

ACADEMIC COUNCIL

Minutes of Videoconference Meeting

June 22, 2022

I. Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of May 25, 2022

ACTION: Council approved the consent calendar.

II. Senate Officers' Announcements

- o **Robert Horwitz, Academic Council Chair**

Memorial to the Regents: Senate faculty have voted in favor of a Memorial petitioning 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." Voting ended June 3. Of 3,649 Senate members who voted, 84.6% voted in favor of the Memorial.

Budget: The budget compact with the Governor includes annual 5% increases to the UC operating budget for five years with annual approval of UC progress toward policy targets related to enrollment, affordability, student success, and intersegmental cooperation. The budget also funds previously unfunded over-enrollments and a "swap" of nonresident undergraduates with resident undergraduates at three campuses that exceed the 18% nonresident enrollment policy cap. The budget does not provide, as had been hoped, additional one-time funding for deferred maintenance, seismic retrofitting, and energy efficiency projects.

ICAS: ICAS sent a progress report to Assembly member Berman about the implementation of Assembly Bill 928. The report describes an ICAS proposal to revise the Intersegmental General Education Transfer Curriculum to meet the bill's requirements, and also reiterates ICAS's opposition to the bill as an intrusion into the University's operations.

Regents Committee Meetings: The Regents Committee on Health Services discussed the strategic plan for the UCLA Health System, and heard updates from the Joint Clinical Advisory Committee and a progress report on contract negotiations with UC Health affiliates. The Special Committee on Innovation and Entrepreneurship agreed that it is unnecessary to amend the APM to recognize faculty contributions to innovation and entrepreneurship, as these are already considered within the APM. It also approved a UCOP plan to devolve patent management to campuses.

Ethnic Studies: BOARS has invited members of the Ethnic Studies writing group to its July meeting to discuss next steps in BOARS's further consideration of the alignment of the high school ethnic studies course requirement with UC's A-G admissions guidelines.

Political Statements: Individual Regents have questioned and want to discuss at a Board meeting the Senate's position on the freedom of campus academic departments to issue or endorse statements on political or controversial issues on their department websites.

Vaccine Policy: UCOP is circulating for management consultation review draft interim amendments to the current COVID-19 Vaccination Program Policy. The draft consolidates existing vaccination requirements into one systemwide policy.

III. Presidential Policy on Affiliations

Council reviewed comments from Senate divisions and committees to a proposed “Presidential Policy on Affiliations with Certain Healthcare Organizations.” The Policy is intended to implement Regents Policy 4405, approved in July 2021. It establishes formal guidelines for entering into and maintaining affiliations with organizations that have adopted policy-based restrictions on care, with the expressed goals of supporting and advancing UC’s values, and its commitment to healthcare access, inclusion, diversity, equity, and accountability.

The Senate and many Regents in 2021 expressed concerns about plans by UC to expand affiliations with health care organizations subject to ethical and religious directives that restrict health professionals from providing evidence-based diagnoses and treatments such as elective abortion or gender reassignment procedures. The Regents passed Policy 4405 to govern affiliation agreements with such institutions and to end affiliations with those that do not follow the Policy by 2023.

Chair Horwitz noted that Senate reviewers expressed general support for the goals of the Policy. He said the Policy attempts to bridge the philosophical divide between opponents of affiliations and proponents who cite utilitarian arguments about expanding quality care to more people. However, reviewers also noted ambiguities in the Policy about the “emergency” provision requiring affiliates to allow UC clinical staff to provide services without restriction, in the event of an emergency. Some practicing Ob Gyn clinicians remain unsure what constitutes an emergency, when they can perform specific procedures under specific conditions, when a patient has to be transferred to another facility, and a mechanism for filing complaints. Some faculty are concerned that the Policy will promote discrimination by enabling UC to accept business and training arrangements with hospitals that restrict evidence-based standards of care.

