

**Minutes of Videoconference Meeting
May 27, 2020**

I. Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of April 29, 2020
3. Assembly Apportionment for 2020-21 (no change over 2019-20)
4. Appointment of 2020-21 UCOC Vice Chair
5. UCLA Dual Degree Program in Urban and Regional Planning
6. June 10 Assembly Meeting Agenda

ACTION: Council approved the consent calendar.

II. Senate Officers Announcements

- **Kum-Kum Bhavnani, Academic Council Chair**
- **Mary Gauvain, Academic Senate Vice Chair**

Regents Meeting: The Standardized Testing Task Force (STTF) presented its findings and recommendations at the May 21 Regents meeting; however, the Regents voted unanimously to accept President Napolitano's five-year plan to, for all intents and purposes, suspend the SAT/ACT testing requirement through 2024, and eliminate the use of standardized tests for California resident applicants by 2025, unless an alternative admissions test that better meets UC's needs is developed or identified by that time.

NAGPRA: A revised UC Presidential Policy on Native American Cultural Affiliation and Repatriation is undergoing systemwide review. The policy addresses provisions in AB 2836 by requiring equal Native American representation on the UC systemwide and campus committees that provide compliance oversight of NAGPRA requirements and review requests for returning Native American human remains and cultural objects in UC custody to tribal members. Accordingly, UCOP has invited the Senate to identify new faculty representatives for the systemwide committee and for each of the six campuses currently holding Native American remains or cultural items.

III. Extending Diversity Task Force

- **Kimberly Lau, Chair, Extending Diversity Task Force**

The Extending Faculty Diversity Task Force (EFDTF) has assembled a draft systemwide proposal focused on the retention of diverse UC faculty through a network of interlocking programs that collectively offer opportunities for faculty self-determination and self-efficacy, intellectual engagement and support, and leadership development and institutional change. Specific elements of the program include faculty of color creative writing workshops and writing groups; post-tenure faculty fellowships for women and URM faculty; UC Humanities Research Institute working groups and retreats; incentives for diverse Senate leadership; and the development of a "retention curriculum" for UC Administrators. The EFDTF asked Council to extend the Task Force for two more years so that it may explore funding avenues and barriers to building an institutional structure for the program, and also to assess the program's implementation and success.

- UCAADE Chair Lynch noted that maintaining separation between UCAADE and the Task Force avoids conflict-of-interest questions, given UCAADE's role in making policy recommendations and providing feedback on programs that may be funding targets. Council members suggested that the Task Force include representation from UCFW and UCAP.

ACTION: A motion to extend the ETDTF for two more years was made and seconded. The motion passed. There were three abstentions.

IV. Contact Tracing

- **George Rutherford, UCSF Professor of Epidemiology & Biostatistics and Director, Prevention and Public Health Group**

Dr. Rutherford is the principal investigator on the State of California's COVID-19 contact tracing program. He described current COVID-19 rates of infection in California, which was reporting nearly 100,000 total cases in late May 2020. Nationally, the decline in overall infections and deaths largely reflects changes in hot spots like New York; however, cases continue to increase in other part of the country. A quarter of California cases are among young adults.

Contact tracing is an infectious-disease-case-investigation process that involves interviewing individuals who are newly infected, making contact with people who have been exposed to the individuals, testing them for the virus, and quarantining or isolating them as appropriate. UCSF and the San Francisco Department of Public Health have developed a model for contact tracing that the state is now adopting for statewide implementation. The program will train up to 10,000 existing public employees and other volunteers to assist in contact tracing efforts statewide. Clinicians and medical students will be available to answer more complicated medical questions.

The University of California's Public Health Committee is discussing how to set-up a self-contained contact tracing system on UC campuses run from student health services and/or UC hospitals and staffed predominately by student volunteers.

