

ACADEMIC COUNCIL

Minutes of Meeting

April 26, 2023

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Council Minutes of March 29, 2023
3. Master of Advanced Study in Engineering at UCB

ACTION: Council approved the consent calendar.

II. Senate Officers' Announcements

- Susan Cochran, Academic Council Chair
- James Steintrager, Academic Council Vice Chair

Transfer: Yesterday, Chair Cochran attended the meeting of the Associate Degree for Transfer (ADT) Intersegmental Implementation Committee (AB 928 Committee). This committee was created by state legislation (Assembly Bill 928) with the goal of making the ADT the primary transfer pathway between the California Community Colleges and UC and CSU. The committee aims to enhance communication and coordination across the higher education segments. Chair Cochran serves on a study group that is creating ADTs for STEM majors with only 6 extra units of lower-division preparation beyond the current 60-unit maximum per state law (Senate Bill 1440). Two other study groups are focused respectively on re-engaging transfer students who earned an ADT but never transferred and on increasing post-secondary degree and certificate attainment to meet the governor's goal of 70% attainment by 2030.

Berkeley CDSS: Following the March Council meeting, Senate leaders conveyed to Provost Newman the Senate's conditions for approval of the proposed UC Berkeley College of Computing, Data Science and Society. Berkeley worked quickly to meet most of the conditions, formulating plans for those it could not meet given time constraints, and transmit the requested materials to Senate leadership, who conveyed satisfaction with meeting the conditions to Provost Newman. The proposal is scheduled for approval at the May Regents meeting.

Senate-Administration Workgroups: UCOP is launching two joint workgroups. The Workgroup on the Future of UC Doctoral Programs will consider what needs to be retained or changed in doctoral education to sustain the University's tripartite mission. The second will develop systemwide guidelines on how to apply Achievement Relative to Opportunities principles to equitably assess faculty performance.

- Council members expressed concern about recent reports that more low-income and first-generation students are choosing to attend CSU over UC due to affordability and financial aid issues. This trend, combined with declining enrollments at the CCC, could hinder UC's efforts to streamline transfer and meet transfer enrollment targets.
- The University should be mindful of a National Institutes of Health (NIH) policy limiting the use of NIH funds to compensate graduate students to what the NIH defines as a zero-level

(first year appointment) pre-doctoral stipend level, a calculation that includes GSR tuition remission.

III. Systemwide Review of Proposed Revisions to Presidential Policy BFB-BUS-43, Purchases of Goods and Services; Supply Chain Management

Council reviewed comments from Senate divisions and committees on revisions made to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management. The Small Business First program, which requires UC to award procurements valued between \$10,000 and \$250,000 to small or disabled veteran-owned businesses where possible, was a major concern for the Senate when it was introduced in an earlier version of the policy in 2021. The Senate expressed concerns about potential delays in time-sensitive procurements needed for research, increased costs of services and equipment, and limitations on products and services small businesses could provide in specialized research areas. Council requested liberal exceptions to the policy for faculty who need to purchase technical materials from specific sources and a cost-benefit analysis to project its impact on costs, procurement timelines, and research.

The 2023 revisions aim to address feedback from the 2021 review by eliminating inconsistencies, formatting errors, and unnecessary jargon. Senate reviewers found that the revisions help meet these goals, but focused on concerns about the overall policy. There was support for the values motivating the policy, but also concerns that the Small Business First program will increase costs for UC and individual faculty and add to the workload burden of faculty and staff.

- Council members note that faculty face challenges in advancing their research, teaching, and service because of a growing number of bureaucratic systems, policies, and compliance requirements that require more time and labor and contribute to fatigue and disengagement. UC should support small businesses, but not at the expense of workload and costs that significantly impede faculty research progress. They suggested that systemwide policies that impact budgetary and resource decisions should always include a cost analysis to enable stakeholders to comment on their campus effects. Council members also suggested inviting the policy owner to a future Council meeting.

ACTION: Council approved forwarding the Senate comments and a summary letter to Vice Provost Haynes.

IV. Systemwide Review of Proposed Presidential Policy on Anti-Discrimination

Council reviewed comments from Senate divisions and committees to the proposed Presidential Policy on Anti-Discrimination.

