

ACADEMIC COUNCIL

Minutes of Videoconference Meeting

April 27, 2022

I. Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of March 30, 2022
3. Simple Name Change for UC Berkeley School of Education
4. UCOPE recommendation on satisfaction of the Entry Level Writing Requirement by locally designed placement mechanisms
5. UCEP review of Natural Reserve System's California Ecology and Conservation field course

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

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

Climate Crisis Memorial: The Assembly approved a systemwide faculty vote on a Memorial that petitions the Regents for investments in UC's infrastructure that will reduce on-campus fossil fuel combustion by at least 60% of current levels by 2030 and by 95% of current levels by 2035. The Senate parliamentarian has asked the Senate divisions to complete voting by June 3.

ICAS: The Intersegmental Committee of Academic Senates voted to recommend a new Intersegmental General Education Transfer Curriculum (IGETC) to the Academic Senates of the three segments of California higher education. The new IGETC, still to be formally named, meets the requirements of Senate Bill 928 to create a singular transfer pathway from the California Community Colleges to UC and CSU. The proposal will be released for systemwide Senate review this fall.

HR Issues: UCOP has acknowledged the problems UC employees and retirees are experiencing with Navitus Health, and in response may disband the Executive Steering Committee on Health Benefits as a policy-making unit and form a Human Resources committee to advise on pharmacy benefits. UCOP approved an augmentation of the HR budget to support the hiring of new RASC retirement counselors and call center representatives.

Master's Program Review: A joint Academic Planning Council workgroup has completed its evaluation of systemwide review processes for Master's degree proposals. The workgroup validated a continued role for CCGA in reviews.

Academic Integrity: UC Senate leaders have proposed that faculty leadership and legal teams from the three segments of higher education meet with outside counsel to consider strategies for challenging external online tutoring service providers that facilitate student cheating and faculty IP theft.

Faculty Survey: The systemwide Senate has invited UC faculty and instructors to participate in a survey about their experiences with remote instruction during the pandemic, the personal impact

of the pandemic on their work and family lives, and their perspectives on the relative effectiveness of in-person vs. online course modalities.

Abusive Conduct Policy: A revised draft Presidential Policy on Abusive Conduct (formerly Abusive Conduct and Bullying) will be released for 30-day systemwide review in early May. Given the impending summer break, the Senate received special permission to conduct a review in early fall. Chair Horwitz will ask current systemwide committees to conduct a quick review of the revised policy to help guide next year's committees as they take up consideration of the policy in the fall.

III. Executive Session – Chair's Recommendation for Senate Executive Director

ACTION: Per Bylaw 16, Council approved the Chair's recommendation of Monica Lin as the new Senate director effective June 1. The recommendation will be forwarded to President Drake.

IV. Report of the Mitigating COVID Impacts on Faculty Working Group

- Robert Horwitz, Academic Senate Chair
- Mary Croughan, UC Davis Provost

Working Group on Mitigating COVID-19 Impacts on Faculty (MCIF-WG) co-Chairs Horwitz and Croughan will present the MCIF-WG final report at the May Regents meeting. Provost Brown convened the group in April 2021 to respond to the Academic Council's January 2021 recommendations. The working group found the following:

1. The shutdown affected faculty academic progress and achievement by stalling their research and scholarship, forcing them to pivot to unfamiliar remote instruction modalities, and increasing demands on their professional and personal lives.
2. Women and newly appointed faculty were most likely to report negative effects to their research and scholarship. The differential effects could lead to differential rates of advancement and retention.
3. Faculty adjusted to an array of competing priorities during the pandemic. In the aftermath, UC needs a systematic framework for reviewing academic advancement that considers differences in individual situations.

The report proposes several concrete actions for campuses to implement and sustain over the next five years, including two key recommendations:

1. Incorporate Achievement Relative to Opportunity (ARO) principles into the merit and promotion process by adjusting expectations for scholarly progress in recognition of individual pandemic circumstances, caregiving responsibilities, and other constraints. The ARO framework upholds UC standards of excellence and supports fair, transparent and equitable processes across UC.
2. Create campus funding mechanisms to help fund faculty research recovery costs. Direct investments will support faculty productivity and the excellence of the University as a whole, by counteracting disruptions that could persist for years.

The report asks campuses to develop implementation plans by October that can be sustained for five years, with oversight by campus Provosts/EVCs and Vice Provosts for Academic Affairs, in consultation with campus Committees on Faculty Welfare and Academic Personnel.

- Council members emphasized that faculty are not back to normal, that every discipline has been affected, and that restoring the full research mission has been impeded by additional challenges with the supply chain and campus software systems.
- Members noted that the effects of the pandemic may exceed five years and that the differential impacts on faculty also hurt the University's diversity goals and its ability to recruit and retain junior faculty.

