

ACADEMIC COUNCIL

Minutes of Meeting

April 24, 2019

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of March 20, 2019
3. Self-Supporting Online MBA at UC Davis
4. UCSD Proposal for 7th Undergraduate College
5. Discontinuation of UCD Degrees: Textiles & Clothing and Fiber & Polymer Science
6. Appoint G.J. Matthey (UCD) pro tempore parliamentarian for June Assembly meeting

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

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

Response to Chancellors' Letter: Prior to today's meeting, Academic Council members approved a letter to the chancellors expressing concern about a statement the chancellors issued in December that opposed an academic boycott of Israeli academic institutions. It was agreed that Academic Council's [letter](#) would be posted on the Senate website.

Fossil Fuels Memorial: Seven Senate Divisions have approved a Memorial to the Regents proposed by the San Francisco Division concerning the University's divestment from fossil fuels. The vote meets the threshold set in [Senate Bylaw 90](#), which requires approval by at least three divisions representing 35% of total Senate members. The Memorial will now move to a vote of the entire UC faculty. Also consistent with Bylaw 90, Chair May will appoint an ad hoc committee of Senate members to draft arguments for and against the memorial.

Task Forces: Council's Standardized Testing Task Force (STTF) is gathering information and meeting with key stakeholders, including ACT and the College Board, to assess the current and future role of the tests. The STTF will continue its work into the next academic year. Council's new Course Evaluations Task Force, co-chaired by the chairs of UCEP and UCAP, will discuss issues of reliability, validity, and bias in student evaluations.

III. UCSF/Dignity Affiliation and Interim Report of the Academic Senate's UC Non-Discrimination in Healthcare Task Force

At the April 9 meeting of the Regents Health Services Committee, Chair May announced that he would be gathering faculty input toward a consensus view about a proposed affiliation between UCSF and Dignity Health, in light of growing concerns that the affiliation does not comport with the mission and philosophy of UC as a whole. He asked Council members to gather views from each of their constituent bodies. The UCSD Division and UCFW have already voted to oppose the UCSF-Dignity affiliation. He also asked Council to review the UCFW Non-Discrimination in Healthcare Task Force interim report about UC's relationships with external healthcare providers, which recommends that the University avoid affiliations with entities whose values conflict with UC's public mission and values.

- Several Council members expressed strong opposition to the affiliation, noting that the University should not enter into a relationship with an organization that denies women and LGBT patients access to healthcare services like tubal ligation, abortion, and gender affirming care. Access to these services are a matter of basic human rights and equality that align with UC’s mission to advance universal healthcare. UC should not attach its name to an organization that engages in discrimination.
- UCSF Chair Teitel noted that the affiliation would increase bed space for UCSF as well as access to quality healthcare for both UCSF and Dignity patients. He noted that the affiliation would not adversely impact UCSF patient care, and asked Council members to consider UCSF and Dignity’s shared commitment to the social safety net, and Dignity’s strong record of service to the underserved, homeless, indigent, mentally ill, and those living with HIV. This overall alignment of values far outweighs the differences. Another Council member noted that the affiliation is largely a divisional issue that the UCSF Senate supports. It was noted that UC campuses have existing contractual relationships with Dignity.
- Chair May noted that he does not seek to undermine or demonize Dignity, which offers high quality care. However Dignity hospitals are subject to the Ethical and Religious Directives for Catholic Health Care Services, whose values concerning issues such as reproductive rights are inconsistent with UC values. And while individual UC physicians do have contractual relationships with Dignity, the new arrangement would be an institutional affiliation. Moreover, UCSF has not demonstrated how the affiliation would actually help underserved and indigent populations. The affiliation is primarily a business decision that is discounting important principles. The affiliation is not an issue affecting just a single campus, but one impacting the fundamental values of the University.
- Other Council members noted that they felt torn between the apparent moral and ethical trade-offs and practical financial and utilitarian considerations. Members also noted how important it is for UCSF to provide more information about “Plan B” alternatives it had considered for increasing care.

IV. Executive Session

V. 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**

Cheating Scandal: A group of California assembly members has proposed several bills in response to the national scandal involving individuals accused of cheating on the SAT and accepting bribes to gain admission to universities. President Napolitano has initiated a critical review of UC’s admissions policies to identify potential high risk areas and structural improvements, with a particular focus on campus practices around Admissions by Exception policy used to admit technically ineligible students (often homeschooled), and Special Admission policies to admit less competitive but UC-eligible students to programs like athletics and performing arts. Policy permits up to 6% of students to be admitted through A by E, though in practice fewer than 2% are.

