reviewers found the UC criteria to be overly rhetorical and less inclusive than the State language. Several external groups also sent letters expressing concern about the inclusivity of the language. There were also concerns from individual faculty and members of the public that the language could be perceived to have a political/ideological bias. Others questioned the need for Area H, given that ethnic studies will be a graduation requirement for all California high school students.

Professors Jolivéte and Hong noted that the UC course criteria do not exclude Jewish, Arab/Muslim, or other ethnoreligious groups. The Workgroup considers the UC criteria to be actually more inclusive than the State model curriculum because it does not highlight specific groups and provides general guidance that will enable schools and teachers to develop courses focused on a wide range of groups and topics. In contrast, the State curriculum lists specific groups, which might be seen as more limiting. They also emphasized that the UC criteria represent the expert opinion of UC ethnic studies faculty about what constitutes academic preparation for UC, while the State guidelines reflect what K-12 experts feel is necessary to graduate from high school. The two approaches include overlapping elements, but reflect different goals from different areas of education. They noted that the Workgroup worked hard to implement significant changes in response to feedback from BOARS. Finally, they noted that the field of Ethnic Studies has its own vocabulary and is grassroots in formation; they encouraged Council to focus on educational goals, not politics. The State curriculum acknowledges that ethnic studies courses are intended to empower students, not just provide content knowledge.

- Council noted the external letters and petitions of concern, but focused entirely on comments from the Senate Divisions. Members suggested that BOARS work with the authors to clarify 1) the relationship of the UC criteria to the State standards, and the relative narrowness and inclusiveness of each; 2) how high school students can fulfill the requirement if they do not have access to qualifying courses; and 3) ways to translate expert language in the criteria to be more accessible to the general public. It was also noted that the criteria would benefit from an introductory statement that grounds the content in the broader context of State educational and workforce goals.
- Council members also lamented the hostility toward ethnic studies in academia from more traditional academic units. BOARS should emphasize that the criteria are written from the perspective of experts in ethnic studies, and are not an ideological presentation.

ACTION: Council agreed to send the proposal back to BOARS for further consideration.

V. Special Academic Council Committee on Transfer Issues

Council reviewed a proposed charge for a Special Academic Council Committee on Transfer Issues (ACSCOTI). Executive Director Baxter noted that ACSCOTI will provide Council with expert advice on policies and processes around student transfer, primarily for California Community College students seeking entry to UC and their success at UC, and particularly issues involving faculty that do not fall under the direct purview of the administration. The Senate needs more dedicated attention to the issues in order to ensure the success of transfer students and to maintain the Senate's prerogative over curricular matters. The charge proposes a permanent expertise-based structure that will enable the Senate to respond more quickly to fast-moving transfer issues and demonstrate the Senate's commitment to transfer issues. The charge clarifies that ACSCOTI will provide Council with recommendations on transfer programs and practices, and policies other than those specific to BOARS responsibility for admissions. It notes that ACSCOTI's term will expire at the end of August 2026 unless extended by the Council.

ACTION: Council endorsed the Special Committee charge.

VI. Consultation with Senior Managers

- **Michael Brown, Provost and Executive Vice President**
- **Nathan Brostrom, Executive Vice President and CFO**

Budget Issues: The proposed 2022-23 state budget for UC funds a 5% base budget increase, 6,230 new enrollments, and the buy-down of nonresident enrollment at three campuses. It also includes one-time funding for capital projects related to energy efficiency, seismic upgrades, and deferred maintenance. State revenues are running 20% over projections, triggering the state appropriation limit, which requires the state to divide excess revenues between rebates to taxpayers and additional K-12 spending. Capital outlays do not count toward the limit, which may create new capital funding opportunities for UC. The Governor also plans to announce a budget compact with the University that will provide 5% annual base budget increases for five years. In exchange, the University will work on shared goals around graduation rates, equity gaps, and affordability. The University is working with the Governor on elements of the compact it feels may intrude on the autonomy of the University and the academic authority of its faculty. The capital needs of the UC medical centers over the next decade will total \$14 billion, \$9 billion of which will come from debt. The University plans to issue the first of a series of bonds next month.

Provost's Update: Provost Brown said he appreciates the Senate's efforts to honor the provisions of AB 928 to develop a singular transfer pathway to UC and CSU, while protecting UC's academic standards and faculty curricular authority. Provost Brown also said he wants to rebuild stable, predictable support for systemwide academic programs such as the UC Observatories and the UC Humanities Research Initiative.

VII. Executive Session: Nomination of 2022-23 Vice Chair

ACTION: Council selected Professor James Steintrager of UC Irvine as its candidate for 2022-23 Vice Chair. The nomination will be forwarded to the Assembly of the Academic Senate for consideration at the Assembly's April 13 meeting.

VIII. Executive Session: Selection of Nominee(s) for 2022 Oliver Johnson Award

ACTION: Council voted to name Professor Dan Hare of UC Riverside as recipient of the 2022 Oliver Johnson Award. The selection will be forwarded to the Assembly for ratification on April 13.

IX. Executive Session: Nominee for Academic Senate Representative to Regents Committee on Health Services

ACTION: Council selected Professor Ramamoorthy of UC San Diego as its nominee. Chair Horwitz will communicate the nomination to President Drake.