- Individual Council members noted that the Policy is a solid framework for supporting UC values. It will ensure the review of affiliation agreements and facilitate feedback from UC personnel working at affiliate locations about the effectiveness of the Policy.
- Members noted that the Policy should not affect the University’s existing and future affiliations with government agencies such as the Veteran’s Affairs Health Care Systems (VA), or longstanding affiliations that help poor and underserved communities. Individual programs at affiliate sites should be evaluated on an individual basis.
- Other members observed that the Policy should distinguish between policy-based restrictions on care such as those used at Dignity Health, and statute-based restrictions on care such as those used by the VA.
- Members noted that both UC affiliates and UC Health facilities lack a system to address requests by providers to opt out of different kinds of care, which has created lapses in care. Both UC hospitals and affiliates should have clear policies and mechanisms to identify in advance staff who do not wish to provide specific kinds of care.
- Members noted that the Policy should be clearer and more specific about what constitutes “UC values” in the context of access to abortion and other reproductive health procedures.

ACTION: A draft summary cover letter will be circulated to Council for review before submission to UCOP.

IV. Five-Year MRU Reviews

- **Tannishtha Reya, UCORP Vice Chair**

UCORP returned to Council for additional discussion of revised reports from the two five-year MRU reviews led by UCORP. Review committees led by UCORP assessed the UC Institute on Global Conflict and Cooperation and The Dickens Project as specified by the Compendium. In response to Council's request in May, UCORP revised the IGCC report to include additional emphasis on a recommendation to expand engagement with other UC campuses

- Council members noted a perception that, while the IGCC's activities are meritorious overall, they may be focused at one campus. IGCC needs to better document its systemwide activities. IGCC may be insufficiently multi-campus in nature to justify its continued status as an MRU. Members agreed to recommend that the IGCC report to the Office of Research and Innovation and the Senate on its strategies for addressing the recommendations, and that UCOP consider disestablishing the IGCC as an MRU unless it can demonstrate satisfactory near term progress.

ACTION: Council will forward the reports to the Office of Research and Innovation.

V. UCFW Statement on Reproductive Rights

- **Jill Hollenbach, UCFW Chair**

Council reviewed a UCFW letter asking the University to show leadership in support of reproductive rights and to take concrete measures to promote continued access to reproductive care in anticipation of the overturning of Roe v Wade by the Supreme Court. The letter asks the University to support pending state legislation that will improve access to care and protect providers who engage in reproductive care; commit to facilitating care for out-of-state residents unable to receive care at home; and commit to expand training within the UC system and to clinicians outside of the UC system who might not otherwise be able to obtain it to ensure the services continue to be provided.

ACTION: Council endorsed the UCFW letter and will forward it to President Drake.

VI. Consultation with Senior Managers

- **Michael Drake, President**
- **Michael Brown, Provost and Executive Vice President**

Covid: President Drake thanked the faculty for their hard work during the pandemic to provide people hope and a path to the future. He said he expects Covid cases to plateau and then decline in the coming weeks. In July, UCOP will issue guidance to campuses on fall re-entry. The guidance will include a vaccine/booster mandate and protocols for testing and masking based on community positivity rate thresholds.

Budget Issues: While the University had hoped to receive more support for capital priorities in the Governor's budget, the University is pleased with the budget and the decision to end the practice of reviewing the UCOP budget separately.

Regents Meeting: President Drake noted that the Regents discussed a progress report on the Advancing Faculty Diversity (AFD) program and its initiatives around recruitment and improved climate and retention. He added that the University has an opportunity to diversify its faculty ranks as it adds new faculty to support increased enrollment targets.

Native American Opportunity Plan: President Drake said the University is receiving positive feedback about its plan to cover in-state tuition and fees for California residents who are members of federally-recognized Native American/Alaska Native tribes. Graton Rancheria has agreed to provide funds to support Native Americans/Alaska Natives who are members of non-federally recognized tribes.

July Regents Meeting: Chair Horwitz, BOARS Chair Sorapure, and the UCOP Office of Undergraduate Admission will discuss BOARS' Annual Report on Undergraduate Admissions Requirements and Comprehensive Review in July. The Regents will also discuss the dual enrollment programs that exist between California high schools and California community colleges and specific programs in place at campuses for mitigating Covid impacts on faculty.