Chair Cochran noted that the policy addresses discrimination against legally protected categories of people. Reviewers expressed support for the good intentions of the policy. Many also raised questions about the relationship of the proposed policy to other existing UC policies that address discrimination and harassment, including the Policy on Abusive Conduct in the Workplace; the Policy on Discrimination, Harassment, and Affirmative Action; the Policy on Sexual Violence

and Sexual Harassment; and the Faculty Code of Conduct (APM 015). They suggested that the University clarify the relationship among these overlapping policies, the types of conduct covered by each, and why a new policy is needed to address conduct already covered under existing policies.

Many reviewers expressed concern about the authority proposed for the Local Implementation Officer (LIO) in misconduct investigations and the assessment of academic freedom claims. The policy provides the LIO with broad powers but few checks and balances, and no procedures to appeal decisions. The policy does not acknowledge the Senate's role in determining if a case presents questions of academic freedom, nor does it mention existing policies and principles that ensure Senate involvement in investigations of complaints filed against a Senate member.

Chair Cochran noted that reviewers expressed concerns that the proposed policy will create new administrative offices and positions without fully detailing or justifying the expenses needed. She added that UCOP is creating a new office to oversee campus management of this policy, the policy on abusive conduct, and Title IX investigations. The office represents a significant expenditure of resources.

- Council members suggested that the policy either be merged with other related policies or revised to be more transparent and respectful of the Senate's jurisdiction over matters of academic freedom and faculty discipline.
- Members expressed concern about the Abusive Conduct and Anti-Discrimination policies being weaponized against faculty by individuals with an ax to grind. They noted that campuses are addressing a thicket of new policies and that the ambiguous procedures for investigation and implementation of the anti-discrimination policy are weaknesses that may undermine the policy's own goals.

ACTION: Council approved forwarding the Senate comments and a summary letter to Vice Provost Haynes.

V. Recommendations on Simultaneous Disciplinary and Personnel Actions

o Julia Simon, UCPT Chair

The Academic Personnel Manual (APM) does not provide a mechanism or procedure for handling simultaneous academic misconduct and personnel actions. UCPT believes a systemwide policy is needed to address inconsistent procedures and practices across campuses. The policy would implement strict guidelines under which a personnel action could be paused. It will help ensure systemwide uniformity and preserve a firewall between the disciplinary process and the personnel process.

UCPT conferred with UCAP and UCAF on proposed language for APM 016 addressing the matter. The language would allow a no-fault pause on a regular faculty merit or promotion action during a disciplinary action. The pause would initiate when formal charges are filed, except in the case of a faculty member being considered for tenure, where it would be allowable earlier after a formal investigation was initiated. The personnel action would proceed upon conclusion of the disciplinary action, with any advancement awarded retroactively. The policy also requires the campus to notify the faculty member about the pause, provides a process for allowing faculty

on an expedited basis to grieve the imposition of the pause, and prevents the insertion of materials into the personnel file before the conclusion of the disciplinary proceedings.

Additionally, UCPT recommends that UCOP issue interim guidelines addressing the issue at hand before the APM is revised, given the length of time needed to finalize an update to the APM.

ACTION: Council endorsed the goals articulated by UCPT and the need to address the issue of simultaneous academic misconduct and personnel investigations, and forward the recommended approaches and language to Vice Provost Haynes for consideration.

VI. Consultation with Senior Managers

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

ANR Meeting: President Drake attended the UC Agriculture and Natural Resources (ANR) 2023 statewide conference in Fresno, which was a joint meeting of the UC ANR President's Advisory Commission and the UC ANR Governing Council. UCSC and UCM have recently joined UCD, UCR, and UCB as official Agricultural Experiment Station (AES) campuses.

Labor Issues: The University has provided the UAW leadership with proposed protocols for salaried academic student employees to report their leaves, which is needed to support their new paid time off benefit and align leave reporting practices across employee groups. The University is addressing unfair labor practice complaints filed by the UAW and individual grievances by students who claim that determinations of unsatisfactory academic progress are retaliatory measures for participating in union activities. The University is emphasizing that it is the faculty and the University's responsibility to decide what constitutes satisfactory academic progress.

