UNIVERSITY OF CALIFORNIA ACADEMIC SENATE
ACADEMIC COUNCIL

Minutes of Videoconference Meeting
June 23, 2021

I.   Consent Calendar

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of May 26, 2021
3. Revision to ACSCOLI Charter
4. UCOPE request for temporary modification of Senate Regulation 636.C.1 for Fall 2021

ACTION: Council approved the consent calendar.

II.   Senate Officers Announcements
   o   **Mary Gauvain, Academic Council Chair**
   o   **Robert Horwitz, Academic Council Vice Chair**

Special Regents Meeting: The Regents are holding a special meeting today to discuss a draft Presidential Policy on UC Health Affiliations. The Senate chair and vice chair will attend the meeting and convey the Senate position on affiliations.

Legislative Issues: The Senate chair and vice chair have expressed their opposition to two proposed California bills related to community college transfer and Academic Senate membership, over concerns related to the bills' intrusion into faculty and academic matters.

Instructor Survey: Senate leaders are reviewing the results of a survey the systemwide Senate administered to UC faculty and instructors in May of 2021 about their experiences during the pandemic, especially regarding remote teaching. The chair and vice chair have requested time at the July Regents meeting to discuss findings from the survey.

Small Business First Policy: Senate leaders are working with the UCOP Procurement Office on a summary sheet of resources and campus contacts to support faculty who have questions about the Small Business First Policy, or who want to request a waiver from the policy.

Climate Meetings: The Senate chair and vice chair are hosting a series of meetings with campus faculty climate crisis activists to discuss strategies for building a coordinated Academic Senate effort to address the climate crisis. The goal is to provide top-down support for bottom-up ventures that connect campus efforts to the Academic Council and Global Climate Leadership Council.

III.   Senate Priorities

Council continued its discussion of Senate priorities informed by a survey to Council and non-Council chairs about the most pressing issues facing UC this year, the Senate's effectiveness in addressing the issues, and the most important issues expected next year.

Chair Gauvain noted that the Council is often more reactive than proactive; however, its ongoing obligations and interests limit the time and energy it has to engage in new proactive work. It behooves Council to examine regularly how it spends its time and energy, to better understand

priorities as they are expressed in work patterns and to shift priorities as needed. Intentionally establishing priorities also helps an institution focus on the best way to meet its goals, and it offers the opportunity to reflect on how current priorities enhance, or undermine, core Senate values including equity and fairness.

In their survey responses, Council members identified several Senate successes from the past year, including responses to the pandemic, UC Health affiliations, Gold Book revisions, curtailment, and threats to academic freedom. Council members also appreciated that Council agendas balanced the day-to-day work of the Senate with time to think about broad questions.

Members also noted that the Senate was slow to act, or acted incompletely, on several fast-moving issues. In particular, many felt it could have engaged earlier and more proactively with campuses on COVID impacts, approaches for campus return, and concerns about academic freedom and racism and social justice. Members identified several challenges to Council's effectiveness, including the Zoom meeting format that reduced opportunities for casual or unstructured conversations, and Council's tendency to stay in reactive mode rather than engage in strategic long-term thinking.

In reviewing the Council's work of the past year, members commented that more time could have been devoted to discussion of common problems across Divisions; more goal- or action-oriented approaches to many key issues were needed; and it would have been helpful to have more contact and conversation over email between meetings. Members identified several issues the Council failed to address this year, including the climate crisis, the role of online degrees, an assessment of online learning/teaching, and social justice issues. They anticipated the following as important issues for next year: the post-pandemic response and recovery; Diversity, Equity and Inclusion in faculty recruitment and advancement; the climate crisis; instructional delivery, including remote and online modalities; the budget and state support; campus safety and policing; and admissions, enrollment, and transfer.

Chair Gauvain observed that Council accomplished much this year, however, there was not enough time to discuss several important issues including academic labor, online education, cybersecurity, academic integrity, procurement, and research. The Chair noted that these issues took up considerable time of the Senate leaders and staff and more engagement with Council on these issues in the future would be welcome. It was acknowledged that Council's ability to do so is uncertain because its discretionary time is limited. Therefore, there is need for Council to establish priorities early each year and try, as best as possible, to follow through on them. This effort is important to shared governance, and the Senate's committee structure and division representation provide a strategic advantage that can help it meet priorities.

Vice Chair Horwitz added that Council meetings next year will include more regular input from Divisions and committees. He said the Senate needs to do better at conveying its role to rank and file faculty, and that recruiting younger and more diverse faculty to systemwide service is a priority. Several division chairs noted that they issue quarterly or monthly newsletters to faculty with information about the work of the campus and systemwide Senate. Other Council members noted that they value collaboration and information-sharing across divisions and committees. A Council member encouraged greater use of the Council list serve to communicate between meetings.