V. Principles for Addressing COVID-19 Budget Impacts

Council reviewed a document written by former Senate/UCFW chairs summarizing their views on lessons learned from previous budget reductions that can be applied to UC budget cuts expected in 2020-2022. The document anticipates actions that the state, UC administration, and Regents may take in response to a budget emergency, and how those actions could affect UC quality and faculty welfare. In addition, two UCFW working groups have drafted principles for guiding UC through the crisis and produced a table summarizing the pros and cons of various actions that may be used to address revenue shortfalls, such as furloughs, salary reductions, and lay-offs; canceled range adjustments and merit and promotion suspensions; increased UCRP employee contributions; and across the board cuts versus targeted cuts.

UCFW Chair Saphores noted that the principles emphasize the need for UC to draw on the foundation of shared governance; to affirm that UC is one University; to rely on established processes; to maintain a stable employee base and hire faculty strategically; and to emphasize stewardship over expansion. UCFW expects the crisis to have long-term effects, and believes that it is critical for UC to preserve faculty total remuneration, the merit and promotion system, and health benefits, particularly for retirees.

Council also reviewed a joint statement of principles and processes to guide COVID-19 related budget actions, drafted by a UCPB subcommittee with input from UCFW. UCPB Chair Malloy noted that the principles emphasize that UC must use all means to avoid catastrophic, long-term damage to its ability to deliver a quality education and to serve as an engine of innovation for the state. UCPB would challenge UC to manage through the crisis without furloughs, layoffs, and salary reductions, and to implement cuts only after all other options, such as borrowing, have been exhausted. The UCFW and UCPB chairs asked Council to endorse the joint statement and attach to it the UCFW principles and actions table.

- Council members suggested that a preamble be added to the statement noting the value of higher education and UC's role in the state. It was suggested that any preamble should emphasize that the health of the UC community remains the highest priority as UC grapples with the Covid-19 crisis. The statement should emphasize sustainability over growth.

ACTION: A Council subgroup will discuss and rework the principles and send them back to Council for additional discussion and approval.

VI. Consultation with UC Senior Managers

- **Janet Napolitano, President**
- **Michael Brown, Provost and Executive Vice President, Academic Affairs**
- **Paul Jenny, Interim Chief Financial Officer**

UCM Chancellor: President Napolitano noted that the Regents approved Juan Sánchez Muñoz to be the next chancellor of UC Merced. Dr. Muñoz is a first-generation college graduate who received his PhD from UCLA and spent most of academic life at Texas Tech, before assuming the presidency of the University of Houston-Downtown. He will begin at Merced in early July. Interim Chancellor Brostrom will resume his duties as systemwide CFO by August 1.

COVID-19: The President noted that the chancellors have been consulting deans, department chairs, faculty, and other experts as they work through numerous operational issues related to safely offering in-person residential instruction in fall 2020. UCOP will ask campuses to meet ten safety standards before resuming in person activities. No campus will return fully in fall to pre-COVID activity and dormitory life. The University hopes to achieve a complete and final decision by mid-June. All campuses will begin re-opening research activities during the summer.

UC Budget: President Napolitano noted that the Governor recently announced a projected \$54 billion state budget deficit and released his May budget, which includes a ten percent reduction in UC's state appropriation. UC maintains that it is an essential part of the state's recovery and should be protected from cuts. At the May Regents meeting, the President announced a staff and faculty salary freeze and a 10% salary cut for herself and the chancellors. The administration is modeling options for cost reductions, including a systemwide furlough program, to address an expected two-year revenue downturn. Interim CFO Jenny added that UCOP's presentation to the Regents on COVID budget impacts included largely pessimistic scenarios of expected revenues for campus auxiliaries and medical centers. While UC expects medical center revenues to recover, State funding is a longer-range challenge. The University also expects reduced tuition revenues, given that Statements of Intent to Register (SIRs) currently are 1,000 behind targets, with an expectation of additional "summer melt" as UC begins to announce limits on campus instruction. Interim CFO Jenny also noted that UCOP is looking at the feasibility of borrowing,

and that UCOP will ask the Regents for presidential authority to borrow up to \$1.5 billion, if needed.

Title IX: President Napolitano noted that the Department of Education had recently announced new Title IX rules that apply to students, faculty, and staff that must be implemented by August 14. UCOP is analyzing where the new rules deviate from UC's current policies and processes.