- Council members asked if the state budget surplus included opportunities to fund faculty salary increases that better offset inflation. They encouraged the University to develop a plan for supporting employees' long term disability care needs post-pandemic, and to implement reasonable policies around vaccines, boosters, and masking. They asked President Drake for his views about the recent Senate Memorial to the Regents on reducing fossil fuel combustion and how the University planned to address climate change.
- President Drake acknowledged the economic and geopolitical factors driving inflation and said the University will use Fall 2022 inflationary conditions to inform next year's state budget request. He added that the University will use the best public health science to guide its policies around Covid that ensure people's safety.
- President Drake said UCOP's four major priorities are climate change, campus safety, expanding access, and expanding the UC Health enterprise. He observed UC's leadership on climate change through its research and its policy advocacy and noted that the University is focused on achieving carbon neutrality by 2025. He added that carbon neutrality is not a finishing point, but part of the path to a fossil free future.
- Provost Brown noted that the University's priorities include supporting academic excellence, expanding support for research, and competitive faculty salaries.

VII. ACSCOLI Update

○ Michael Todd, Chair, Academic Council Special Committee on Lab Issues

Chair Todd noted that the Academic Council established ACSCOLI in 2007 as the third iteration of a UCORP subcommittee established in 2001 to provide Senate oversight of UC's relationship with three Department of Energy Laboratories—Lawrence Berkeley, Lawrence Livermore, and Los Alamos—which UC has either solely managed or partnered to manage. The committee includes 12 faculty representatives, including members of UCORP and UCPB.

This year, ACSCOLI has been implementing a standardized comprehensive checklist used in quarterly consultations with Vice President Craig Leasure about the status of each lab. Each ACSCOLI meeting also includes standing consultations with the Senate representative to the LLNS and Triad Board of Directors, the Chair of the Science and Technology Committee, the

Senate representative to the LBNL Advisory Board, and the Director of the Lab Fees Research Program. ACSCOLI also met with Regent Sures, the new chair of the Regents Committee on the labs.

ACSCOLI is developing a joint-appointment framework for UC faculty and Lab employees to help Lab technical staff and UC faculty embed part time in each other's organization to enhance research, teaching and service. Some test cases are being launched in both directions. ACSCOLI is also providing guidance to UCOP on strategic investment of lab management fees and performance reviews/metrics for the UC Lab Fees Research Program. Finally, it is creating a white paper that explains UC's relationship with the labs framed in terms of UC's mission statement on public service.

VIII. Continuing Discussion of Fully Online Undergraduate Degrees

Chair Horwitz sent Provost Brown a letter summarizing Council's discussions about fully online undergraduate degrees, next steps for consideration of online degrees, majors, and minors, and plans for closing the "loophole" in Senate regulations that allows campuses to potentially create a fully online degree program through individually-approved online courses. The letter describes a pedagogical basis for why fully online degrees may not be prudent.

At its June meeting, UCEP voted to propose an amendment to SR 630.E to clarify the residency requirement for an undergraduate Bachelor's degree. The amendment clarifies the residency prerequisite for an undergraduate Bachelor's degree by adding new paragraph 630.E, which requires undergraduates (both transfers and four-year students) to complete six units of in-person courses in a quarter/semester for one year, with the in-person course defined as having at least 50 percent of instruction occur in a face to face manner. It also permits individual divisions to maintain a higher threshold for required in-person course credits per term or for the number of terms in which a threshold applies.

UCEP believes the amendment will support students' academic success by connecting them directly with campus services, bringing them to learn in the same location as instructors and other students, establishing a sense of belonging by facilitating social and professional networks, and providing opportunities for experiential learning. The regulation also allows faculty and departments wide latitude to experiment with online courses, minors, and majors, including (for example) the potential Senate approval of the proposed UCSC Creative Technologies as a fully online major. The amendment does not permit a fully online degree, which would require an explicit additional pathway in Senate regulations.

