

**Minutes of Videoconference Meeting
June 24, 2020**

I. Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of May 27, 2020
3. UC Irvine School of Pharmacy and Pharmaceutical Sciences

ACTION: Council approved the consent calendar.

II. Senate Officers Announcements

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

DACA: The University is celebrating the June 18 Supreme Court decision to uphold the Deferred Action for Childhood Arrivals (DACA) program. Chair Bhavnani distributed a draft letter thanking President Napolitano for her persistence in the fight to uphold DACA.

ACTION: Council members unanimously endorsed the letter.

Budget Update: Chair Bhavnani circulated a State Governmental Relations update about the state and University budget, which noted that the 2020-21 budget bill agreement of June 15 reduces the University's budget at the start of the fiscal year, with a federal funding backfill by October 15 if sufficient federal stimulus funding is provided. The bill decreases UC's budget by \$260.8 million (7%) over the 2019-20 budget on July 1 with a potential increase to the UC budget of \$210.8 million (5.7%) on October 15 if the state receives federal stimulus funding. SGR also confirmed that federal stimulus funds would be one-time, and discussions for the 2021-22 budget would start from the lower base budget amount.

ACA-5: The Regents held a special meeting on June 15 to endorse the President's recommendation to support proposed State Assembly Constitutional Amendment 5 (ACA-5) and the repeal of Proposition 209. The actions follow the Academic Council's June 9 letter to the President voicing unanimous support for ACA-5.

Online Degree Task Force: UCEP Vice Chair Potter noted that the Academic Council Online Undergraduate Degree Task Force (OUDTF) is discussing the feasibility and desirability of offering fully online degree programs and possible mechanisms for doing so. The Task Force will send its final draft report and recommendations to the Academic Council in July. UCEP will discuss next steps in the 2020-21 academic year.

III. Letter on Feasibility Study for Standardized Testing

Council reviewed a draft letter to the President with recommendations for the composition and scope of a Feasibility Study Working Group (FSWG) to implement the May 2020 Regents' decision to consider developing a new content-based admissions assessment for fall 2025 UC applicants. The letter emphasizes the need for robust Senate membership on the FSWG given the delegated authorities of the Senate over admissions. It recommends that the FSWG be co-chaired

by Provost Brown and the incoming Academic Senate chair, and include at least seven Senate members, with representation from the STTF, BOARS, UCEP, UCAADE, UCOPE, and UCPB. The letter suggests that the FSWG submit an interim report by fall 2020 with an overall timeline for the development of the assessment, and a draft of its final report for discussion at the December 2020 Academic Council meeting. Council members agreed that Academic Council should monitor for potential conflicts of interest in the final membership proposed by UCOP.

ACTION: Council approved sending the letter to the President.

IV. Recommendations for UC Policing

A Council work group drafted a statement and recommendations for restructuring UC's security and safety infrastructure. The work group gathered campus statements and recommendations made about campus policing in the aftermath of the murder of George Floyd.

UCAADE Chair Lynch noted that the statement emphasizes that police reform efforts have failed to address the underlying legacy of racialized violence; that campus police agencies are not exempt from these legacies; and that it is imperative to respond to the current moment by reassessing the fundamental role and existence of University police. UCPB Chair Malloy noted that the recommendations build on the work of the Academic Senate Public Safety Task Force and the Presidential Task Force on Universitywide Policing, which recommended reforms, but did not go far enough to address longstanding concerns from campus communities about poor interactions between campus police, the militarization of police, and excessive and potentially lethal uses of force during protests. He noted that reform efforts often result in higher budgets for police forces and increased interactions with community members that are fundamental racialized. Transformational change will not be achieved using these processes. UCR Chair Rodriguez noted that the current protests against police violence represent a major historical moment to which we are all called to respond. Historical reformist approaches to police violence, such as fine-tuning police training, have not solved the problem of asymmetrical state-sanctioned police violence, and these structures are replicated in the campus environment. The police-abolition movement is about building new structures and communities that create and ensure equitable safety and accountability.

The recommendations call on UC to substantially defund general campus police, and redistribute resources to the study and development of alternative modes of campus safety that minimize and/or abolish reliance on policing and other criminalizing responses, as well as to campus services that promote mental and physical well-being of the campus community, specifically support services for Black students and other marginalized groups. They recommend banning firearms as standard equipment for campus police; dissolving existing partnerships or cooperation agreements with non-UC law enforcement agencies, including allowing non-UC law enforcement agencies access to campus. They call on UC to assemble groups to discuss the recommendations and how to implement them within a three-year period, with priority participation given to those who have traditionally experienced police violence and mistreatment. Similar steps also should be considered at the health campuses to address policing issues, recognizing the different security needs in these environments.