X. UCORP Statement re: Impact of Graduate Student Unionization on Research

- **Karen Bales, UCORP Chair**

Council reviewed a letter from UCORP regarding the potential impact of GSR contract negotiations on principal investigators and the UC research enterprise. Chair Bales emphasized

that UCORP strongly supports UC graduate students and appreciates their contributions to the UC research mission. However, UCORP is also concerned that unionization could increase costs on faculty grants and encourage faculty to hire less expensive post-docs or staff over graduate students. The letter asks UCOP to explore institutional mechanisms that minimize cost increases on grants. One suggestion was to reduce graduate student tuition for students who are employed as GSRs.

- CCGA Chair Kasko noted that CCGA shares UCORP's concern that unionization could harm UC research and graduate education unless steps are taken to mitigate the impacts. Members suggested that UC might lobby agencies to remove grant funding caps, and modify indirect cost formulas to help faculty cover GSR salary increases,
- Council members also noted concern about how UC will differentiate a student's work as a GSR and their work as a student, and encouraged UCORP to consider the big picture need to support graduate students and ensure their quality of life. It was suggested that faculty could help students determine what they want, in addition to higher pay, from the new relationship with faculty as unionized employees, to ensure students reap maximum benefits. Finally, members noted that the new relationship presents an opportunity to rethink the nature of graduate education and its funding.

ACTION: UCORP and CCGA will collaborate on a revised letter.

XI. Statement in Support of Colleagues Who Teach Critical Race Theory

Council reviewed a statement drafted by the chairs of the UCSC and UCR divisions expressing support for faculty colleagues at universities in Texas, Florida, and other states that seek to restrict what faculty teach and how they teach it, particularly around issues of racism and related issues. The statement notes that the UC Academic Senate rejects attempts by external bodies to restrict or dictate university curriculum on any matter, including matters related to racial and social justice, and asks President Drake for his endorsement.

ACTION: Council endorsed the statement.

XII. Systemwide Review of Recommendations for Department Political Statements

Council reviewed comments from Senate divisions and committees to a set of UCAF recommendations addressing the freedom of campus academic departments to issue or endorse statements on political issues in the name of the department. The recommendations articulate an overriding principle that departments should not be precluded from issuing or endorsing statements. It recommends that 1) statements include a disclaimer clarifying that they are not intended to represent the views of the University as a whole, and 2) departments clarify whose views the statement represents and make allowances for the expression of minority views.

UCAF Chair Alper and Vice Chair Pekmezci joined the meeting. They noted the strong support among Senate reviewers for permitting department statements, but also sentiment that statements are not desirable in general because they can suppress or chill minority views and stray beyond the expertise of the department. They noted that reviewers expressed strong support for recommendation 1 but less support for recommendation 2. Chair Alper noted that UC General Counsel confirmed that University policy does not prohibit departments from making statements on UC websites; however, including the names of individual supporters with the statement creates a limited public forum, in which minority viewpoint supporters must also be allowed to voice their views.

Chair Horwitz suggested that Council recommend to departments that they develop detailed bylaws for proposed statements. These bylaws should define the process of deliberation and communication departments should use to arrive at a statement, decide to post a statement, and define the unit voting on the statement, as well as outline guidelines for soliciting minority or opposition statements.

- Council members noted that there have been recent attempts by administrators on some campuses to force departments to remove controversial statements.
- Members observed that it is often complicated to determine what constitutes “political” speech that would push a statement past the threshold requiring a disclaimer.
- Individual members expressed discomfort about a potential requirement for a minority report. It was noted that vulnerable groups such as junior faculty, staff, and students should have an opportunity to maintain their anonymity, and that any Senate guidance on recommendation 2 should be as general and broad as possible.
- Finally, the Senate should acknowledge that many faculty think it is unwise to issue statements and that silence on a topic can be as political as speaking on it.

ACTION: Council agreed to send the proposal back to UCAF for further consideration.

XIII. UCOLASC Letter on the CDL Budget

○ Mimi Tarn, UCOLASC Chair

Council discussed a letter from UCOLASC expressing support for the permanent reinstatement of the California Digital Library collections budget under campus assessment.

Chair Tarn noted that the UC libraries spend \$50 million collectively on shared licensed content. The ten campus libraries and the CDL co-fund the shared collections budget, and CDL’s portion is \$11.4 million. The selection of resources is managed by all partners with faculty consultation. CDL is responsible for negotiating contracts, and for acquiring and cataloging shared resources.

In 20-21, UCOP removed CDL funds from its budget to address a budget cut and addressed it with one-time funds from the President’s Endowment. In 20-21, UCOP used one-time funds from TRIP to address the CDL collections budget gap, but also agreed to reinstate the budget after the state eliminated the UCOP budget line item. The state has now reinstated the campus assessment model, but the path forward for the CDL budget is still unclear, because the CDL Collections budget would represent a 4.5 percent increase to the UCOP budget. UCOP is exploring options including the TRIP option and a cost-share mechanism outside of the assessment model.

The UC libraries are a key component of UC’s teaching, research, and public service missions that support UC’s status as the premier public research university UCOLASC calls on UC to recognize and fund the libraries as a central academic service and asks UCOP to resume and protect permanent funding for the CDL.

ACTION: Council endorsed the letter and will forward it to Provost Brown.

Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Assistant Director

Attest: Robert Horwitz, Academic Council Chair