

## ACADEMIC COUNCIL

## Minutes of Meeting

April 24, 2024

**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Minutes of March 27, 2024 and March 12, 2024

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

**II. Senate Officers' Announcements**

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

ACSCOTI: The Academic Council Special Committee on Transfer Issues will propose amendments to Senate Regulation 479, defining the California General Education Transfer Curriculum (Cal-GETC) for UC. These amendments aim to allow transfer students to defer up to two additional (four maximum) general education courses until UC enrollment, and to complete the Cal-GETC science requirements with two courses in different disciplines, instead of one course in physical science and one in biological science. A systemwide Senate review of the amendments is expected in fall 2024.

Summer Session Guidance: The co-chairs of the Academic Planning Council Joint Workgroup on the Future of Doctoral Programs shared a memo with guidance on how faculty should advise graduate students about expectations for academic effort that is neither graded nor associated with academic course credit, particularly during the summer when most graduate students are not enrolled in directed studies courses. The memo emphasizes the distinction between academic and employment expectations, with academic expectations set by the faculty. Co-Chair Scott asked division chairs to distribute the memo to campus faculty. Several chairs confirmed that they had already done so, while others pledged to follow suit.

Default Pension Option: The Senate chair and vice chair have requested further clarification from President Drake regarding the rationale behind the decision to reject the Council's previous [recommendation](#) to change the default benefit option from "Pension Choice" to "Savings Choice" for new UC employees entering the 2016 UC Retirement Plan tier. The president agreed to consult with his leadership team.

Faculty Survey: The systemwide Senate will be working with campus Senate executive directors to administer a 2023-24 UC Faculty Survey that systemwide Senate leadership has been preparing. The aim is to distribute the survey invitation broadly to collect information on the current status of faculty engagement.

Clinical Affairs Committee: Senate leadership are in discussions with UCOP Academic Personnel and Programs and UC Health about a plan to form a special Academic Senate Clinical

Affairs Committee as a vehicle to enhance non-Senate clinical faculty engagement in meaningful shared governance at the campuses and UCOP.

### **III. Proposed Regents Policy on Public and Discretionary Statements by Academic Units**

Council reviewed comments from Senate divisions and committees to a proposed Regents Policy on Public and Discretionary Statements by Academic Units. The policy mandates all public and discretionary statements posted on campus academic unit websites be accompanied by a disclaimer indicating that the statement should not be construed as a position of the University or the campus. It also requires academic units to post any statements on a separate webpage rather than on the main website homepage. Lastly, units intending to create and disseminate statements are required to develop and publish procedures consistent with rules outlined in the policy, which are based on the 2022 Senate recommendations for department political statements.

Reviews were mixed. Many reviewers found the policy to be a significant improvement over the previously reviewed Policy on Use of University Administrative Websites. But several persisting concerns were noted: the policy's complexity, unclear definitions, a lack of guidance on implementation, compliance, and enforcement procedures, and the transformation of the Senate recommendations into rules.

#### ***During the discussion:***

- It was noted that the presumed intent of the homepage policy is to make it more difficult to attribute department discretionary statements to the University. However, the lack of clear guidance and a principled rationale raise questions about what constitutes a homepage, and how links and their contents should be interpreted within the context of the overall policy.
- It was noted that the imprecise definition of "discretionary statements" could be interpreted as touching on research output, given that academic content based on subject matter expertise and research may be perceived by some as "discretionary." Moreover, requiring faculty to vote on statements may inadvertently single out those with minority opinions and have potentially chilling effects.
- It was noted that the Senate avoided mandates in its 2022 recommendations, acknowledging that the UC community largely governs itself appropriately, and that guidelines rather than policy-based restrictions create fewer problems of implementation and enforcement are better for implementation.
- It was proposed that Council invite a straightforward Regents' statement endorsing the 2022 recommendations rather than the creation of new and unclear bureaucratic regulations that raise issues of compliance and enforcement. Alternatively, if a policy is ultimately deemed necessary, the Regents should be encouraged to minimize ambiguities, as they are likely to present challenges during implementation. Finally, the Council should recommend that the policy be accompanied by a new presidential policy to ensure clear implementation guidance that supports systemwide consistency.

**ACTION: Council will send a summary of comments to Regents Chair Leib.**

### **IV. Proposed Revisions to APM - 710, Leaves of Absence/Sick Leave/Medical Leave**

Council reviewed comments from Senate divisions and committees to the proposed revisions to Academic Personnel Manual (APM) 710. The revisions would extend paid sick leave to policy-covered academic appointees who are currently ineligible for such accruals, broaden the reasons for which an academic appointee may use paid sick leave, and introduce a six-day paid sick leave bank for eligible faculty, distinct from existing leave programs available to them.

Overall, Senate reviews welcomed the proposed expansion of paid sick leave for academic appointees, recognizing its potential to enhance the working environment for UC employees. They also had a few notable concerns about the policy's clarity, associated costs, and implementation, including the interaction of the proposed revisions with existing leave programs and the challenge of service coverage by overburdened faculty.