ACTION: Council endorsed the final report and will forward it to the campuses.

V. UCFW/TFIR 2016 UCRP Modeling Website

- **Jill Hollenbach, UCFW Chair**
- **David Brownstone, UCFW-TFIR Chair**

Council reviewed a planning model developed by members of the University Committee on Faculty Welfare Task Force on Investment and Retirement (UCFW-TFIR) to assist new UC employees (hired after July 1, 2016) when choosing a retirement plan.

The model is a simulation tool for informing employees in the 2016 UC Retirement Plan tier how their "Pension Choice" (Defined Benefit) and "Savings Choice" (Defined Contribution) options are structured, how they compare, and how various assumptions affect projected outcomes in each option. Eligible members of the Senate and certain staff titles who make the "Savings Choice" initially, will have the option to switch to the "Pension Choice" after 5-8 years of service – but not in the reverse direction – so careful decision-making is essential. The model is presented in the form of an Excel spreadsheet and posted on the UCFW website. It is accompanied by a written tutorial and two instructional videos.

New employees who join the 2016 UCRP tier default to "Pension Choice" 90 days after hire unless they actively choose "Savings Choice"; however, TFIR found that "Pension Choice" is not an appropriate first choice for most UC employees. TFIR encourages new faculty to actively choose "Savings Choice" initially, and once they know that they will continue with UC long term, to move to "Pension Choice." UCFW asked Council to facilitate the distribution of the model through Senate division chairs, the Office of Academic Personnel and Programs, and the Office of Human Resources.

ACTION: Council agreed to ask Division chairs to distribute the model to Senate members and ask UCOP administrators to link to the model in offer letter templates and inform new staff hires about the model.

VI. Proposed Revisions to Presidential Policy on Supplement to Military Pay

Council reviewed comments from Senate divisions and committees to the proposed revision to the Presidential Policy on Supplement to Military Pay. The Policy supplements military pay for eligible UC employees on an active overseas military mobilization campaign if the employee's military pay is less than their UC salary. Employees receiving supplements are also eligible to receive UC contributions for health and welfare benefits, subject to a two-year lifetime limit. The policy revision would remove the existing four-year renewal provision and extend the policy indefinitely. In addition to extending the policy, the revisions update and clarify existing policy language and definitions.

- Council members noted that if the policy is renewed indefinitely, it should continue to be reviewed periodically. The policy should also clarify to whom and in what circumstances its provisions apply, including the active duty recall of the Reserves. Finally, the policy should address concerns about specific provisions that could disproportionately disadvantage the lowest paid UC employees.

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

VII. Proposed Presidential Policy on UC Research Data - Second Systemwide Review

Council reviewed comments from Senate divisions and committees to the second systemwide review of the proposed Presidential Policy on UC Research Data. The Senate reviewed an earlier version of the policy in 2021 and withheld support due to strong concerns. UCORP Chair Bales noted that UCOP's Department of Research Policy Analysis and Coordination has restructured the policy to 1) clarify ownership of and responsibility for data generated during the course of University research; 2) differentiate between data owned by the Regents and data covered under the UC Copyright Ownership Policy; 3) remove tangible research materials; 4) clarify exceptions to UC ownership when precluded by sponsorship; 5) encourage active data management practices; and 6) provide guidance on procedures when a researcher leaves UC.

Faculty reviewers recognized that changes had been made in the revised policy, but expressed continued concerns about the scope and intent of the policy; unclear definitions of terms and provisions for securely storing, organizing, and preserving data; the compliance powers granted to Vice Chancellors for Research; and the cost of additional staff, space, data security, digital infrastructure, and other resources required to support the new data storage and preservation requirement. In addition, the policy does not provide enough guidance about how data and resources will be maintained and shared when a PI leaves UC.

Reviewers also made several suggestions for how to improve the policy:

- 1) Add a statement about making the policy cost-neutral for PIs
- 2) Add a statement requiring VCRs to consult with divisional Senates on implementation
- 3) Create independent campus review boards to intervene when a VCR decision is different from the faculty decision
- 4) Create a new central data repository with security and privacy protections, at no cost to PIs
- 5) Add a list of what would not constitute research data
- 6) Describe different practices in different fields in the FAQs
- 7) Create a data retention checklist to be completed as part of the faculty separation process

Council members noted that:

- Implementation of the policy will require more infrastructure, and the policy will be unenforceable without strong faculty buy-in.
- The policy has not addressed prior questions about how it will apply to collaborative multi-institution research and funding agency requirements; and how it will support data sovereignty in the context of native peoples' data ownership and other community-engaged research.
- The policy should more clearly identify the problem it is trying to solve. UCOP presents the policy as necessary for compliance, but it seems instead to expand University control over research data and analysis at the cost of overburdening all faculty with compliance efforts.

