

## ACADEMIC COUNCIL

## Minutes of Meeting

May 22, 2019

**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of April 24, 2019
3. UC Berkeley Master of Design self-supporting degree program
4. Assembly Apportionment for 2019-20
5. Appointment of 2019-20 UCOC Vice Chair
6. June 12 Assembly Agenda

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

**II. Senate Officer Announcements**

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

State Budget: The Governor's May budget revision was disappointing to the extent that it did not divert significantly from the Governor's January budget or address the University's requests for additional permanent funding.

May Regents Meeting: The Regents approved a 2.6% increase in nonresident supplemental tuition with an accompanying requirement that 10% of revenues from the increase (about \$3 million) be used for nonresident undergraduate financial aid. Chair May reported the Senate's approval of revisions to Bylaw 336 in response to recommendations from the State Auditor, also noting the Senate's concerns about the new compressed timelines for divisional P&T processes, and UCPT's plans to monitor outcomes from the policy. During a presentation about the experience of transgender and non-binary students, a request was made to include students' preferred names on diplomas, and Chair May promised to investigate options. The Regents approved the Upper Hearst Development at Berkeley over faculty concerns about the elimination of parking spaces. The Regents appointed UCR Provost Cynthia Larive as the new UCSC chancellor, and systemwide CFO Nathan Brostrom as interim UCM chancellor. John Pérez will take over as chair of the Regents on July 1.

Herbicide Taskforce: President Napolitano recently issued an interim ban on the use of glyphosate-based herbicides on UC campuses. Senate leaders have asked President Napolitano to include faculty on a new task force advising her about the use of those herbicides.

UCSF/Dignity: Chair May has been collecting letters from Senate divisions and committees on the proposed affiliation between UCSF and Dignity Healthcare. In addition, several letters and statements opposing the affiliation were recently issued by LGBT groups, the Speaker and Pro Tem of the State Assembly, the Lieutenant Governor, and other individual legislators. A recent poll of the UCSF faculty resulted in a 3:1 vote against the affiliation. The issue is scheduled for discussion at the June 11 meeting of the Regents Health Services Committee.

Memorial to the Regents: The proposed Memorial to the Regents to divest UC of investments in fossil fuel companies has met the threshold set in [Senate Bylaw 90](#) requiring approval by at least three Senate divisions representing thirty-five percent of total Senate members. The Memorial will now move to a mail ballot of all voting members of the Senate. Chair May is soliciting pro/con arguments and rebuttals from ad hoc committees for inclusion in a packet of materials to support the systemwide vote, which will open in early June.

Transitions: Chair May recognized Academic Senate Assistant Director Jocelyn Banaria, who is leaving the systemwide Senate to join the Berkeley Senate as its Executive Director on June 1.

### **III. Five-Year Reviews of the UC Institute for Nuclear and Particle Astrophysics and Cosmology (INPAC) and the UC Humanities Research Institute**

- o **Andrew Baird, UCORP Chair**

UCORP submitted for Council's approval five-year reviews of two Multi-Campus Research Units: the UC Institute for Nuclear and Particle Astrophysics and Cosmology (INPAC) and the UC Humanities Research Institute (UCHRI). Following procedures outlined in the Compendium, the review was performed by a Joint Review Committee, led by UCORP with input from UCPB and CCGA.

UCHRI: The Review Committee noted that UCHRI provides competitive grant funding to faculty and graduate students on all UC campuses to support collaborative humanities research projects. UCHRI does not receive formal support as an MRU, but has received multi-year funding awards from UCOP MRPI competitions in 2009, 2014, and 2018. In 2017, it received a \$10 million challenge gift from the Mellon Foundation to support a total \$30 million endowment to be raised over the next four years. The Committee found that the UCHRI is, in many ways, a model MRU that is effective in enhancing humanities research collaborations across UC campuses. However, the Committee also described several challenges facing UCHRI, including concerns from some faculty that UCHRI is not inclusive enough in its support of humanities research and lacks transparency about its budgeting practices and award criteria. While the Joint Committee recommended renewing UCHRI as an MRU for additional five years, it also recommended that UCHRI increase transparency in budget reporting; broaden and diversify faculty participation and disciplinary representation; and develop opportunities for non-ladder-rank faculty to compete for fellowships and grants. The Joint Committee also recommended that UCHRI involve systemwide development support in the \$20 million fundraising effort.