IV.   CCGA-UCPB Letter on Systemwide Master's Program Reviews

o **Amr El Abbadi, CCGA Chair**
o **Sean Malloy, UCPB Chair**

Council reviewed a letter from CCGA and UCPB expressing concern about the Provost's proposal to move the delegated approval authority for state- and self-supporting master's programs from UCOP and the systemwide Senate to the campus chancellors and division Senates.

Chair El Abbadi noted that the review of academic master's and self-supporting graduate professional degree programs (SSGPDPs) should continue to reside with the systemwide Senate. The systemwide evaluation provides valuable multi-campus perspectives that benefit academic quality, promotes equity across campuses, ensures proposals address diversity, and in the case of SSGPDPs, monitors for financial soundness. The claim that the systemwide evaluation adds a year to the process is not supported by data. In 2020-21, the average time for the systemwide review of all proposals was three months. SSGPDPs and reviews that arrive just before summer can take slightly longer. The systemwide evaluation is also objective. Sole reliance on a campus review carries the potential for conflicts of interest, particularly given the possibility of financial pressures on the internal campus review teams to approve SSGPDPs, which are seen as revenue generators.

In their letter, the committees proposed forming a joint working group to evaluate the master's program review process. The working group should be co-chaired by the chair of CCGA and the Provost or a designee from the Provost's office. It should be charged with studying a broad range of issues around academic program reviews and potential solutions. It should not be charged with implementing the Provost's proposal to delegate reviews to campuses.

➢ Council members endorsed the letter and the proposed working group. It underscored the importance for the working group to have access to transparent and accurate data about campus and systemwide review processes. It was agreed that a Council cover letter should emphasize the value-added of the systemwide review, clarify the three-month average review time, and suggest that a few extra months is not significant in the review of a program expected to last for decades. Council should the letter should also be clear that it is rejecting the Provost's proposal.

ACTION: Forward the letter from CCGA and UCPB and cover letter making additional points to the Provost with copy to the President.

V. **CCGA-UCPB SSGPDP Subcommittee Report**

Council reviewed a report on self-supporting graduate professional degree programs (SSGPDPs) from a CCGA/UCPB subcommittee. The report touches on the SSGPDP program's success and effectiveness, impact on educational goals, campus budgets, state-supported programs, diversity, and faculty effort and compensation. It discusses the recent rapid changes in the structure of approved SSGPDPs, their hidden costs and effects on UC's reputation, and the need to define and track success for SSGPDPs. It outlines a set of recommendations for sustainable, transparent academic and financial reporting and review of SSGPDPs that upholds a UC level of quality.

Chair Malloy noted that UCPB long has been concerned that it has no way to assess the financial performance of SSGPDPs after they have been established nor does it have the ability presently to track the fiscal outcomes of approved SSGPDPs relative to projections. SSGPDPs are often

driven by financial considerations, with the goal of generating revenue. But it is unclear which programs have achieved self-supporting status or generate revenue beyond the cost of the program itself. UCPB is also concerned that programs may be diverting resources from state-supported programs. Moreover, there is a UC policy expectation for a three-year campus review of approved SSGPDPs; but it is unclear if and how these evaluations are proceeding. The CCGA/UCPB report includes a set of actionable recommendations around the supervision and reevaluation of approved programs. The letter notes that these recommendations will require staff and resources.

➢ Council members emphasized that SSGPDPs are an important and growing source of revenue for campuses and sometimes the only avenue campuses have to create new academic programs in an era of state disinvestment. Members noted that it would be worth getting a collective perspective about SSGPDPs on a campus in addition to tracking the status of individual programs.
➢ Council members observed that campus graduate councils have the power and responsibility to institute a moratorium on SSGPDPs or to eliminate programs they find are not performing as expected. However, a three-year review may be premature and not fully capture the efficacy of a program. Some need five or more years to ramp up enrollment and revenue.
➢ It was noted that the CCGA/UCPB report should be available to the proposed joint work group as a reference. It was also suggested that CCGA and UCPB work together to create a common template of questions related to academic and cost accounting that should be addressed at the campus or systemwide review stage.

ACTION: Forward the letter and cover letter making additional points to the Provost with copy to the President.

VI.   **Diversity Issues**

1. **Revised Recommendations for the use of Diversity, Equity, and Inclusion Statements**
    o **Javier Arsuaga, UCAADE Chair**
    o **Brian Soucek, UCAF Chair**

Council reviewed a clarified and expanded version of the January 2019 best practice recommendations for the use of Diversity, Equity, and Inclusion (DEI) statements in hiring and promotion. The revisions were proposed by UCAADE, in consultation with UCAF, and reflect Council's discussion in April 2021. The original recommendations were written jointly with the Systemwide Equal Opportunity/Affirmative Action Administrators Group (EO/AA).