- Individual Council members suggested editorial improvements and clarifications that are reflected in the above summary, including an emphasis on “general campus” police as distinct from health campuses, a suggestion to recommend a three-year implementation plan, and the need to ensure that students impacted by police mistreatment inform perspectives.

- Council members noted that some individual campuses are already transitioning to a disarmed police force and plain clothes security. Council members noted that police-abolition is not about “lawlessness” or a lack of community safety, but rather about building alternatives to a militarized police force. “Defunding” means redistribution to more effective campus and community safety and accountability measures. It was noted that the student experience, as shared in various statements, was incorporated into the analysis and it is critical to UC’s educational mission. The recommendations take a moral and visionary approach to solving longstanding problems.
- UCFW Chair Saphores encouraged Council to first consult with additional experts and initiate a broad systemwide Senate discussion of the recommendations before moving forward with a final recommendation.

ACTION: A motion was made a seconded to endorse the principles. The vote was 14-2 with one abstention.

V. Consultation with UC Senior Managers

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

DACA: President Napolitano noted that the University won a great victory when the Supreme Court rejected the Trump administration’s attempt to end the Deferred Action for Childhood Arrivals program. DACA students can now remain in the country, study, work, and continue with their lives.

Budget: The President noted that the state budget agreement will reduce UC’s budget by \$260 million on July 1 but increase the budget if the state receives federal stimulus funding by September 1. The budget also provides \$25 million to the UCR School of Medicine and \$15 million to the UCSF Fresno branch campus and UC Merced medical education partnership. UCOP will incorporate the cut into the July 1 allocation to campuses.

Interim CFO Jenny added that UC’s revenue losses rose to \$1.3 billion in May and will total close to \$1.8 billion for the fiscal year. Although the medical centers are seeing increased census numbers, significant losses will continue for campus auxiliaries. The Regents authorized UCOP to borrow up to \$1.5 billion to provide campuses with additional liquidity to help manage the crisis.

Campus Reopening: President Napolitano noted that all campuses will be asked to meet threshold consensus safety standards for testing, contact tracing, and social distancing. All will adopt a hybrid model of remote and in-person instruction, and are identifying which classes will meet in person. For example, at UCB all classes of 25 or more students will be held online. Campuses are evaluating the degree to which they can safely re-open dormitories at double occupancy and as much as 70% capacity. Campuses are also funding efforts to train instructors on how to offer high quality remote instruction, and providing additional laptops and hotspots to enhance student connectivity.

Open Access: President Napolitano noted that the University announced on June 16 that it had reached a transformative open access agreement with Springer Nature, the world’s second-largest academic publisher. The open access agreement is the largest in North America. The

principle behind open access is to make research freely available to anyone, to help solve the world's problems. UC has been a leader on open access, and the UC negotiating team deserves all the thanks for the agreement.

- Council members asked how the University planned to implement cuts on July 1 and requested updates on the status of the UC Education Abroad Program and other experiential academic programs. They noted that students may be safer living in the more controlled environment of campus dormitories than in surrounding communities. Members also encouraged Provost Brown to identify faculty testing experts for the feasibility study group and to exclude individuals from the group who have a conflict of interest, particularly those with an association or financial stake in the Smarter Balanced Assessment.
- President Napolitano noted that campus chancellors are modeling the extent to which campuses can absorb cuts and options for cuts, including workforce cuts. She said the University would do everything it could to preserve jobs, but would not be able to preserve all jobs.
- Provost Brown noted that budget cuts would inevitably affect systemwide UCOP programs that support research and scholarship. He noted that UCDC would not offer in-person programs in 2020-21 and that the UC Education Abroad Program was suspending all fall 2020 and year-long programs. He said he would ask the Senate to nominate experts for the feasibility study group. He expressed support for a re-examination of campus policing and a shift from crime prevention to safety promotion.

VI. Use of DEI Statements

In February 2019, Council endorsed six best practice recommendations developed by UCAADE for the use of Diversity, Equity, and Inclusion (DEI) statements in hiring and merit review processes that would be consistent with APM 210-1-d. Later, some faculty expressed concern that some campuses were interpreting and implementing the recommendations in ways that may be inconsistent with the recommendations and APM 210. In April, following an item that included information on DEI statement and their use at UCB and UCD, Council asked Chair Bhavnani to seek information from individual campuses about whether and how the Council recommendations were implemented, how effective DEI statements have been in creating a diverse faculty, and their role in improving the campus climate for students, faculty, and staff.

