UNIVERSITY OF CALIFORNIA   **ACADEMIC SENATE**
<div align="center">

ACADEMIC COUNCIL

Minutes of Meeting
May 24, 2017
</div>

I.   Consent Calendar

1. Today's agenda items and their priority
2. Draft Academic Council minutes of April 26, 2017
3. Appointment of 2017-18 UCOC Vice Chair
4. 2017-18 Apportionment of Assembly Representatives

ACTION: Council approved the consent calendar.

II.   Senate Officer's Announcements
   o **Jim Chalfant, Academic Senate Chair**
   o **Shane White, Academic Senate Vice Chair**

May Regents Meeting: Chair Chalfant's remarks to the Regents focused on the recent California state audit of UCOP, systemwide budget priorities and initiatives, the Governor's May budget revision, and the chronic underfunding of the University. The Regents approved a policy that caps nonresident enrollment at 18 percent on five UC campuses and allows the four campuses with enrollment ratios currently over 18 percent— Berkeley, Los Angeles, San Diego and Irvine—to maintain, but not exceed, the proportion of nonresidents they enroll in fall 2017. The policy also includes a provision requiring the Regents to review the effects of the cap at least every two years.

The California State Auditor joined the Regents meeting to discuss the audit report on UCOP budget practices and administrative spending. The political fallout from the audit is ongoing. The Academic Senate has a limited role in advising the President on central administration spending, it can play a role in the oversight and review of systemwide initiatives, and on off-the-top items funded through the assessment, such as the $102 million spent on the Division of Agriculture and Natural Resources (according to the materials accompanying the UCOP budget presentation at the May Regents meeting). UCPB has been interested in Funding Streams and the formula UCOP uses to calculate each campus's share of the systemwide assessment.

The May Regents meeting also featured a discussion about strategies to increase transfer student enrollment. The Governor's May budget revision withheld $50 million from the UC budget to signal the state's dissatisfaction with UC's progress on meeting the 2:1 freshman-to-transfer enrollment ratio target, and its progress on Activity-Based Costing. Both are initiatives included in the 2015-16 Budget Framework Initiative agreement with the state.

Discussion: Council members noted that faculty do not generally disagree with the subject of the Presidential initiatives, but those initiatives should include clear evaluation and review protocols and should be connected in some way to campus priorities. A Council member urged the Senate to question increases to the Funding Streams assessment that are intended to fund new initiatives such as UC Path and cybersecurity, noting that UCOP should constrain its budget growth to the campus rate of growth and fund any new initiatives from within its existing assessment.

Joint Letter on Faculty Salaries: Chair Chalfant sent a [letter](#) to President Napolitano transmitting a joint statement from UCFW, UCAP, and UCPB on the high priority that should be placed on fixing the published salary scales. The letter attached three letters from UCFW on the same topic and a white paper authored by Chair Chalfant and Vice Chair White discussing the importance of maintaining competitive salary scales that have a meaningful connection to UC's merit review-driven academic salary scale and step system. Division chairs may want to use these documents to inform discussions about campus plans for salary adjustments with campus administrators.

Target Date Funds: Chair Chalfant participated in a recently-completed process to select an outside vendor to manage UC Pathway target date retirement savings funds. UC will announce the selected vendor soon.

III.   UCAADE Meeting with the President
- **Amani Nuru-Jeter, UCAADE Chair**

UCAADE met with President Napolitano on May 11 to discuss best practices for enhancing faculty diversity at UC. The Committee summarized its deliberations and evaluation of efforts underway at UC and elsewhere in the nation, and offered its assistance to the President in systemwide efforts. The President noted her individual commitment to faculty diversity and indicated that her focus is on hiring and retaining diverse faculty and on UC "growing its own" through pipeline programs such as the President's Postdoctoral Fellowship (PPFP.)

UCAADE emphasized that cluster hiring, Targets of Opportunity, increased use of the PPFP, and financial incentives are effective strategies for attracting and retaining diverse candidates, but that money is not always the primary issue; it is also important to build and sustain a critical mass of diverse faculty on a campus and in departments. In addition, UCAADE noted that it is becoming more common for faculty to use outside offers as a strategy to obtain a pay raise, but that URM and women faculty may be less likely to seek outside offers, and may also be disadvantaged in doing so, to the extent that their research productivity has been harmed by higher service loads. Finally, UCAADE noted that deans share a responsibility for increasing diversity and should be held accountable for retention decisions and resource allocation.

Discussion: Some Council members noted that UC's merit and promotion system does not appropriately recognize either service activities or contributions to diversity, particularly in the tenure decision and for faculty of color, and that the conversation about increasing faculty diversity should focus not only on hiring but also on creating a healthy and productive climate on campuses for faculty.