The additions include a new best practice emphasizing that questions put to faculty members and applicants about DEI contributions should focus on the actions, experiences, or plans of the individual and should not assume there is a correct point of view or "right answer." A second new best practice emphasizes that faculty have the primary responsibility for evaluating contributions to diversity, equity, and inclusion within their discipline; that faculty hiring and review committees, not administrators, should create and employ the rubrics to judge DEI statements; and that neither the administration nor Senate should establish fixed DEI rubrics and numerical grading systems for search and review committees. Preserving the peer review system for DEI statements also supports academic freedom.

Finally, the committees removed language about assessing campus administrators for DEI contributions. They felt that the language was off topic in the document, particularly because

faculty and administrators are treated differently in terms of DEI contributions and some of the academic freedom issues do not apply to administrators.

➢ Council members expressed support for the revised document. They noted that the Faculty Equity Advisor role differs across campuses, and it would be important to ascertain whether current practices are aligned with those outlined in the document. Members also noted the distinction between the use of DEI statements in specially funded DEI-focused cluster hires, and the role of statements in more general hiring and promotion activities. UCAADE Chair Arsuaga noted that UCAADE will consult with the EO/AA on the additions and changes to the document and on a possible new document focused on administrators.

ACTION: Council endorsed the document and will distribute it to the campuses following consultation with the EO/AA group.

2. UCAADE recommendations for Neurodivergent Students

Council reviewed a set of recommendations from the UCD Aggie Neurodiversity Committee (ANC), endorsed by UCAADE, for making UC a more welcoming place for students with atypical neurological function, including those on the autism spectrum, with ADHD, or dyslexia. The ANC's goal is to create awareness across campuses about neurodiversity, and its challenges and benefits for the learning environment. The recommendations include recognizing neurodiversity as a diversity, equity and inclusion issue; creating Disability Cultural Centers on campuses that include programming and supports for neurodiverse students; providing neurodiversity training to faculty, staff, and students; and improving various accommodations and support systems in learning environments and other campus resources and facilities. UCAADE believes that implementing the recommendations will enrich learning environments and research to the benefit of all.

➢ Council members expressed appreciation to UCAADE for taking up this often-overlooked issue. A member noted that it would be important for graduate admissions committees to receive training on neurodiversity issues and engage with student groups on those issues.

ACTION: Council endorsed the recommendations and will forward them to the administration.

VII.   Systemwide Review of Presidential Policy: UC Health Participation in Activities under the End-of-Life Option Act

Council reviewed comments from divisions and systemwide committees to the UC Presidential Policy, "UC Health Participation in Activities under the End-of-Life Option Act." The Policy updates and makes permanent a 2016 interim UC policy that defines the University's compliance with the End-of-Life Option Act, a California law that allows certain terminally ill adults with the capacity to make medical decisions to request a prescription for an aid-in-dying drug. The UC Policy emphasizes that the participation of individual UC Health employees in these activities is strictly voluntary.

➢ Council members noted that the individual opt-out clause should not present an undue burden to patients who want to exercise their rights under the End-of-Life Option Act. There was some concern that the opt-out clause could potentially open the door to physicians refusing to provide other services or treat other conditions.

ACTION: Council will forward the comments and a cover letter to Vice Provost Carlson.

VIII.   Systemwide Review of Campus Safety Plan

Council reviewed comments from Senate divisions and systemwide committees in response to the draft Presidential Campus Safety Plan. Council members made the following comments:

➢ The extraordinarily brief timeline for review of the Plan and its release at the end of the term was a major concern. It is a significant challenge to convene faculty committees in June to review such an important policy in less than four weeks. Given the importance of the issue, the Senate needs adequate time to review the next iterations of the Plan when Senate committees reconvene in the fall.

➢ The Plan is a positive, though tentative and incomplete, step forward in defining broad principles and actions that support the transformation of UC policing and public safety. The language is vague or confusing in places, which made evaluating the plan difficult.

➢ The introductory text foregrounding the Plan notes that the police are a source of distrust and fear, but the language should do more to explicitly acknowledge the long history of racial profiling and police violence behind that distrust and fear.

➢ The Plan calls for shifting resources to a community safety model that relies less on police. However, the wording suggests that campus police may be integrated into additional community safety roles and services on campus. The Plan should more clearly signal an intention to reduce police presence on campus, and the intent of this section should be clarified so that it does not unintentionally increase police presence.

➢ The Plan does not yet include a clear or adequate response to the calls from the Senate and others to ban firearms as standard equipment for campus police.

ACTION: Council will forward the comments and a cover letter to President Drake.