Individual campus responses noted that consideration of DEI statements in faculty hiring is consistent with the UC mission to promote diversity and equal opportunity. They expressed support for the use of DEI statements as part of a holistic evaluation, in conjunction with evidence of research and teaching excellence. Individual campuses conveyed concerns about requiring applicants to achieve a scoring cutoff on their statement based on rubrics developed by the administration. They noted that any such rubrics should be developed locally by search committees, and be meaningfully connected to the priorities and needs of the hiring unit. Some campuses provided data showing that DEI statements have helped diversity, while others showed mixed results.

ACTION: UCAADE will review comments and consider additional clarifications. Council will assemble the comments and send them to campuses.

VII. Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

Council reviewed comments from Senate divisions and committees to the proposed Presidential Policy on Native American Cultural Affiliation and Repatriation (“Policy Version 3”). The Academic Senate commented on an earlier version of the policy (“Policy Version 1”) in fall 2019. The University incorporated comments from that review into a revised Policy Version 2, further consulted California Native American tribes, and incorporated additional suggestions and concerns raised by the tribes into Policy Version 3.

Senate reviewers supported the broad goals of the Policy to prioritize repatriation, better incorporate tribal input into UC processes, and improve UC’s responses to repatriation requests. They found that Policy Version 3 would further strengthen the role of tribes in the campus implementation committees that will review claims for cultural affiliation and requests for repatriation. Chair Bhavnani observed that the Senate currently is identifying faculty representatives for committees on each of the six campuses currently holding Native American remains or cultural items, and for the systemwide committee. Reviewers also raised several issues, including concerns that the repatriation process would be costly and impose substantial unfunded financial obligations on campuses as a time when budgets are constrained.

ACTION: Council will forward comments to Vice Provost Carlson.

VIII. Academic Council Principles for Managing the COVID-19 Budget Crisis

Council reviewed a set of joint principles to guide UC through the financial crisis. The principles were developed and forwarded to Council by UCFW and UCPB. They emphasize the need for UC to draw on the foundation of shared governance; to use all means to avoid catastrophic, long-term damage to UC’s ability to deliver a quality education and serve as a research engine; to maintain a stable employee base and hire faculty strategically; to implement cuts progressively and only after all other options have been exhausted; to maintain commitments to retirees and avoid cutting benefits; and to emphasize stewardship over expansion. Council members expressed support for the principles. They recommended moving the shared governance principle to the preamble to emphasize its status as a foundational stewardship principle. Other editorial suggestions were made.

ACTION: Changes to the document will be incorporated and circulated to the Council for final approval.

IX. Copyright Ownership Policy

UCOP has revised the proposed Policy on Copyright Ownership to address comments from the fall 2019 systemwide review. A Council subgroup reviewed the revisions, and met with UCOP administrators to recommend additional clarifications regarding: (1) course materials and the “significant” or “exceptional” University resources categories that may prompt the University to retain copyright ownership; and (2) fair use and how it interacts with the policy. UCOP has added FAQs to address these concerns, including a clarification that remote/online teaching falls under the rubrics of the separate systemwide Ownership of Course Materials. The Council subgroup was satisfied with the additions.

ACTION: A motion to endorse the policy was made and seconded, and passed unanimously.

X. Guidelines for Disciplinary Sanctions

The University has released for management review a set of draft best practices from the University Taskforce on Sanctioning Guidelines for chancellors when assigning discipline for SVSH cases involving faculty respondents and violations of the Faculty Code of Conduct. This followed a request by some Council members to the systemwide Title IX Director, that the system take steps to ensure consistency across campuses regarding sanctions for violations of SVSH policies. After the May Council meeting, Chair Bhavnani invited Senate divisions and committees to submit comments. Two divisions sent comments.

Chair Bhavnani noted that the University is also taking steps to comply with new U.S. Department of Education regulations on campus sexual misconduct before August 14. Among other changes, the regulations require colleges to use the same standard of evidence for determining guilt in cases involving faculty, staff, and students.

UCFW Chair Saphores noted that UCFW had originally proposed the development of guidelines as a way to promote consistency in sanctions over time and across campuses. UCFW had also recommended a quantitative framework for assessing the severity of SVSH and APM-15 violation and included a possible range of sanctions that were not rigid or automatic.