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

VIII. Consultation with Senior Managers

- **Michael Drake, President**
- **Nathan Brostrom, Executive Vice President and CFO**

State Budget: The Governor's January budget funds a 5% base budget increase, 6,230 new enrollments, and the buy-down of nonresident enrollment at three campuses. It also includes \$300 million in one-time funding for capital projects related to energy efficiency, seismic upgrades, and deferred maintenance. State budget negotiations continue in anticipation of the Governor's May budget revision. UC is working with the state to identify additional funding opportunities within the \$17 billion budget surplus for capital priorities and climate change mitigation and research initiatives, and funding of past unfunded enrollments.

Climate Crisis: The University will need offsets to achieve carbon neutrality, but will then move quickly to implement decarbonization pathways. The Securities and Exchange Commission's new guidance on public companies' carbon emissions reporting will help UC evaluate its commercial partners' commitment to the environment.

Rebenching: The University is close to a consensus on a potential revision to budget rebenching formulas that enhance the equitable flow of state general funds to the campuses. Any changes will need to be gradual and align with UC values.

RASC: President Drake acknowledged that some retiring employees and retirees are not receiving the level of service they need from the UC Retirement Administration Service Center. The University is taking steps to remedy the situation, including hiring new counselors.

Campus Safety: UCOP is reviewing recommendations from a systemwide Campus Safety Workgroup focused on demilitarized alternatives for police vehicles, uniforms, and equipment, and individual campus proposals for a tiered response model that will match a call for service to the appropriate type of response and responder.

Native American Opportunity Plan: Starting this fall, UC will cover in-state tuition and fees fully for California residents who are members of federally-recognized Native American tribes. Proposition 209 limits the program to federally recognized tribes, but UC is identifying private funding that will support Native Americans who are not members of federally recognized tribes.

- Council members thanked President Drake for sponsoring the Native American Opportunity Plan, and encouraged him to consider how UC could implement similar supports in the admission process. They asked about the status of the 2022-23 faculty salary plan and emphasized the need to address campus deferred maintenance and cyberinfrastructure needs.
- President Drake said the faculty salary plan is moving forward and that UCOP would provide guidance to campuses about the design of the 1.5% faculty salary equity program. CFO Brostrom noted that UCOP is discussing potential funding mechanisms for addressing deferred maintenance and cybersecurity. President Drake said he anticipates that UC could become fossil free a decade after achieving carbon neutrality.

IX. UCAP Response re LSOE service on Divisional CAPs

○ John Kuriyan, UCAP Chair

UCAP responded to a series of questions posed by Senate Chair Horwitz about the voting rights of Lecturers with Security of Employment who serve on Divisional CAPs, including whether systemwide clarification is needed about the extent to which LSOEs should be permitted to serve on CAPs and vote on personnel issues associated with other Senate series.

Chair Kuriyan noted that Senate Bylaw 55 restricts LSOE voting rights to actions concerning their own series, unless explicitly extended by an individual department in a two-thirds majority vote of faculty entitled to vote on the cases. However, ladder-rank faculty have the right to vote on LSOE cases in addition to cases in their own series. He noted that campuses have significantly different numbers of LSOEs, and that UCAP supports broad representation on CAPs and efforts to increase LSOEs' sense of enfranchisement. UCRJ identified an ambiguity in Senate regulations as to whether LSOEs can serve on CAPs, since SB 55 is concerned with general departmental voting policies, not specific CAP voting policies. UCAP believes that the Bylaw 55 restriction on LSOE voting is not a reason to prevent LSOEs from serving on CAPs, and that decisions about giving LSOEs full voting rights should be left to divisional Senates. Some divisions have questioned the expertise of LSOEs to assess research contributions. UCAP understands the distinction between voting in a departmental action and voting on ladder-rank faculty cases that assess research; however, UCAP agrees that divisional Senates should have the ultimate authority over who can be a member of CAP.

- Council members agreed that the systemwide Senate should send a letter to Senate divisions clarifying that they have discretion to appoint LSOEs to CAP. Members also raised concerns about potential lawsuits by ladder rank faculty who believe they were not promoted due to the inclusion of LSOEs who were not qualified to judge their research.

ACTION: UCAP will return to Council with a revised letter and recommendation.