Faculty salaries: The 2019-2020 UC budget funds a 5% increase to the faculty salary scales, to support the second of a three-year plan to close the faculty salary gap. However, the three-year plan may need to extend to four or five years, depending on the outcome of the Governor’s May Budget revision.

International Research and Students: President Napolitano is implementing recommendations from two systemwide tiger teams for protecting UC from potential security risks from foreign entities, while maintaining an open research environment and monitoring for potential racialization of potential threats based on country of origin.

May Regents Meeting: In May, the Regents will discuss a modified proposal for increasing nonresident supplemental tuition (NRST) that combines a 2.6% increase in NRST, with a 10% set aside (from NRST) to support needy nonresidents. In 2015, UC began phasing out nonresident eligibility for the University Student Aid Program, UC’s main financial aid program that supports return-to-aid from base tuition. The four-year phase-out ended this year. The Regents are also interested in evaluating cohort-based tuition pricing scenarios that guarantee entering undergraduates a tuition level or schedule over four years. In May, the Regents also will receive a presentation about the experience of transgender students; and updates on campus housing and development plans and a proposed General Obligation bond measure. The Governance Committee will recommend the appointment of a new UCSC chancellor.

Retiree Health: COO Nava sent a letter to members of the Retiree Health Benefits Working Group noting that the Working Group will evolve into an expanded UC Employees Health Advisory Committee, which will make recommendations on plan structure and offerings of employee health benefits, including retiree benefits. Nava’s letter also clarified that the new Advisory Committee will evaluate an RFP for a Medicare Advantage PPO, and that the Health Care Task Force will also be consulted on the RFP.

UCSF-Dignity: President Napolitano noted that she is evaluating the pros and cons of the affiliation and the potential for an agreement that increases access to healthcare and also aligns with UC values. CFO Brostrom noted that the affiliation makes sense financially and logistically and that an affiliation can take many forms; there may be a way to achieve UCSF’s goals and address concerns, short of acquiring new hospitals, which would be financially unfeasible.

UCRP: The University will be seeking additional one-time Proposition 2 funding for UCRP, which is currently funded at a healthy 87% level. A new UCRP “experience study” is evaluating funding assumptions and may lead to a change in the discount rate (the assumed rate of return on investments; 7.5% per current policy).

VI. Carbon Neutrality Initiative and Sustainability

- **Matthew St. Clair, Director of Sustainability**
- **Roger Bales, UC Merced Professor of Engineering and Senate representatives to the UC Global Climate Leadership Council**

In 2007, UC established the goal of achieving carbon neutrality in its facilities and vehicles by 2025. President Napolitano established the Carbon Neutrality Initiative (CNI) to elevate the profile of the policy. Faculty have been key contributors, and their research has been critical to the development of scalable solutions to a low carbon future. To meet the ambitious goals of the CNI, campuses will manage growth to minimize carbon intensity; transform existing operations to be more efficient; replace high carbon energy sources; and buy carbon offsets to address

remaining emissions. Continued and expanded Senate leadership will be essential. There will be costs but also potential net savings, given that carbon-based energy is becoming more expensive.

The UC Global Climate Leadership Council includes faculty, administrators, students, and experts from many UC stakeholder groups. It coordinates efforts; advises the president on successful implementation of the CNI; and connects implementation to UC's mission by, for example, sponsoring workshops to help faculty integrate climate change and sustainability concepts into existing courses, and fostering cross-campus and systemwide applied research collaborations.

Professor Bales served as PI for a Strategic Communication Working Group that researched how to foster broader awareness of and participation in the CNI across UC. The [report](#) of the Working Group identified potential avenues for faculty, students, and staff to increase engagement and achieve the CNI's goals. The report found significant faculty support for meeting the goals of carbon neutrality by expanding activities and investments. It recommended that each Senate division form a task force to evaluate how best to engage and support the CNI, including through teaching, research, and service. And it encouraged the University to share its climate leadership inside and outside campuses and to incentivize creative ideas for climate change solutions.

It was noted that while fossil fuel divestment is not one of the CNI's goals, divestment does relate to UC's broader carbon footprint, and moreover, students see both the CNI and divestment as essential to UC's climate leadership role. It was noted that UC has taken significant steps toward divestment, but has not moved completely in that direction. It was noted that the Merced division would be bringing recommendations for Senate engagement to Council later this spring on a more formal basis. Council members noted that the faculty would benefit from practical suggestions for specific actions they can take to make a difference.