IV.   Consultation with Senior Managers
- **Aimée Dorr, Provost & Executive Vice President, Academic Affairs**
- **Rachael Nava, Chief Operating Officer**

Budget Framework Initiative: The University has completed nearly all of the 13 academic initiatives included in the 2015-16 budget framework agreement. Two of the most significant initiatives are close to complete 1) reducing the number of upper division courses required for majors on campuses to the equivalent of one full year of academic work; and 2) developing three-year degree pathways for the top 10 majors on each campus to increase the proportion of students who graduate in three years to 5%.

The University is having more difficulty completing two initiatives to the state's satisfaction: 1) expanding transfer enrollments to meet a 2:1 freshman-to-transfer ratio target at all campuses except Merced; and 2) expanding the use of "activity-based-costing" to enhance understanding of the cost of instruction. In fact, the Governor's May budget withheld $50 million from the University's 2017-18 budget based on the perceived lack of progress concerning these two initiatives and pending UC's response to the audit recommendations. The University notes that the agreement to meet the 2:1 target by the end of the 2017-18 year was conditional upon the existence of an adequate pool of qualified transfer students. UC as a whole, and most individual campuses, will achieve the target, but UCR and UCSC will fall short. Factors contributing to a lack of qualified applicants to those two campuses include geography, student choice, and housing and scholarship funding. UCR and UCSC are both working hard to meet the goal. They note that they accommodated many new freshmen during the enrollment push last year and that achieving 2:1 by 2018-19 will require them to reduce freshman admissions.

Activity-based costing (ABC) is a methodology that assigns a cost to various activities in an organization, and the state apparently believes ABC could be applied at UC to help inform choices about resource allocation and ultimately lower the cost of education. The agreement was for UCR to conduct an ABC pilot study in the College of Humanities, Arts, and Social Sciences, and for departments at UCM and UCD to conduct "scoping studies" to estimate the additional costs associated with implementation of ABC based on the outcome of the UCR pilot. UCR's work is ongoing, but the UCD and UCM campuses found that it would not be viable to replicate UCR's work and that ABC would not yield data to help in decision-making.

Framework for Growth and Support: Campuses agreed to a consolidated set of data for the final public report on the Framework for UC Growth and Support that summarize the campuses' 2040 vision plans and enrollment scenarios. UCOP has asked campuses to rethink their estimates of total feasible 2040 enrollments, following new demographic projections which suggest that UC would need to enroll more California residents in 2040 than the largest total estimates provided by campuses.

UCOP Audit: The State audit of UCOP criticized UCOP for having budget and accounting practices that are not transparent, for offering overly generous compensation and benefits to employees relative to the public sector comparators identified by the auditor, and for not appropriately informing the Regents about systemwide spending priorities and Presidential initiatives. The report made separate recommendations to UCOP, the Regents, and the Legislature. The President accepted all 33 recommendations related to budget and accounting practices and appointed a Task Force chaired by COO Nava to implement them. The Regents have initiated a process to respond to the auditor's recommendations for an independent financial audit of UCOP and for a third party consultant who will monitor UCOP's progress implementing the recommendations. The President believes the recommendations are reasonable, although the justifications for them articulated in the report are not always fair or accurate. The University does not support recommendations related to its governance and autonomy, notably that the Legislature directly appropriate the UCOP budget and set other limits to UC's constitutional autonomy.

COO Nava said she wants to work with the Senate on UCOP's response to the audit, particularly the recommendations to evaluate academic program fund commitments and restrictions to determine if any restricted funds can be reallocated to campuses, and to better identify, manage, track, and report on systemwide and Presidential initiatives.

Discussion: Council members noted that the 2:1 enrollment ratio is an artificial and arbitrary target. UCR and UCSC would need to reduce freshman admits significantly to meet it, and in doing so would likely deny access to many first-generation, low-income and underrepresented students.

Council members noted that faculty would welcome the opportunity to participate in a deep review of the UCOP budget to evaluate spending priorities and initiatives, and they encouraged UCOP to use the Senate's existing committee structure to facilitate faculty participation. For example, UCORP is charged with evaluating multi-campus research initiatives. Members also cautioned that new policies and procedures emerging from the audit should not impose additional administrative burdens on faculty.

A Council member noted that the state's actions on the UC budget mirror prior compacts with California governors and provide more evidence that the State is an unreliable partner. The University tries extremely hard to meet its commitments, while the state backs away. Moreover, the funding augmentations made to UC's budget in good economic times never make up for the cuts during recessions.

Council members encouraged UCOP to increase its communications to students and families in an effort to rally them around the University, focusing on positive messages about research and diversity, for example, and emphasizing its core commitment to students and faculty.

V.   UCFW Public Safety Discussions
   o **Lori Lubin, UCFW Chair**

UCFW is discussing UC campus policies relating to public safety, including proposed revisions to the UCPD Policy Manual (the "Gold Book") specifically regarding the use of force, strategic response teams, and body cameras, as well as UCFW's own draft proposal for Strengthening UC Police Accountability.