X. UCEP Continuing Guidance on Fully Online Undergraduate Degrees

○ Mary Lynch, UCEP Chair

○ Kadee Russ, UCEP Vice Chair

Online Degree Loophole: UCEP Vice Chair Russ noted that UCEP identified a loophole in Senate regulations that potentially allows campuses to create a fully online undergraduate degree program through individually-approved online courses, without it first being approved as an online program. UCEP proposes several options for closing the loophole. One is to add a new regulation that triggers approval and review processes for programs offering substantial online content. The regulation would state that academic units may offer more than 50 percent of their total course credits for a degree program through virtual formats only if the program has been approved as online, with “online” or similar descriptor in the program name or degree designation. This language aligns with the WASC definition of an online degree program as one where 50% or more of instruction is offered online. (The first such program on each campus will be subject to a “Substantive Change” review by WASC.) A second option for closing the loophole is to amend Senate Regulations to require a minimal fraction of in-person instruction for residency or graduation. UCEP recommends that the trigger point for defining an online program be a measure of offered course credits, not planned or enrolled student credit hours.

Discussion:

- Council members noted that the UCEP options may not fully account for other avenues to a “stealth” online degree a student could cobble together using, for example, hybrid courses offered in dual modality.
- Berkeley Chair Cohen noted that UCB stopped distinguishing between online and in-person courses in its course catalog, and that the starting point for discussions should be the best learning experience for students, which most faculty believe is an in-residence presence on campus even if students take some remote classes. Other members noted that campuses should agree to more uniform labeling practices, and that not labeling degrees as online could complicate data reporting.

Framework for Online Degrees: UCEP Chair Lynch noted that UCEP gathered feedback from campus CEPs about online undergraduate degree programs (OUDPs). Faculty want to learn more about OUDPs, but they assume that the programs will not save money or support significant enrollment increases. To address faculty concerns about the quality of OUDPs, UCEP has identified specific metrics to help guide campus discussions about design, content, and pedagogy. UCEP understands that the Senate and University will need to establish clear guidelines and policies for the review, approval, and assessment of OUDPs, and new processes and infrastructure to support teaching and learning. In addition, discussion on campuses should increase about the additional academic planning details about OUDPs that need to be resolved.

Discussion:

- Council members encouraged the Senate to focus on UC quality and the student learning experience, and noted that most students want access to in-person instruction and on-campus resources. Individual members cautioned against opening the floodgates to OUDPs in ways that quickly change the in-person nature of the University. They also expressed concern that online programs could create two distinct classes of students and disadvantage URM students; and that revenue, not quality, would ultimately end up driving approval decisions. UC could demonstrate leadership by creating a quality online degree, but it could also do so by saying “this is not for UC.”

ACTION: Council will continue discussion in May.

XI. UCAADE Recommendations for the use of DEI Statements

o Daniel Widener, UCAADE Chair

In June 2021, Council approved a clarified and expanded version of its January 2019 recommendations for the use of Diversity, Equity, and Inclusion (DEI) statements in hiring and promotion. The eight recommendations address guidelines for the content and use of DEI statements. They are intended to promote clarity and consistency in the use of statements across campuses, and to raise awareness of and regularize the implementation of existing APM language. The six original recommendations were proposed by UCAADE in consultation with UCFW and the UC Systemwide Equal Opportunity/Affirmative Action Administrators Group. The eight revised recommendations were crafted in consultation with UCAF. After Council’s approval of the revised recommendations in 2021, the Systemwide Administrators Group requested an opportunity to review them. That process is now complete.

ACTION: Council endorsed the recommendations.

XII. Report on Faculty Retiree Experiences with RASC

A report from the UCSC Committee on Emeriti Relations summarized concerns about faculty retiree experiences with the UC Retirement Administration Service Center (RASC). The report identified three main problems: 1) an unacceptably slow processing of new retirement applications; 2) disruptions to the health insurance coverage of eligible retirees; and 3) poor overall experience with RASC customer service personnel. The report made several recommendations for addressing the problems. UCFW Chair Hollenbach noted that progress is being made under the leadership of the new RASC Executive Director, who has a productive working relationship with UCFW and TFIR. The recent augmentation of the RASC budget to support the hiring of additional retirement counselors and phone center staff will also support positive change.

ACTION: Council endorsed the recommendations.

XIII. Reports from Division Chairs

Division chairs noted several issues of interest:

- Individual divisions have scheduled special meetings to discuss the Memorial to the Regents on the climate crisis, and several are considering new committees and other mechanisms to increase the faculty voice in discussions about climate and sustainability. Divisions are also pushing for increased shared governance around academic affiliations, the budget, and other issues.
- The increasing sense of normalcy on campuses is tempered by continued student requests for remote finals and permanent remote learning options. Individual divisions have approved temporary remote teaching accommodation for faculty members, and are returning full or partial sabbatical credits to faculty who took a sabbatical during the pandemic but could not conduct research.
- Some campus Privilege and Tenure committees have seen a spike in SVSH and other disciplinary cases. The crisis in employee and student housing availability and affordability is worsening
- UCLA requested guidance and best practices from other divisional Senates about how best to position the Senate in discussions about IT initiatives and oversight in ways that center the academic mission those discussions.

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