**ACTION: Council will send a summary of comments to Vice Provost Haynes.**

**V. Consultation with Senior Managers**

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

State Relations: President Drake participated in the Academic Council meeting from Sacramento, where he was scheduled to meet with Governor Newsom and other state officials. His focus in these meetings will be on budget matters, particularly the protection of the compact funding deferral outlined in the governor's January budget. Additionally, he plans to address the University's concerns about proposed Assembly Constitutional Amendments and other legislative impacts on University affairs.

Campus Climate: The University continues to navigate the repercussions of the Middle East conflict and nationwide student protests, which have extended to Berkeley, UCLA, and other UC campuses. It is paramount that the University uphold freedom of speech and expression while concurrently safeguarding students from threats and discrimination and fostering respectful and constructive dialogue among UC community members. UCOP will finance a systemwide campus climate initiative led by Hillel International, aimed at promoting de-escalation and addressing antisemitism.

President Drake also noted UC's collaboration with state legislative authors of campus climate bills to ensure the legislation aligns with UC's values and principles and fosters a supportive learning and working environment for all community members.

Budget and Finance: Despite a significant state budget deficit, the University expects the governor's May budget revision to maintain his January budget plan to defer UC's 2024-25 compact funding to a two-year increase in 2025-26. UC also anticipates that the state will scale back a proposed General Obligation Bond proposed for the November 2024 ballot, which UC had hoped would provide capital funding. Campuses are offsetting their budget deficits by shifting investments from STIP to TRIP and leaving staff vacancies unfilled.

UCI, UCSF, UCLA, and UCSD have recently acquired or plan to acquire hospitals and clinics and have plans afoot to integrate their assets and liabilities, and personnel into the University.

Technical issues and delays associated with the rollout of the new Free Application for Federal Student Aid (FAFSA) could impact enrollment next year. The University has extended the deadline for Statements of Intent to Register (SIR) to May 15 to support students needing more time to submit their forms.

***During the discussion:***

- A Council member stressed the importance of addressing antisemitism and other forms of bigotry, while acknowledging that external actors are exploiting the geopolitical situation to further their political agendas, which include attacks on higher education. President Drake emphasized the need for unity within the University community to withstand external pressures and focus on common ground.
- Concerns were raised about the potential unintended consequences of the proposed Regents Policy on Public and Discretionary Statements, including fears that it could embolden provocative behavior among faculty and invite harassment from external entities. President Drake acknowledged these concerns.
- Another Council member expressed worry over rising insurance premiums for cybersecurity, coupled with costly mandated security upgrades and other rising labor expenses. CFO Brostrom mentioned ongoing UCOP discussions regarding strategies to manage these costs, noting that proactive cybersecurity measures are viewed positively by insurance markets and that cybersecurity breaches have been costly for UC. Ultimately this money will likely be well spent.

**VI. UCEP Review of the UC Center in Sacramento**

- **Melanie Cocco, UCEP Chair**

Recently, the University Committee on Educational Policy (UCEP) received a request from the UC Davis Senate division to undertake a review of the UC Center in Sacramento (UCCS), noting that UCD has had administrative oversight for the center since 2010 even though it is a systemwide unit. UCEP concurs with the Davis division's assessment that UCCS operates as a systemwide instructional program akin to the UC Washington Center (UCDC) and that reviews of such entities should fall within UCEP's purview as outlined in [Senate Bylaw 170.B.3](#). Given these considerations, UCEP is willing to assume responsibility for reviewing the UCCS every seven years, beginning in the academic year 2024-25. UCEP asked the Council to inform Provost Newman that it is taking over the review.

**ACTION: Council agreed to notify Provost Newman about UCEP's upcoming review of the UCCS.**

**VII. BOARS Criteria for Evaluating Accreditors**

- **Barbara Knowlton, BOARS Chair**

The Board of Admissions and Relations with Schools asked Council to endorse a proposed set of recommended criteria for evaluating accreditors of California high schools that maintain A-G lists for students applying to UC or the CSU.

**ACTION: Council endorsed the criteria and will forward them to Associate Vice Provost of Undergraduate Admissions Yoon-Wu.**

**VIII. *Executive Session*: Nominee for Senate Representative to Regents Committee on Health Services**

Per [Senate Bylaw 125.B.14](#), the Academic Council selects a nominee to serve as the Senate representative to the Regents Committee on Health Services, described in Regents Bylaw [24.3\(e\)](#) and in the [Committee's Charter](#). Council met with four candidates in executive session.

**ACTION: Council selected UCLA Professor Michael Ong, MD, PhD, as its nominee for Senate Representative to the Regents Health Services Committee, for a term beginning July 1, 2024, and ending June 30, 2026.**

**IX. Office of Academic Personnel and Programs (APP)**

- **Douglas Haynes, Vice Provost, Academic Personnel and Programs**
- **Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs**

APM 210: On March 25, Provost Newman issued the revised APM 210, which adds language about the consideration of mentoring in the criteria for appointment, promotion, and appraisal for several academic series. APP issued the policy after reviewing the Senate's [August 2023 comments](#). The revisions also now include language recognizing contributions to diversity, equity, inclusion, in the review process for policy-covered librarians. Vice Provost Haynes emphasized that mentoring does not replace teaching responsibilities and is a voluntary activity.