- Council members noted that in-person residency gives students the opportunity to engage in co-curricular activities that form the UC academic community. The proposed amendment to SR 630 allows for innovation and flexibility around online majors, preserves the rights of students enrolled in an online major to access co-curricular benefits and activities, and saves conversations about online degrees for a time when administrative systems are better prepared to support their development.
- Council members noted that pedagogy, not enrollment or financial pressures, should drive decision-making around online majors. At the same time, the residency requirement allows campuses to increase access significantly because it effectively platoons students being on and off-campus. They also noted the need to revisit the Compendium to clarify systemwide Senate approval authorities and processes around fully online degrees.

ACTION: A motion was made and seconded to endorse the proposed amendment to Senate Regulation 630 and circulate it for systemwide Senate review in the fall. The motion passed. Two members voted against the motion.

IX. UCPB Report on Rebenching

o Kathleen McGarry, UCPB Chair

A UCPB Workgroup drafted a report with recommendations to guide potential changes to budget “rebenching” that enhance the equitable flow of state general funds to campuses. The University implemented rebenching over four years beginning in 2012-13. It was intended to rebalance the per-student allocation of state general funds by funding all UC students of a given type equally regardless of campus. Four key principles guided the effort: 1) allocation of state funds should be based on student enrollment with limited “set-asides” to address specific systemwide priorities; 2) allocations should support to a common standard of excellence across UC campuses, and 3) recognize the critical role of graduate education in the UC mission; and 4) allocations should not reduce current funding for any campus but increase the funding of underfunded campuses to the level of the most well-funded campus using only increases in state funding.

Rebenching established a funding allocation formula based on different weights for different categories of students (undergraduates and academic master’s = 1; academic graduate students = 2.5, and health sciences students = 5). The Workgroup identified two additional principles to guide further consideration of these formulas, using the goals of transparency and simplicity as guides: 1) enrollment and programmatic decisions made by any campus should not negatively impact funding allocation to others; and 2) funding should account for asymmetries and recognize that equal treatment does not always result in equal opportunity.

The Workgroup considered multiple proposals for changing the relative weights, including reducing Ph.D. weights to 1 and health sciences weights to 2.5, but ultimately recommended against significant changes, with the exception of a new weight category (1.5) for academic master’s students in state-supported academic programs.

The Workgroup made recommendations about set-asides – funds taken off-the-top before the enrollment-based formula is applied to support specific legacy academic programs, systemwide research and public service initiatives, legislative mandates, and medical education programs. UCSF is also funded through a separate “corridor” outside of rebenching. The Workgroup recommended that the University comprehensively review set-asides, set an upper limit on set-aside funding, reduce the funding directed to set-asides, and use targeted, time-limited set-asides to address asymmetries and support campuses with, for example, different student demographics and capital needs. These targeted set-asides should be reviewed and adjusted regularly as needed. The Workgroup also found that UC employs three models to support medical school campuses, which results in funding discrepancies. It recommended a thorough review and rationalization of these mechanisms and of UC Health funding more generally.

The Workgroup considered a proposal to calculate campus allocations based on actual, not budgeted, enrollments. It recommended adding existing over-enrollment numbers as a one-time adjustment to targeted enrollment, and maintaining the aspirational funding of PhD students through a set-aside if the aspirational PhD enrollment target exceeds actual enrollments.

Finally, the Workgroup endorsed maintaining the new 95% “guardrail” on rebenching that uses new state funds to ensure no campus falls below 95% of the average systemwide per-student funding as calculated on an unweighted basis.

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

X. Reports from Division Chairs

Individual Senates are working with campus administrations on initiatives around graduate funding; sustainability; and potential changes to the academic calendar to make greater use of Summer Session. Senates are developing plans for new Schools and Divisions; discussing principles for the future of instruction; and discussing the implementation of Achievement Relative to Opportunity principles in promotion and tenure reviews and bridge funding for research affected by the pandemic. Campuses are facing challenges with staffing shortages and with individual faculty who want to continue teaching remotely and who are requesting medical exemptions, sometimes with an unclear medical basis. UCOP wants campuses to consider the UC Davis Equitable Textbook Access program as a best practice model. Seismic safety risks for some buildings on individual campuses are reaching a critical stage.

Meeting adjourned at 4:00 pm
Minutes prepared by Michael LaBriola, Assistant Director
Attest: Robert Horwitz, Academic Council Chair