VII. Systemwide Review of Proposed UC Transfer Guarantee

Council reviewed comments from Senate divisions and committees to BOARS' [proposal](#) for a systemwide transfer admission guarantee for California Community College students. Under the proposal, CCC students who complete specified curricula in one of the 21 UC Transfer Pathway majors with a 3.5 minimum GPA and a 3.5 GPA overall, and who complete a Transfer Admission Guarantee (TAG) at one of six TAG-participating campuses, will be guaranteed transfer admission in the Transfer Pathway major at the TAG campus.

BOARS Chair Comeaux noted that Senate reviewers expressed several concerns about the proposal, including that a minimum 3.5 GPA for the guarantee could confuse or discourage students; that an influx of TAG students with the guarantee could overwhelm some campuses; and that an over-promotion of the 21 Pathway majors could undermine other TAG majors. Campuses also expressed concerns about the guarantee's potential effects on student diversity, and emphasized that they will need adequate resources for implementation. Reviewers from the three non-TAG campuses noted that the guarantee will not apply to those campuses. Chair Comeaux emphasized that the guarantee is intended to increase the preparation of transfers to succeed at UC and graduate in two years. He noted that the minimum GPAs for TAGs range from 2.9 to 3.4, below the 3.5 minimum, and the 3.5 minimum for the guarantee would not affect existing TAG requirements. Non-TAG campuses are still part of the UC system, and their applicant pools will be affected by the policy. Moreover, half of transfers who complete a TAG enroll at a different UC campus from the one where they had the agreement. BOARS will

monitor yield, enrollment, and the student profile outcomes carefully, and will ask faculty to review TAGs to ensure they align with the Transfer Pathways. BOARS is aware that clear communication will be critical for successful implementation; a dedicated communications task force is conducting focus group interviews to identify effective messaging for CCC students and counselors.

ACTION: A motion was made and seconded to approve the policy contingent on BOARS' fine-tune clarifications to the policy, as needed, based on its review of the systemwide review comments at its May meeting. The motion passed unanimously with one abstention.

VIII. UCORP/UCFW Concerns about Composite Benefit Rates Implementation

Council reviewed letters from UCORP and UCFW noting that Composite Benefit Rates (CBRs) have been implemented incorrectly on some campuses and departments, charging existing faculty grants higher rates than were approved under the original grant budget. CBRs are an accounting mechanism being implemented on campuses that assess the cost of fringe benefits offered by the University. CBRs simplify accounting by pooling multiple benefit costs to create an average overall percentage rate at which the cost for a given group of employees is charged to any funding source. UCORP found that the implementation of CBRs in the context of UC Path has involved, in some cases, a retroactive change in charges to direct-cost budgets of existing research funding, which is creating “winners” and “losers” among the faculty in terms of the benefit rate charged. The negative impacts have been significant for some individual PIs who are suddenly seeing reductions in the amount of extramural funding available for research.

UCORP Chair Baird asked Academic Council to request a formal mitigation plan from UCOP to redress the research funding shortfall of faculty affected by the implementation of CBRs. The plan should 1) Make compensation to all affected research revenue neutral, at a minimum; and 2) Create a method to reach investigators unknowingly affected by CBR implementation.

ACTION: A motion was made and seconded to support UCORP's request. The motion passed unanimously.

IX. UCPB Task Force on Agriculture and Natural Resources

- **Eleanor Kaufman, UCPB Vice Chair and TF-ANR Chair**

Chair Kaufman noted that the UCPB Task Force on Agriculture and Natural Resources ([TF-ANR](#)) was formed in 2016 after Council disbanded its Special Committee on Agriculture and Natural Resources and asked UCPB to lead the Senate's engagement with the Division of ANR. Earlier this year, TF-ANR responded to the draft report of the President's UC ANR Advisory Committee, with a recommendation to increase integration between ANR and all UC campuses, and in particular between non-AES UC faculty and ANR facilities and personnel. Chair May asked TF-ANR to investigate and elaborate on those recommendations and also to consider metrics for assessing ANR's expenditure and budgeting priorities.

TF-ANR is developing recommendations for changes and initiatives to enhance the effectiveness and reach of ANR. It has met with former Senate Chair Dan Hare, the three AES deans, the ANR Vice President, and two of the three Senate representatives to the new ANR Governing Council, for their perspectives. TF-ANR is also discussing whether to continue alongside the new ANR Governing Council, and whether to adopt another structure. It has discussed the possibility of placing TF-ANR under the aegis of UCORP, or UCORP-UCPB jointly, given TF-ANR's

predominant interest in research issues. It has been suggested that TF-ANR could serve as a think tank for the three Senate representatives to the Governing Council when issues arise affecting all campuses. Those representatives noted that an official line of communication to the Senate would help them fulfill their role as Senate representatives, and they expressed a willingness to work with TF-ANR to communicate the Senate's views and goals.