Fossil Fuels: She said the University announced last week that it had divested its investment portfolio from all fossil fuels, and had invested \$1 billion in new energy technologies.

Discussion:

- Council members encouraged the University to be transparent about future investments in order to reassure the public that it remains fossil free. They also encouraged the administration to consider alternative strategies such as borrowing to address the budget crisis, noting that cuts should be a last resort, and posed a greater immediate threat to UC quality than any risks associated with longer term borrowing. They also urged UC to avoid across the board cuts with a disproportionate effect on vulnerable populations, and asked the president if she planned to declare a financial emergency.
- Council members noted that the President's recommendations on standardized testing were bold, but surprising, and not aligned with the STTF recommendations, which was a significant disappointment to faculty. Council members also expressed serious concern about a possible push to use the Smarter Balanced Assessment (SBAC) in UC admissions. A member opined that the SBAC is deeply flawed and would be worse than no test at all.
- Members encouraged the University to consider the challenges facing faculty who are teaching remotely during the crisis without access to child care. These challenges disproportionately affect women and junior faculty, and also affect staff and students. President Napolitano agreed to raise the issue of child care with the chancellors.
- President Napolitano agreed to ask the Chief Investment Officer to certify UC's fossil-free status annually. She said the University would not be able to borrow its way out of the budget crisis and needed a balanced approach. She also said she had not made a final decision about declaring a financial emergency and was waiting for more clarity on the final state budget.
- President Napolitano praised the work of the STTF, but noted that in her view, its findings about the value that standardized tests add to the admissions process did not outweigh the effort UC expends to normalize biases in the tests. She also believes that the SAT does not align with UC's expectations for preparation as defined by the A-G course pattern. Her decision was also influenced by the Senate's recommendation that UC have a test optional policy next year, due to COVID-19. She said she supports a feasibility study to determine whether an alternative test more closely aligned with A-G could be developed. She added that in her view, the STTF did not fully answer whether the SBAC could be retooled for use in UC admission. Provost Brown added that the feasibility study will be led by a work group with Senate representation.
- Provost Brown expressed regret that UC would be unable to continue the faculty salary program under the current circumstances, but he also commended President Napolitano for her efforts to strengthen the faculty salary scales during each year of her presidency. He said he wants UC to be strategic about any cuts in order to protect the academic enterprise, and

noted that UCOP is reconstituting its Department of Student Affairs into a new unit called Graduate and Undergraduate Affairs and Equity; the new unit includes ILTI.

VII. CCGA Letter on Normative Time-to-Degree and Funding Limits

o Ramesh Balasubramaniam, CCGA Chair

Chair Balasubramaniam noted that APM 420-17 limits Academic Student Employees to 18 quarters/12 semesters of funding. Many graduate students have expressed concern about their inability to access labs during COVID-19, which is affecting their research productivity, normative time-to-degree, and potential funding. Some students have requested an extension to current policy limits to account for delays and disruptions. In response, CCGA requests that the normative time to degree and funding limits outlined in APM 420-17 for Readers, Teaching Assistant-ships, and Fellowships be temporarily extended due to the COVID-19 crisis, to ensure that the winter 2020 to spring 2021 terms would not count toward the limits. Chair Balasubramaniam emphasized that this would allow for funding beyond the limit, but would not extend an actual guarantee of funding.

ACTION: A motion to endorse the request was made, seconded, and passed unanimously with one abstention.

VIII. Transfer Update

- o Mary Gauvain, Academic Senate Vice Chair**
- o Jim Chalfant, 2016-17 Senate Chair**

Former Chair Chalfant noted that the “Pathways Plus” program offers qualified California Community College students a guarantee of transfer admission to UC. Under the guarantee, students who complete specified curricula in one of the UC Transfer Pathway majors, and who complete a Transfer Admission Guarantee (TAG) at one of six TAG-participating campuses, will be guaranteed admission in the Pathway major at the TAG campus. It is common for students with TAGs to enroll at a different UC campus, so in that sense, all campuses are participating.