INPAC: Since the mid-1990s, INPAC has supported the production of many successful multi-campus research projects and collaborations on nuclear and particle physics and experimental cosmology and astrophysics, among faculty, researchers, and graduate students on nine UC campuses and the three national labs. And while the individual INPAC members continue to make great research contributions, there has been no UCOP or campus funding of INPAC since 2015; the MRU has not met since 2016; and it lacks a clear strategic plan for moving forward independent of UCOP financial support. The Joint Committee agreed that INPAC must reinvent itself to maintain influence and relevance. It recommended that INPAC stakeholders make a stronger, more tangible commitment to the MRU, and a stronger case for INPAC's continued MRU status. It recommended that INPAC sponsor an all-hands meeting to consider whether and how to continue the MRU in the current financial circumstances.

**ACTION: A motion to approve the INPAC report was made, seconded, and passed unanimously.**

**ACTION: A motion to approve the UCHRI report was made, seconded, and passed unanimously with one abstention.**

Council members noted that UCHRI has a different mission from most MRUs, in that it is meant to serve the research interests of an entire subset of UC faculty who work in humanities. There is a fundamental problem with relegating the broad and permanent research needs of an entire subset of faculty to an MRU that is by nature limited in scope and forced to constantly compete for temporary funding. Permanent and continuing infrastructure support is needed for humanities research; Council should push for permanent funding, and an alternative status for UCHRI. Chair May remarked that these questions are out of the specific purview of the current five-year review, but he invited UCPB and UCORP to consider an alternative status for UCHRI, and asked other Council members with experience to weigh in as well. UCORP Chair Baird noted that every MRU has unique qualities, and advocated for taking a broader view of MRU funding mechanisms and the full portfolio of systemwide research entities.

#### **IV. Executive Session**

#### **V. Consultation with UC Senior Managers**

- **Janet Napolitano, President**
- **David Alcocer, Associate Vice President, Budget Analysis and Planning**

Budget Issues: The Governor's May budget revision included no material change to his funding plan for UC relative to January. The May budget continues to fall \$182 million short of UC's full request, although it does add an additional \$25 million in one-time funding for UCRP, and a few additional million for specific priorities like student homelessness and dyslexia research. The State Assembly and Senate subcommittees have also released their individual budget proposals; the Budget Conference Committee will meet throughout May to reconcile them. The Assembly proposal extends for a second year the \$95 million in one-time funds provided in the 2018-19 budget. The Senate budget fully funds UC's 2030 Student Success Initiative, while the Assembly budget redirects some of that funding for enrollment growth. The Senate also proposes \$18 million in new funding contingent on the University beginning on a path to reduce nonresident undergraduate enrollment.

President Napolitano thanked the faculty for supporting the nonresident supplemental tuition and financial aid plan. She noted that the University is working with the legislature to expand the provisions of AB 540 to ensure that a small group of undocumented students currently excluded from AB 540 can qualify for financial aid. She noted that she intends to fund a second year of the faculty salary plan, but its full implementation depends on the final state budget. She noted that the Regents Finance and Capital Strategies Committee endorsed Senate Bill 14, a proposed \$8 billion General Obligation Bond measure to support capital needs at UC and CSU.

Personnel Updates: After a national search, the Regents appointed UC Riverside Provost Cynthia Larive to replace retiring UC Santa Cruz Chancellor George Blumenthal, and systemwide CFO Nathan Brostrom to replace UC Merced Chancellor Dorothy Leland on an interim basis when she retires in August, while a national search is conducted. UCSF Senior Vice Chancellor Paul Jenny will serve as the interim systemwide Chief Financial Officer.