UCFW believes that each campus should establish campus Police Advisory Boards to increase civilian community oversight of campus public safety activities, and to enhance communication, transparency, and trust. UCFW also recommends that UCOP create a systemwide police advisory board to discuss best practices for public safety policies and procedures that affect all campus police departments.

In addition, UCFW is concerned that the Gold Book policy language seems to be drawn from police municipalities; the language does not always reflect policing measures and techniques that are appropriate to a campus environment, nor does it go far enough to emphasize restraint. However, UCFW also recognizes that the committee is not fully qualified to evaluate the issues comprehensively. It recommends that a systemwide Senate panel evaluate the documents and develop policy recommendations that can be applied across campuses.

Discussion: Some Council members supported the proposal for a systemwide panel, noting that is presents an opportunity to create more consistent policies and to discuss alternatives to an armed and militarized campus police force. Others noted that campuses have diverse and changing needs and differ in their relations with local police, their geography, and proximity to municipalities. They questioned the need for Senate involvement and urged against mandating

identical policies for all campuses. Council members noted that campuses need to be prepared for the possibility of random violence. Chair Lubin noted that UCFW does not advocate policy changes that would mandate how a campus chooses to police the campus. However, UCFW also believes that some public safety policies should extend systemwide and follow minimum standards.

ACTION: Chair Lubin will share a formal draft proposed charge with Council in June.

VI.   **Augmented Review Undergraduate Admissions Policy**
    o   **Henry Sanchez, BOARS Chair**

BOARS is proposing a UC Augmented Review Undergraduate Admissions Policy that outlines guidelines and criteria for the use of augmented review (AR) on campuses and three types of supplemental information a campus may request from up to 15% of applicants after a first human read has found a specific gap in the information received: 1) a questionnaire inviting the candidate to elaborate on special talents, accomplishments, extraordinary circumstances, and their school/home environment; 2) 7th semester grades; and 3) up to two letters of recommendation (LORs). It states that campuses may solicit LORs only from applicants selected for AR, applicants considered for admission by exception, or applicants given a special review in other specific situations such as athletic admissions. BOARS based the policy on existing processes at several campuses that use AR for about 3-5% of applicants.

The policy responds to a charge from President Napolitano for a systemwide policy on LORs that is uniform across campuses as well as concerns about the role of LORs in the admissions process and a plan announced by UC Berkeley in 2015 to invite LORs from all of its applicants. Faculty, administrators, and Regents have raised numerous concerns about the effect of LORs on disadvantaged populations. Many opposed Berkeley's plan over concerns that an LOR requirement could hurt students from low-resourced high schools and that a single UC campus should not be able to require a separate and different condition of admission. In July 2015, the Academic Council endorsed a compromise pilot plan that allowed Berkeley to ask for LORs from all applicants ranked as "possible" admits under its new admissions process. In July 2016, Council viewed data on candidates who applied to both Berkeley and UCLA that showed substantially better diversity outcomes at UCLA for the same shared applicant pool, despite UCLA being slightly more selective, and voted to oppose the continuation of the pilot and its expansion to all Berkeley applicants. Berkeley responded that it would continue the pilot in its current form for a second year while it studied the effect of LORs on admissions outcomes and diversity. (UCB Professor Jesse Rothstein is conducting a study of the effects of LORs in Berkeley admissions and will meet with BOARS in July to present the results of the study.)

BOARS discussed LORs and AR over many meetings this academic year. The Committee consulted UC admissions directors and high school counselors about the usefulness of LORs and the effect of a systemwide requirement. Those groups generally opposed a systemwide LOR requirement over concerns about workload and equity. In January 2017, BOARS voted against a systemwide policy requiring LORs from all UC applicants, and went on to develop the AR policy as a compromise that would allow LORs on a limited basis. BOARS views the policy as a starting point that it can revisit if relevant new information comes to light.

Discussion: Berkeley Chair Powell noted that Berkeley made six major changes to its admissions policy in 2015 in response to a doubling of its applicant pool and the failure of its AR policy to

effectively distinguish between the most highly qualified applicants in engineering and other competitive majors. Berkeley was also disappointed with its diversity outcomes in 2016, but the data on UCLA shared applicants do not address the extent to which LORs, or any of the other changes, affected those outcomes. Berkeley commissioned the Rothstein study to better understand the effect of LORs, and would make immediate changes if it found compelling evidence that any element of the new policy harms diversity. 70% of Berkeley applicants are already requesting LORs for other college applications. BOARS' AR policy is a response to political pressure, which should not drive admissions policy. Campuses should have the autonomy to propose additional admissions criteria in response to their individual circumstance.