X. Response to Reports from two Tiger Teams on International Research and Students

A Council subgroup drafted a statement in response to recommendations from two systemwide tiger teams for protecting UC from potential risks from foreign entities (discussed by Council in February). The statement elaborates on 1) the broad nature of potential risks; 2) the role of faculty in balancing academic freedom with University and national security concerns; and 3) the implicit—and at times explicit—racialization of the issues.

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

XI. Public Record Act Bill

- **Dennis Ventry, UCOLASC Vice Chair**

Professor Ventry noted that UC faculty working in controversial research areas have been targets of harassing California Public Records Act (CPRA) requests that undermine their ability to conduct research. UC receives more than 12,000 public records requests per year, many from commercial or political interests. The restrictions have a chilling effect on research and also disadvantage UC relative to private institutions. The Union of Concerned Scientists is sponsoring legislation to amend and “modernize” the CPRA to reduce harms to public university researchers while protecting the public’s need for transparency and accountability. The effort has resulted in AB 700, which proposes new exemptions to the CPRA, including unpublished data and research methods; unfunded grant applications; preliminary drafts of documents; some forms of professional peer correspondence; and trade secrets. Several groups, including the ACLU and PETA, oppose the legislation. UC has taken no position on the bill.

XII. Update on UCI Proposed Online Business Major

- **Anne Zanzucchi, UCEP Chair**

Chair Zanzucchi noted that UCEP is reviewing a UCI School of Business proposal to offer a fully online undergraduate degree program in Business Administration to transfer students. The systemwide Senate has deemed the degree a “first of its kind” program requiring systemwide review. (The School notes that the degree has already been approved through individual course approval requests of mirror online course versions of traditional face-to-face courses.) UCEP and UCPB have both met with the School to discuss the degree and the School’s goals for the degree. UCEP is working with the School on a number of questions related to faculty effort, admissions, the educational program, student rights and services, and assessments.

XIII. Nonresident Tuition

Chair May asked Council to contribute views about a proposal to increase nonresident supplemental tuition (NRST) that includes a 10% financial aid set aside for international nonresidents. Council members noted that the rationale for limiting the set-aside to international nonresidents is unclear, given that UC is pricing itself out of the domestic market. It was noted

that nonresidents are already wealthier and less diverse than residents; it seems illogical to raise NRST while also making the case for using nonresidents to diversify the student body. Members also noted that NRST is a significant source of financial support, and that higher NRST and nonresident enrollment are natural byproducts of the state's disinvestment. Members noted that housing, food, and other basic needs can be more immediate and critical needs for students. Chair May also invited Council to consider the topic of tuition policy more broadly.

XIV. UCAF Letter on Canary Mission

Council reviewed a letter from UCAF urging the Council to take note of the activities of Canary Mission, an organization that publishes the names of professors and other individuals deemed by the organization to be anti-Semitic, anti-Israel, or pro-Palestinian. The letter from UCAF and a supporting letter from UCFW express concerns about the potential negative effects of the group and its blacklisting activities on UC faculty and students.

ACTION: Chair May invited Senate divisions to discuss the letter for further discussion at Council in May.

XV. UCFW Issues

1. Concerns about Medicare and the Retiree Health Benefits Working Group

Council reviewed a UCFW letter expressing concerns about the status of shared governance consultation with the Retiree Benefits Working Group and the Health Care Task Force in the evaluation of an RFP for a Medicare Advantage PPO. Council acknowledged that their concerns has largely been assuaged during their conversation with President Napolitano earlier today; however, they agreed to forward the UCFW letter anyway, to ensure the concerns are on the record.

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

2. Expert Review of Surveys Targeting the UC Community

Council reviewed a letter from UCFW expressing concerns about the quality of some systemwide surveys developed and administered by outside contractors to gather information about the UC community. In one specific instance, faculty who reviewed a contractor's survey regarding employee healthcare benefits found significant flaws and made suggestions that improved it immensely. Council agreed with UCFW's recommendation that UCOP convene an independent panel of in-house faculty experts to review surveys before they are administered, to evaluate their design and content.

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

Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Robert May, Academic Council Chair