State Legislature: The president met with the UC Legislative Roundtable, which is composed of State Assembly members representing UC campuses in their districts. They see the University as a partner in creating opportunities for Californians and support its initiatives. The president will also testify before the State Senate budget subcommittee to discuss the University's priorities and advocate for the funding in the governor's budget.

May Regents Meeting: During the upcoming Regents meeting, the Regents will discuss an internal audit of UC and UC vendor compliance with a new law that requires vendors who supply services to UC to provide pay and benefits to their employees that are equal to what UC employees receive for performing the same work. The Regents will also establish a Special Committee on Athletics and discuss the report of the Regents Task Force on Institutional Growth.

- Council members expressed their concerns about the difficulty of signing timesheets for graduate student employees, who typically work with little hourly supervision. Additionally, given the unpredictable rhythms of academic and research work, it will be difficult to determine when people are reporting regular hours. Members also shared their concerns about the increasing policy and compliance burden on the campuses.

- Provost Newman responded that UCOP recognizes that each campus has a different culture, and they will not be prescriptive about campus effort monitoring practices. She added that faculty input will be essential in determining the most sensible, flexible, and effective practices.
- President Drake agreed that regulations, policies, and compliance requirements can distract the University from its main mission, and he wants to reduce the burden as much as possible. He also mentioned that UC wants to do more to help small businesses, especially those owned by minorities and women, and to make it easier for campuses to purchase from those businesses.

Systemwide Workgroups: In addition to convening the Future of UC Doctoral Education workgroup, the provost is currently exploring two potential systemwide congresses on graduate education to address the current challenges and share innovations across UC campuses. She also wants to initiate a campus-level conversation about the Future of Undergraduate Education Workgroup report. Additionally, she plans to launch a President’s Council on Entrepreneurship to identify new opportunities for investments in early-stage commercialization of research and inventions. The provost emphasized that real change is needed, and tinkering around the edges of existing models is not sufficient to address the problems faced by UC.

UCEAP: In May, UCOP will provide an update to the Regents on the UC Education Abroad Program (UCEAP), including new programs emerging on campuses that allow students to study abroad during their first term. These programs will align well with UC’s efforts to increase enrollment.

Other Updates: Provost Newman expressed gratitude to the Senate for its work on the proposed new transfer admission guarantee program, which has received support from the governor and the State Senate. She also thanked the Senate for analyzing the Berkeley CDSS program, which will make it stronger. The president is reviewing an after-action report on the academic employee strike that includes input from the Academic Senate on ways to improve future labor negotiations and communications. She added that UC is working on building programs that provide degree completion opportunities for those who have left higher education.

- Council members asked the administration for an opportunity to review the after-action report. A Council member expressed concern about several campus decisions to eliminate or modify individual UC study abroad programs that had no strong pedagogical basis, and did not include consultation with faculty involved in the programs.
- Provost Newman said UCOP is discussing next steps for the after-action report, and that she will at least provide an oral report to the Council. She noted that UCEAP is facing financial pressures and we need more support to make the study abroad programs more affordable and accessible. It is the opportunity of a lifetime for many students, and the experience can be particularly effective when combined into majors.

Budget: CFO Brostrom expressed confidence that the governor’s May budget revision will maintain the 5% base budget increase that was included in the January budget. The University is

also exploring alternative funding strategies for student housing and capital projects, including lease revenue bonds, low-interest loans from the Pooled Money Investment Account, and a General Obligation Bond for the 2024 statewide ballot.

Climate: CFO Brostrom provided an update on the University's sustainability efforts, stating that the focus is shifting from carbon neutrality to decarbonization. To support this shift, UCOP has released funding to campuses for electrification studies and is investing in new clean energy projects, such as wind farms in New Mexico and California. Additionally, the University is exploring opportunities for federal funding to support climate change initiatives.