Herbicides: President Napolitano noted that she has temporarily suspended the use of glyphosate-based herbicides such as Round-up on UC campuses, following concerns about possible human and environmental health risks and legal and reputational risks associated with continued use. A UC Herbicide Task Force will provide the president with advice about its use.

**VI. Executive Session**

- Amy K. Lee, Diversity, Labor, & Employee Relations Director
- Pamela Peterson, Executive Director and Deputy to the Vice Provost
- Susan Carlson, Vice Provost for Academic Personnel

**VII. UCI Proposed Online Business Major**

- Anne Zanzucchi, UCEP Chair

Council reviewed recommendations from UCEP regarding a proposed pilot of a fully online undergraduate Business Administration degree for transfer students offered by the UCI School of Business. In January, Council opined that the proposal is a new program requiring local Senate approval as well as a “first of its kind” program for the UC system that requires UCEP approval per the Compendium.

UCEP and the UCI Senate have met with the School to discuss its goals for the pilot and the Senate’s questions. UCEP is not satisfied that the current proposal has the core elements in place to be operational for admissions, financial aid, catalog rights, and access to resources. Given that the degree will provide a very different educational experience for students, some of whom will never set foot on the campus, the proposal also raises questions about the nature of the UC undergraduate experience and what UC might want or value from a fully online degree. The UCI Senate has rejected the proposal to offer the degree as a pilot, and agrees with UCEP that a more comprehensive discussion of planning issues and questions is needed before a fully online undergraduate degree proposal can be contemplated.

UCEP makes two recommendations. First, it encourages the UCI Business School to consider expanding its offering of online courses in tandem with face-to-face courses in the existing BA (subject to normal campus consultation), to gather data about online student success and experience, and to clarify future decisions about moving to an online-only degree. Second, it recommends a systemwide consideration of UCs engagement with fully online undergraduate degrees, with particular attention to the experiential and intellectual implications of non-residency.

**ACTION: A motion to endorse UCEP’s recommendations was made, seconded, and passed unanimously. It was agreed that UCEP would communicate separately with UCI about its decision.**

**VIII. UCOLASC Issues**

- Richard Schneider, UCOLASC Chair
- Günter Waibel, Associate Vice Provost and Exec. Director, CDL

**1) Declaration of Rights and Principles to Transform Scholarly Communication**

UCOLASC Chair Schneider noted that UCOLASC’s *Declaration of Rights and Principles to Transform Scholarly Communication* is an aspirational document outlining an ideal future state of scholarly publishing that gives faculty control over their publications and enables the broad dissemination of scholarship. The *Declaration* clarifies faculty concerns about the current financially unsustainable subscription model, which extracts money from the university and provides large profit margins for commercial publishers earned off of the unpaid labor of faculty authors. UCOLASC believes that the 18 Principles outlined in the *Declaration* can help transform the system of scholarly communication to be more open, fair, transparent, and sustainable. Seven systemwide Senate committees have endorsed the Principles. They have already stimulated debate, inspired other institutions around the world, increased UC’s visibility and global leadership in the open access movement, and helped guide the UC Publisher Negotiating Team in its pursuit of a multi-payer “Publish and Read” model with Elsevier.

**ACTION: A motion to approve the Principles was made, seconded, and passed unanimously, with one abstention.**

## **2) Academic Senate Co-Sponsorship of “Open Access Tipping Point” Event**

UCOLASC has agreed to co-sponsor with the UC libraries an international meeting – “Open Access Tipping Point” – to be held this August in Washington D.C. UCOLASC hopes the Academic Council will endorse and co-sponsor the event, which will bring together faculty and librarians from institutions across North America and Europe to discuss the current status of their open access negotiations with publishers. Organizers will ask any university librarian who attends the event to bring a faculty advocate.