APM 016: Currently out for systemwide review are proposed revisions to APM 016, (University Policy on Faculty Conduct and the Administration of Discipline), addressing the handling of simultaneous academic misconduct and personnel actions.

Joint Task Forces: The Academic Planning Council Joint Working Group on Faculty Work and Recovery Post-Pandemic, co-chaired by Vice Provost Haynes and Davis Division Chair Palazoglu, has finished its work and will share its report by the end of April. The Presidential Task Force on Instructional Modalities and UC Quality Undergraduate Degree Programs, co-chaired by Vice Provost Haynes and Senate Vice Chair Cheung, is developing principles to guide its consideration of quality in relation to online modalities in undergraduate education.

**X. University Committee on Library & Scholarly Communication (UCOLASC) Issues**

- **Maria De Prano, UCOLASC Chair**

***Statement on UC's Negotiations with Taylor & Francis Publishing***

Chair De Prano highlighted that the University has established transformative open access (OA) agreements with over a dozen academic publishers. These agreements redirect payments from subscriptions to open access publishing to enhance scholarly content accessibility. While many of these agreements focus on disciplines in Science, Technology, Engineering, and Mathematics, efforts are ongoing to extend similar benefits to the humanities and social sciences, where Taylor & Francis is a significant publisher. Current negotiations with Taylor & Francis aim to establish

a comparable open access agreement. However, Taylor & Francis has proposed additional open access publishing fees alongside existing subscription charges—a practice known as “double-dipping,” which the Academic Senate opposes. Although UC’s contract with Taylor & Francis expired on December 31, 2023, access has not yet been revoked, and negotiations have been fruitful. Chair De Prano emphasized that the Council’s endorsement of the UCOLASC statement would bolster UC negotiators’ position.

***Statement on the UC Libraries’ Negotiations with Publishers Regarding Fair Use, Text and Data Mining, and Artificial Intelligence Usage Rights***

Chair De Prano highlighted that UCOLASC’s 2018 [Declaration of Rights and Principles to Transform Scholarly Communication](#), endorsed by the Academic Council, emphasizes the importance of protecting the fair use exception to copyright for research, educational, and scholarly purposes, and for protecting fair use rights in negotiations with publishers. Since the declaration, publishers have increasingly sought to restrict fair use through library license agreements. Some seek to impose additional fees for or preclude altogether fair use activities, such as employing text and data mining in computational research or the use of artificial intelligence (AI) tools in research. Such restrictions can impede freedom of inquiry, exacerbate bias in research, and amplify the perspectives of a narrow group of creators due to limited research materials. The restrictions also disadvantage UC researchers compared to colleagues in the European Union, where contracts cannot nullify copyright exceptions for research. Chair De Prano asked the Council to endorse the UC Libraries’ efforts to preserve fair use exception rights when negotiating electronic resource licenses, including rights for computational research and the utilization of AI tools in academic scholarship.

**ACTION: The Council unanimously endorsed both statements.**

**XI. Executive Session: Academic Senate Representative to UCRS Advisory Board**

**ACTION: Council selected UC Irvine Professor Zoran Nenadić to serve a 4-year term on the UC Retirement System (UCRS) Advisory Board beginning July 1, 2024, to fill the upcoming vacancy created by Terrence Hendershott’s completion of his term as Academic Senate representative.**

**XII. Reports from Senate Division Chairs**

- As campuses confront budget deficits, implement new campus budget models, and engage in contingency planning for potential cuts, individual Senates are advocating for increased transparency and communication. Faculty at UCSC are particularly worried about the administration’s decision to freeze faculty hiring in response to a budget shortfall.
- Many campuses are either currently addressing or preparing for protests and encampments related to the Gaza conflict. Campuses are reviewing their “time, place, and manner” policies following disruptions by student demonstrators at political events.
- The Regents have appointed Richard Lyons, former dean of the Haas School of Business, as UC Berkeley’s next chancellor. UCLA anticipates an upcoming announcement about the

replacement for retiring Chancellor Block. Other campuses are welcoming new provosts, deans, and senior administrators.

- Senate committees are exploring methods to expand online instructional modalities to help alleviate the shortage of physical classroom space. Some are also grappling with issues of academic integrity within the realm of online education.
- UCSD has implemented a recommendation from its Senate Committee on Climate Change to introduce a new climate change education requirement for all of their undergraduates.
- The UCLA Senate has launched a new initiative aimed at enhancing diversity within Senate committees and leadership.
- Campuses are expressing concerns about certain aspects of a proposed systemwide mandate for new cybersecurity measures, particularly regarding potential requirements for compliance on personal devices and increased costs for campuses. In addition, the Davis Senate sent a letter to the administration outlining faculty-identified problems during the campus's transition to Oracle financial software.

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Meeting adjourned at 4:30 pm  
Minutes prepared by Michael LaBriola, Assistant Director  
Attest: James Steintrager, Academic Council Chair