Chair Bhavnani agreed to extend the deadline for comments to July 17 to accommodate feedback from UCFW and others.

XI. Impacts of COVID-19

1. **UCAADE Letter**: Council reviewed a letter from UCAADE describing concerns about how COVID-19 differentially affects members of the UC community in ways that impact equity, diversity, and inclusion. It makes recommendations for mitigating impacts related to food and housing insecurity; unequal challenges in participating in coursework and delivering instruction; interruptions to doctoral student and postdoctoral scholar progress and funding; career-shaping disruptions for faculty that disproportionately impact women, especially those who have very young children; and interruptions to the UC's efforts to diversify faculty.
2. **UCORP Letter**: A second letter from UCORP notes that COVID-19 will have long-term impacts on research productivity and career advancement for some faculty, with disproportionate effects on early-career and women faculty. The committee recommends giving faculty the option of removing the COVID period from CAP evaluations, to base evaluations on the normal period minus the COVID duration. This “pro-rating” of the tenure standard would take into account lost time, productivity, and economic capacity.

ACTION: A motion was made and seconded to endorse the letters and send them to campuses, following minor editorial improvements. The motion passed unanimously.

XII. Flexibility for Faculty and Staff During Campus Reopening

- **Jean-Daniel Saphores, UCFW Chair**

A letter from UCFW asks campuses to involve faculty and staff in planning for re-opening campuses and to provide flexible telecommuting and remote teaching options for staff and

faculty during the fall quarter/semester. Council members noted that the issue of “flexibility” is complex. Different categories of staff have different opportunities for flexible work arrangements, while faculty already have more flexibility compared to staff. Members suggested rewording the letter to be advisory to campuses about issues to consider.

ACTION: UCFW will reword the letter and Council will review over email.

XIII. Joint Statement on Fossil Fuels Divestment Transparency

A joint statement addressed to Chair Bhavnani signed by the chairs of UCORP, UCFW, UCPB, and UCEP asks the University to implement transparency and oversight measures that will allow the Senate and the Board of Regents to review the status of fossil fuel investments in the endowment and retirement plan, in order to assure the public that UC is, and remains, fossil free. The University announced in May that all UC’s investment portfolios were now “fossil free”; however, the Regents do not have an official divestment policy for fossil fuels and the University’s actions to eliminate those assets from its portfolio was based on an assessment that such investments are too risky or unprofitable.

Council members noted that the Memorial to the Regents passed by the Senate in September 2019 that asked the University to divest its endowment from fossil fuel companies was based on an ethical position. The Memorial’s intent was to seek a permanent commitment to avoid fossil fuel investments, even if they prove to be less risky in the future. An annual, transparent certification that UC remains fossil free would be consistent with the Memorial.

ACTION: A motion to forward the letter to President Napolitano and CIO Bachher was made and seconded. The motion passed unanimously.

XIV. Five-Year Reviews of MRUs: UC Bioengineering Institute of California and UC Observatories

o Andrew Baird, UCORP Chair

Council reviewed reports on the two Five-Year MRU Reviews that UCORP led in 2019-20 for the UC Bioengineering Institute of California (BIC) and the UC Observatories (UCO). They were reviewed as specified by the Compendium, with UCORP as the lead committee and participation by members of UCPB and CCGA, who consulted with their respective committees. UCORP recommended renewal of both MRUs.

BIC: The Review Committee recommended renewing the BIC as an MRU unit for five years, and also made recommendations for strengthening the BIC, expanding the breadth of its activities, and attracting sustainable funding.

UCO: The Review Committee recommended renewing the UCO as an MRU unit for five years, and also made recommendations for strengthening the MRU in the areas of budget and administrative transparency, governance, student participation in research, and education and outreach.

ACTION: A motion was made and seconded to endorse the reports and forward to Vice President for Research and Innovation Maldonado. The motion passed unanimously.

XV. Principles for Four Year Undergraduate Education for Incarcerated Students

Council reviewed a UCEP policy paper outlining principles to guide UC in developing educational programs for incarcerated students. UCEP revised the paper to address Academic Council comments from May.

- Council members suggested emphasizing in the cover letter or in the principles themselves the need for the University to do more on other fronts to support incarcerated students—including supporting pathways to decarceration, actively expanding infrastructures of decriminalization, and encouraging faculty involved in the programs to advocate for their students by providing testimony for parole boards.

ACTION: Council approved the principles and will forward to President Napolitano.

Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Kum-Kum Bhavnani, Academic Council Chair