**ACTION: A motion to endorse and co-sponsor the event was made, seconded, and passed unanimously.**

## **3) Statement on Supporting Alternative Access to Elsevier Journals after Systemwide Cancellation**

In February, UC announced that it will not sign a new contract with Elsevier until it meets the requirements of UC’s open access proposal. Elsevier is expected to begin limiting access to new journal articles, which will affect how UC scholars access certain journals. In this context, and to demonstrate its commitment to open access publishing, UCOLASC has written a statement asking all UC stakeholders to support UC’s negotiating position with Elsevier by not re-subscribing to journals on an individual basis. This course of action will help the University present a united front and enable the Alternative Access Assessment Team to conduct its own formal and systemwide assessment of impact and the effectiveness of alternative access mechanisms. The statement would be issued only if Elsevier cuts off access.

**ACTION: A motion to endorse the statement was made, seconded, and passed in a vote of 14 in favor 3 opposed.**

## **IX. Transfer Guarantee Next Steps**

### **o Eddie Comeaux, BOARS Chair**

After reviewing feedback from Senate reviewers, BOARS will not propose any additional changes to the Transfer Guarantee policy framework that Council approved in April. BOARS does intend to address several implementation issues and concerns, including a possible two-year

notification period for changes to transfer pathway courses and minimum GPAs; as well as mechanisms to facilitate effective discussions about local campus reviews of TAGs and Pathway courses and to promote effective outreach and messaging to potential transfer students.

**X. Proposed Revisions to Senate Regulation 636.E**

o **Darlene Francis, UCOPE Chair**

Council reviewed comments from Senate divisions and committees to a set of revisions to Senate Regulation 636.E, proposed by UCSB and endorsed by UCOPE, intended to address equity concerns related to how UC students are allowed to satisfy the UC Entry Level Writing Requirement (ELWR). Under current policy, a student at a given UC campus who fails to satisfy the ELWR, takes a leave of absence for a well-justified reason and enrolls in a transferrable ELWR-satisfying writing course at a community college, is not given credit for the course if they re-enroll at the same UC campus. However, the same CCC writing course may satisfy the ELWR at a different UC campus. UCOPE's revision adds language stating that the Senate Division of the student's campus may approve an exception to 636.E in cases where a student has earned transferable credit while on an approved leave of absence. Council considered clarifying suggestions from Senate reviewers, and settled on a modified version of the revisions put forward by UCEP:

636.E. Once enrolled at the University of California, ~~a student must satisfy the University of California Entry Level Writing Requirement before earning transfer credit for the purpose of satisfying any subsequent University of California writing requirements by taking courses at other institutions.~~ students can earn transfer credit for a writing course taken at another institution only after satisfaction of the UC Entry Level Writing Requirement. Exceptions to this requirement may be made by the appropriate agency of the Academic Senate Division of the student's campus in cases where a student has earned transferable credit while on an approved leave of absence.

In addition, systemwide reviewers highlighted ambiguous and redundant language in other sections of Senate Regulation 636. Council members invited UCOPE to review the regulation as a whole in the coming year and propose additional amendments as needed.

**ACTION: A motion to replace UCOPE's version of the revision with UCEP's was made, seconded, and passed unanimously. A motion to approve the amendments to SR 636.E was made, seconded, and passed unanimously.**

**XI. Interim policy on Responding to Immigration Enforcement Involving Patients at UC Health Facilities**

Council reviewed comments from Senate divisions and committees to the proposed interim policy "Responding to Immigration Enforcement Involving Patients at UC Health Facilities."

**ACTION: A motion made, and seconded to forward comments from the systemwide review to policy initiators. The motion passed unanimously.**

## **XII. New Business**

### ***1. UC Non-Discrimination in Healthcare Task Force Report***

**ACTION: A motion to endorse the Task Force report was made, seconded, and passed unanimously.**

### ***2. Canary Mission***

The Santa Cruz division recently passed a resolution calling on the chancellor to formally disavow the activities of Canary Mission and similar websites; affirm that those websites will not be used in any university procedures; offer free legal and psychological assistance to any Santa Cruz affiliate harmed by being listed on the website; and seek a joint Administration-Senate statement condemning Canary Mission.

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Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Robert May, Academic Council Chair