VII. Reports from Senate Division Chairs

The Senate chairs summarized some important issues that are currently affecting their campuses and divisional Senates, which include:

- Concerns about the imposition of conditions on faculty searches by campus diversity offices, which some see as administrative interference with the faculty's right to self-composition.
- The large number of vacant staff positions systemwide (around 7,000), which is impacting department operations and increasing the workload of faculty and remaining staff.
- Efforts to improve the Senate's engagement with Athletics Departments, especially regarding budget and student athlete welfare issues.
- Campuses are facing emerging budget deficits, and Senates are pushing for greater financial transparency.
- Senate and joint workgroups are addressing issues related to faculty renewal and administrative bloat, post-strike finances, the future of graduate education, and strategies for increasing Senate involvement in campus expansion planning.
- Questions about grade inflation, its source, and reasons.
- Discussion of metrics to use in the admissions process to predict student success at UC in the absence of standardized test scores.

VIII. UCUES Data

- **Tongshan Chang, Director, Institutional Research and Academic Planning (IRAP)**

Director Chang noted that the Office of Institutional Research and Academic Planning (IRAP) conducts the UC Undergraduate Experience Survey (UCUES) every two years. The survey gathers feedback from UC undergraduates on a range of academic and co-curricular experiences, basic needs, student services, and well-being. The response rate varies from 30% to 45% and is likely representative of UC students. The data and reports are posted on the UC Information Center website, and raw data is shared with campuses.

In the 2022 survey, nearly 88% of undergraduates reported being at least "somewhat satisfied" with their academic experience, the highest score recorded since the survey's inception in 2006. Additionally, approximately 76% reported being at least somewhat satisfied with their overall social experience. The survey also revealed that students were more actively engaged in their classroom discussions (90% at least occasionally) and presentations (67% at least occasionally) than during the pandemic. However, students reported an increase in absenteeism (51% at least occasionally) and late assignment submission (36% at least occasionally) compared to previous

years. In 2020 and 2022 about 81%-82%, of students agreed that they felt a sense of belonging on their campus, a slight increase compared to the year before the pandemic. The number of students who reported feeling depressed, stressed, or upset was around 70% in 2021-22, a slight decrease from 2019-20. The proportion of students reporting food insecurity was 40%.

Director Chang said these data show that students were more engaged in some aspects of their education during the pandemic but less engaged in others. IRAP wants to analyze the data to better understand the reasons for increased belonging and engagement and how they might correlate to changes on the campuses.

Although the pandemic resulted in a decline in first-year freshman retention rates at most institutions in 2020, these rates bounced back in 2021. At UC, the first-year retention rates for freshmen and transfers in 2021 were 92% and 93%, respectively. IRAP is currently examining a declining trend in retention rates since 2015 to identify potential factors. Since 1999, there have been persistent gaps in first-year retention between first-generation students, Pell grant recipients, and underrepresented groups, and those gaps have widened slightly in recent years.

- Council members expressed concern about equity gaps and the high number of students reporting feelings of loneliness, anxiety, or depression. They noted that there might be a correlation between the rise of remote instruction and these gaps. Furthermore, students might be more satisfied with classes that have lower demands and give higher grades. Director Chang stated that IRAP is interested in hearing from faculty members as part of their analysis. He also mentioned that the UC Information Center website has more detailed data on undergraduate dropouts and stopouts.

IX. Compliance with WSCUC Online Education Requirements

○ Melanie Cocco, UCEP Chair

Chair Cocco had a meeting with the WASC Senior College and University Commission (WSCUC), UC's accreditor, to discuss the reporting requirements for online courses and degrees. They informed her that a WSCUC "substantive change" review and approval is necessary when a degree program is first designated as online, meaning that 50% or more of relevant courses can be taken online, whether or not a student chooses to do so. WSCUC will review the first three distance education programs for undergraduate students on every UC campus, and the systemwide Senate will review the first distance education program on a campus.

WSCUC requires distance education courses to have "regular and substantive" interaction, with at least two regular activities conducted by the instructor every week. The University is required to monitor these activities. There are also federal regulations (Title IV) that address minimum eligibility requirements for students to receive financial aid. Correspondence courses, which includes courses that only require students to review lectures posted online and take an examination, do not meet the minimum engagement requirement for financial aid. Additionally, the regulations define a credit hour as one hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work.