The backstory includes several elements. First, between 2014 and 2016, UC faculty created the Transfer Pathways to address concerns about difficulties experienced by CCC students. Soon after, the state increased pressure on UC to expand transfer enrollments to meet a 2:1 freshman-to-transfer ratio at every campus except Merced. In 2017, the Governor withheld \$50 million from UC’s budget to express dissatisfaction with UC’s progress at meeting this target. Later in 2017, President Napolitano and the CCC Chancellor signed an MOU expressing a shared commitment to enhancing the transfer route to UC. The 2018 report of the Joint Senate-Administration Transfer Task Force made a number of recommendations for improving transfer, including the implementation of a guarantee—what became “Pathways Plus.”

Vice Chair Gauvain noted that faculty representatives from the majors for which Transfer Pathways were created are now reviewing communication and promotional efforts for the Pathways Plus guarantee. The emphasis has been on improving communications to better convey the full set of lower-division requirements for individual majors, to help improve transfer students’ time to degree post transfer. The courses included in the original Pathways were only those used by some campus in admission selection, which falls short of the full set of courses that best prepare transfer students to begin their junior year at UC with the same preparation as a freshman admit to the same major. She explained that of the ~20 Pathways, 10 of the majors

were having their requirements re-examined, and expects that all ~20 Pathways majors will have been re-examined by the end June of 2020.

- A Council member noted that it is important for outreach and communication efforts to specifically target low-sending community colleges, and for research to track and assess the effectiveness of those communications.

IX. Senate Health Sciences Faculty and C-19 Security

○ Jean-Daniel Saphores, UCFW Chair

Council reviewed a letter from UCFW recommending that Clinical X and In-Residence Senate faculty who need to reduce effort due to COVID-19, and who desire to be re-appointed in those series at less than 100% effort be given an easier path to keep their Senate membership and privileges.

ACTION: A motion was made and seconded to endorse the letter and forward it to Vice Provost Carlson. The motion passed unanimously with one abstention.

X. UCOPE Request for One-Time Waiver of Senate Regulation 636.C

Council reviewed a letter from UCOPE requesting approval of a one-time waiver of Senate Regulation 636.C for the 2020-2021 academic year due to COVID-19 disruptions. SR 636.C outlines ways a student may satisfy the UC Entry Level Writing Requirement, including by passing the UC Analytical Writing Placement Examination (AWPE). On March 12, UCOPE announced the cancellation of the May 9 in-person administration of the AWPE, and asked campuses to develop local plans for addressing student placement into appropriate writing classes and programs. A June 20 online administration of the AWPE was recently announced. Some campuses may already have developed alternative testing and placement options based on the March 12 UCOPE letter. The letter confirms that incoming first-year students and current students during the 2020-2021 academic year may fulfill the ELWR with these local campus alternatives, or the AWPE.

ACTION: A motion was made and seconded to endorse the request. The motion passed unanimously.

XI. Review and Approval of Courses at the UC Washington Center

○ John Serences, UCEP Chair

Council reviewed a letter from UCEP requesting follow-up action on questions it raised several months ago during the systemwide review of the UC Center in Washington (UCDC) about UCDC course approval processes. Currently, the UCDC Academic Advisory Committee (AAC) has authority to review curriculum design, faculty selection, and other academic matters, and is also charged with program reviews for UCDC. UCEP has found that the AAC's processes are not transparent or aligned with Senate Regulation 739, which requires courses of instruction to be approved by an agency of the Academic Senate. The AAC is not an agency of the Senate. UCEP recommends that all UCDC courses be approved by UCEP or a local courses committee and that all program reviews be undertaken in consultation with the Senate. Council agreed that UCEP should work with Vice Provost Carlson to help clarify the processes with UCDC.

XII. Principles for Four Year Undergraduate Education for Incarcerated Students

- **John Serences, UCEP Chair**

Council reviewed a UCEP white paper outlining principles to guide UC in developing educational programs for incarcerated students. The white paper also discusses motivations, related legislative, and lessons learned from the California Community Colleges, which in 2014, were permitted through SB 1391 to offer in-person courses to students incarcerated in state prisons. The California Department of Corrections estimates that more than 1,000 incarcerated students already have earned Associate Degrees from the CCC. More recently, the state proposed new funding to help CSU offer four-year degrees to incarcerated transfer students. UCEP believes that UC should demonstrate a willingness and preparedness to offer programs to incarcerated students. The Principles are grounded in an overarching value that UC should provide educational access to all qualified California students. The white paper also recognizes the many challenges facing incarcerated students seeking higher education, including access to textbooks, technology tools, and supplies, as well as prison transfers. UCEP intends to involve CCGA and faculty colleagues at CCC and CSU on next steps.