IX.   Campus Funding, Nonresident Enrollment, and Rebenching
  o   **David Alcocer, Associate Vice President for Budget Analysis and Planning**
  o   **Sean Malloy, UCPB Chair**

AVP Alcocer noted that the Budget Act of 2021 includes a provision that would impose a 18% cap on nonresident enrollment systemwide and reduce nonresident enrollment on the three campuses that currently exceed 18% -- UCB, UCLA, and UCSD -- over five years. The language also signals an intent to provide UC new ongoing funding to offset lost tuition and fee revenue.

Based on 2019-20 enrollment, UC would need to replace 4,500 nonresidents over five years. The legislation does not mention a specific offset dollar amount, but earlier committee actions assumed about $34k per student, including $30k for lost nonresident supplemental tuition (NRST) revenue, and also $4,300 in additional financial aid. (Nonresident base tuition is, in part, used to fund the financial aid pool that is only available to California residents.)

The proposal raises questions about how the University will address budget impacts on the three affected campuses. Under rebenching, UC would normally allocate new state funds across the system based on weighted enrollment. However, this approach would not help the three campuses. Another possibility is to allocate replacement dollars to campuses proportionate to

their lost NRST, but this is inconsistent with the rebenching principle of providing identical support for the same type of student across campuses. Finally, UC could increase NRST at a faster rate, but this may not be viable on all campuses.

Chair Malloy referenced UCPB's three recommendations for budget rebenching discussed by Council in May, including modeling options for "socializing" a portion of nonresident tuition revenue for redistribution across campuses.

➤ Council members noted the importance of Senate consultation about revenue options, including campus proposals to replace losses with new market-based academic programs. They encouraged UCOP to protect nonresident graduate students from any financial approaches that would increase tuition for nonresident undergraduates. Council members noted that the state's failure to fund the University adequately has led to entrepreneurial efforts on the campuses that can have negative consequences, including a reduction in funding equity.
➤ AVP Alcocer said that UCOP is not currently modeling revenue sharing approaches, but it is considering changes to the weighted enrollment formulas used in rebenching. Other ideas for creating more equitable outcomes, such as extending the tax on nonresidents' base tuition for return-to-aid to NRST, are also under consideration.

X.   **Admissions Issues**
    o **Eddie Comeaux, BOARS Chair**

1. Support for Pre-Verification Program
Every year, the University verifies self-reported information on a random sample of admission applications, including a plagiarism check on the Personal Insight Questions. BOARS supports the program and views it as a good investment that strengthens integrity and the public trust in the UC admissions process.

2. Annual Report on Undergraduate Admissions Requirements & Comprehensive Review
BOARS' annual report to the Regents for 2020 provides data on application, admission, and enrollment outcomes. In the 2020 report, BOARS notes several concerns, including the University's ability to accommodate increased enrollment if more referral pool students accept the referral offer from Merced. The low yield rate for accepted African-American and Native American students was also noted.

3. Systemwide "Compare Favorably" Report for 2020
In 2011, BOARS established a policy requiring nonresident domestic and international students admitted to a UC campus to be at least as qualified, on average, as California residents admitted to the same campus. Campuses report "compare favorably" outcomes annually to BOARS. Currently, BOARS considers average high school unweighted GPA and SAT score for admitted residents, domestic nonresidents, and international nonresidents; average first-year UC GPA; persistence rate of UC students; and the probation rate of students. The latest report found that campuses are, in general, meeting the policy by these measures. BOARS is discussing how to modify measures in light of the elimination of standardized testing.

4. Clarifications to BOARS Policy on Selection of Nonresident Students
In summer 2020, a BOARS work group developed a policy for the selection of undergraduate nonresident students. The policy consists of a set of principles emphasizing the need for

campuses to employ the same criteria to admit nonresidents and residents. BOARS has since made some small clarifications to the policy and seeks the Council's endorsement.

ACTION: Council endorsed the policy.

XI. Reports from Division Chairs

Campuses are reflecting on challenges from the past year and anticipating new challenges associated with campus re-openings. The sudden shift to normalcy in California has accelerated re-openings on some campuses. Priorities for the next academic year include helping faculty rebalance teaching and research loads; mitigating the pandemic's impacts on faculty career advancement; handling student requests for teaching accommodations and exceptions as efficiently as possible; rebuilding a sense of campus community; addressing the mental health needs of students, faculty, and staff; dealing with over-enrollment; addressing the high cost of living and housing; and strengthening communication and shared governance. Previous concerns about international students unable to return to campuses are decreasing, although some visa challenges persist in terms of both students and faculty and staff hiring.

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Meeting adjourned at 12:50 pm
Minutes prepared by Michael LaBriola, Assistant Director
Attest: Mary Gauvain, Academic Council Chair