Council members expressed concern that students attending under-resourced schools or from disadvantaged backgrounds will find it more difficult to obtain high-quality letters and could be disadvantaged in the admissions process by a LOR requirement. It was noted that the Rothstein study will not answer questions about whether students from disadvantaged backgrounds are further disadvantaged by a LOR request, because the study focuses only on students who were invited to submit LORs. Berkeley admissions data indicates that letter submission has been somewhat affected by API band, first generation status, and ethnic group. At least 30% of Berkeley applicants do not otherwise request letters. Members noted that there is a value in maintaining a common UC application and admissions requirements. The BOARS policy is a reasonable compromise that provides specific guidance to campuses about AR and LORs as well as flexible parameters for implementing local processes for addressing a specific information gap in the application.

It was noted that starting this year, the systemwide UC application includes eight new personal insight questions that were intended to give students an additional opportunity to define themselves and gather information campuses would normally collect in an augmented review. Council members agreed that BOARS should monitor the policy and revisit it as more admissions data becomes available.

ACTION: A motion was made and seconded to move forward to the Assembly the UC augmented review undergraduate admissions policy. The motion passed 16 to 2.

VII.   Revisions to Senate Bylaw 336

Council reviewed responses from systemwide committees and divisions to a set of [proposed revisions to Senate Bylaw 336](#), which describes the procedures and timelines for Privilege and Tenure proceedings in discipline cases. The proposed revisions derive from recommendations made by the Administration-Senate Joint Committee on investigating and adjudicating processes for sexual harassment and sexual violence cases involving faculty. They also reflect feedback from a systemwide Senate review of changes required to align the bylaw with recent revisions to APM 015 and 016 that resulted from the Joint Committee work.

It was agreed that UC should establish a joint work group to discuss suggestions for further revisions to APMs 015 and 016 and to Bylaw 336 that arose during the systemwide reviews.

ACTION: A motion was made and seconded to approve the amendments and send them to the Assembly. The motion passed unanimously.

VIII.   Systemwide Review of Presidential Policy on Export Controls

Council reviewed responses from systemwide committees and divisions to a new [Presidential Policy on Export Controls](). Senate reviewers expressed concerns that the policy is ambiguous and difficult to understand, would impose additional administrative burdens on faculty, and would require an expensive new compliance infrastructure with no benefit to the research enterprise.

Several reviewers expressed disappointment that an "Openness in Research" policy mentioned in the document was not being reviewed alongside the proposed export control policy. However, it was noted that UCOP has put development of the Openness in Research policy on hold.

ACTION: A draft summary will be circulated to Council members for comment before the June 8 deadline.

IX.   UCPT Report on Faculty Discipline

Council reviewed a paper authored by the University Committee on Privilege and Tenure (UCPT) that discusses the essential components of the faculty disciplinary process, including Formal Discipline and Informal (Early) Resolution. UCPT hopes the paper can be posted on the Senate website to serve as a general resource to faculty.

Council members agreed that the paper could provide helpful information clarity to campus faculty, most of whom have limited knowledge of disciplinary procedures. It was suggested that the paper use the term "Early Resolution" instead of "Informal Resolution" to describe the process in which an agreement is reached between the complainant and respondent prior to a formal hearing before a divisional P&T, to clarify that there is nothing "informal" about that process.

X.   Proposed Amendments to Senate Bylaw 182

The University Committee on International Education (UCIE) is proposing amendments to Bylaw 182 that formally expand UCIE's charge into a broader range of international topics and activities. UCIE's request follows a [systemwide Senate review]() of an earlier version of the proposed amendments in fall 2016, and subsequent efforts by UCIE to modify the proposal to address comments raised in that review. UCIE members have been vetting the modified proposal with Senate division chairs.

ACTION: It was agreed that the proposed amendments would be placed on the agenda for the next Academic Assembly meeting.

XI.   ACSCOLI Charter

Vice Chair White noted that the Academic Council Special Committee on Lab Issues (ACSCOLI) is a special committee of Council. Its current charter, approved by Council in 2007, established a ten-year term that expires in May 2018. One of ACSCOLI's duties is to advise the Council on the cost and conditions of any UC bid to retain management of the Department of Energy national laboratories. UC's current management contract ends in September 2018, and the University is preparing for the possibility that the DOE will open the contract for re-competition sometime in 2017. It will be important for Council to extend the term of ACSCOLI.

He noted that the chair or vice chair of the Academic Council normally chairs ACSCOLI, but the charter allows the Council chair to designate another member of the Special Committee as chair.

ACTION: A motion was made and seconded to extend the term of ACSCOLI until 2028. The motion passed 17-1.

Meeting adjourned at 4:15 pm
Minutes prepared by Michael LaBriola, Principal Committee Analyst
Attest: Jim Chalfant, Academic Council Chair