- Council members noted that a simple amendment to Senate Regulation 610 would ensure that residency requirements are defined in a way that clearly covers incarcerated students. It was also noted that the Principles should not be interpreted as mandates to campuses, and that UC will require additional funding to build programs.

XIII. Systemwide Review of Revised Presidential Policy on Human Subjects in Research

Council reviewed comments from Senate divisions and committees to the revised policy on Human Subjects in Research, which updates the responsibilities of the University, its campuses and researchers, in protecting the rights and welfare of human subjects, particularly in the context of changes made in 2018 to “Common Rule” protections for human subjects mandated for federally-funded research, which allow more research to be considered “exempt” from institutional review board (IRB) review.

Reviewers requested further clarification about the “officials” in the policy who would have authority to subject an IRB-approved research project to additional review or controls, and on what basis they would use veto authority. There was also concern about how IRBs may infringe on academic freedom by erecting barriers to research in ways that do not relate to the rights and welfare of human subjects. Reviewers noted that pursuing an exemption to the Common Rule has become a cumbersome and byzantine process on some campuses. The policy does not go far enough to distinguish between Common Rule and non-Common Rule research and acknowledge the disciplinary-specific standards for the protection of human subjects in humanities and social sciences research.

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

XIV. Systemwide Review of Revised Presidential Policy on Travel Regulations

Council reviewed comments from Senate divisions and systemwide committees to the revised policy on travel regulations, which incorporate recommendations from an internal UC audit regarding business and first-class travel and the documentation of travel business-purpose, and also incorporate gender-neutral references and best practice suggestions for sustainable travel.

Reviewers expressed general support for the policy’s efforts toward gender-neutrality and sustainability. They also made suggestions for clarifying requirements around cost effectiveness and sustainability. There was some concern that a new requirement to document and justify activities for each travel day would create unneeded additional administrative and clerical burdens on faculty, and infringe on research processes for faculty, particularly those who travel for prolonged field work or travel frequently. An additional concern was that phrasing articulating a preference for sustainable travel may make it more difficult to justify traveling to conferences and workshops, rather than participating remotely, because faculty forge professional and research connections through in person participation at conferences.

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

XV. New Federal Regulations on SVSH and Draft Sanctioning Guidelines

- **Suzanne Taylor, Systemwide Title IX Director**
- **Kendra Fox-Davis, Deputy Director**

Director Taylor described new regulations from the U.S. Department of Education governing campus sexual misconduct. The regulations expand protections for accused students; require campuses to implement new grievance procedures, including requiring live hearings and allowing a student’s advisor to directly question parties and witnesses; and require colleges to use the same standard of evidence for determining guilt in cases involving faculty, staff, and students. UC policy currently uses the “clear and convincing” standard for P&T cases, and the “preponderance of evidence” standard for all other cases. UC opposed the changes, but will take steps to ensure compliance before the regulations take effect August 14. A working group that includes current and former UCPT chairs is working through the issues.

Deputy Director Fox-Davis noted that the University Taskforce on Sanctioning Guidelines (UTSG) met between November 2019 and May 2020 to develop best practices for chancellors when assigning discipline for SVSH cases involving faculty respondents and violations of the Faculty Code of Conduct. The Guidelines are rooted in existing policies, and support fair, consistent and transparent sanctioning processes. The Task Force identified three categories to assist in the evaluation of appropriate discipline: (1) Seriousness of Conduct, (2) Special Circumstances, and (3) Status of the Parties, and within each category, factors relevant to any decision about disciplinary sanction. The Guidelines will be released in late May for a month-long management review.

Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Kum-Kum Bhavnani, Academic Council Chair