Chair Cocco noted that the Senate should be reviewing UC online course plans to ensure compliance with federal regulations for both engagement and credit hours. UCEP is developing guidelines to assist faculty in better understanding the requirements and regulations.

- Council members expressed concern about cases where online courses have been approved or in-person courses have been switched to an online format, in an impromptu manner.

X. Retirement Administration Service Center Update

- Cheryl Lloyd, Vice President of Systemwide Human Resources
- Bernadette Green, Executive Director RASC

Council invited Vice President Lloyd and Executive Director Green to update them on the progress made by the Retirement Administration Service Center (RASC) to improve their services. Vice President Lloyd explained that RASC serves nearly 400,000 active and inactive members and processes 5,000 new retirement applications each year. Some problems arose due to various factors, including a new software system that lacked acceptable functionality, previous leadership's incorrect assumption about retirees' self-service preferences, and a lack of proper staffing to handle an increasing workload.

The software vendor has made several improvements to the software, and RASC has employed UnifyHR to provide additional call support during peak periods; implemented new specialized customer support teams, including a dedicated phone line and team for survivors; and hired additional phone center staff and retirement counselors for deployment on the campuses. They are also partnering with Korn Ferry to identify a rapid recruitment team. To address concerns from prospective retirees that they will not receive pay on time, RASC implemented a no-lapse-in-pay program, which guarantees continuation of income and benefits. These improvements helped reduce the average peak season processing time in 2022 by 16 days compared to 2021, within the service level agreement of 45 days.

While RASC is still a work in progress, the trajectory is positive. Vice President Lloyd assured Council that RASC is selective about who they hire to ensure the highest quality and experience. They hope to bring news of additional operational enhancements soon.

XI. CUCRA/CUCEA Joint Benefits Committee Report

- Teresa Dalton, UCFW Chair

UCFW requested that Council endorse the spring 2023 report of the Joint Benefits Committee of the Council of UC Emeriti Associations and the Council of UC Retiree Associations. The report outlines various issues related to retiree benefits and offers recommendations.

- Council members noted concern about a particular finding in the report that an increasing number of dentists are no longer accepting Delta Dental insurance and are leaving the Delta PPO as a provider.

ACTION: Council endorsed the report and will forward it to Vice President Lloyd.

XII. Proposed Revision to Senate Bylaw 55

- **Francis Dunn, UCAP Chair**

Chair Dunn noted that in 2018, the University revised APM 285 and 210-3 to replace the Lecturer with Security of Employment (LSOE) title series with a new rank-and-step series that is parallel to the Professor series, with equivalent sabbatical privileges, and higher expectations for teaching excellence and professional/scholarly achievement. The LSOE review criteria were also aligned with the Professor series to cover teaching, service, and professional/scholarly activities. The APM emphasizes that for LSOEs these scholarly activities should focus especially on instruction and pedagogy. The revisions maintain the existing LSOE series titles, and existing LSOEs were given the option to opt in or opt out of the new criteria, while campuses were allowed to use “Teaching Professor” as an alternative title.

In response to these changes, some departments have given LSOEs departmental voting privileges on personnel matters. (Bylaw 55 currently permits faculty in the LSOE series to vote on others in their own series but not on those in the Professor series unless approved by two-thirds of those entitled to vote within the department.) However, this has created inconsistencies across campuses and departments. UCAP proposes modifying Senate Bylaw 55 to give LSOEs full departmental voting rights and to change the title series to “Teaching Professor,” with corresponding changes in the APM.

- Several Council members expressed support for the proposal as a way to more appropriately recognize the contributions of LSOEs, noting that LSOEs had already been granted departmental voting rights on some campuses and are serving on divisional Committees on Academic Personnel. However, some members pointed out potential unintended consequences, such as redefining the faculty role in ways that may reduce the emphasis on research in personnel reviews. It was noted that some departments will vote to preserve the current Bylaw 55 conception of voting rights, given the distinct roles of Professors and LSOEs, and their fundamentally different approaches to research and creative activity.
- Members also raised concerns that the “Teaching Professor” title may offend some ladder rank professors by suggesting that they do not teach.

ACTION: Council approved sending the proposed revisions for systemwide Senate review.

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