

ACADEMIC COUNCIL

Minutes of Meeting

June 26, 2019

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of May 22, 2019
3. UC San Diego School of Public Health
4. UC Los Angeles Master of Legal Studies self-supporting degree program

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

- o Robert May, Academic Council Chair
- o Kum-Kum Bhavnani, Academic Council Vice Chair

UCSF/Dignity: UCSF has decided not to move forward with a proposed affiliation with Dignity Health, following concerns that the affiliation would restrict some patient care services in ways that do not align with the UC mission.

Survey Task Force: President Napolitano has responded to Council's request to convene a panel of in-house UC faculty experts to evaluate the design and content of systemwide surveys developed by outside contractors before they are administered. The President supports maintaining a list of Senate-identified faculty who UCOP could consult about future surveys.

Elsevier Negotiations: The UC librarians expect Elsevier to cut-off of UC's direct access to new journal articles sometime in July, although Elsevier has not yet provided official notification. Some campuses are issuing preemptive warnings to faculty.

Fetal Tissue Research: Chair May thanked the Academic Council for its June 6 [statement](#) expressing support for scientists at UCSF and elsewhere who conduct fetal tissue research, following the decision by the Department of Health and Human Services to cancel a contract with UCSF for medical research involving fetal tissue.

Disciplinary Guidelines Task Force: The Senate and the Council of Chancellors are forming a joint task force to develop faculty discipline guidelines for issues involving but not limited to SVSH. The aim is to establish more uniform guidelines for disciplinary action and more consistent application of policy and discipline across campuses.

Cybersecurity: The UCOP Office of Compliance and Audit has announced a cybersecurity "audit" to monitor incoming traffic on UC networks for intrusive and criminal activity, raising privacy and network control concerns on some campuses.

- Council members expressed concern that the "audit" seems akin to surveillance, and noted that the University should set clear goals and parameters for the exercise to ensure privacy is observed.

III. UCAADE Recommendations for Equity Advisor Programs at UC

- o Lok Siu, UCAADE Chair

UCAADE and the Systemwide Equal Employment/Affirmative Action Officers Group authored a set of best practice recommendations for campus Equity Advisor (EA) programs, which support UC's goal of advancing diversity in faculty searches and graduate admissions and in promoting an inclusive and equitable campus environment. Seven campuses have EA programs, and six provide a stipend to EAs—usually department-based or School-based senior faculty members. UCAADE recommends that each campus institute by 2021 an EA program that gives Advisors a role in faculty recruitment and retention; diversity, equity, and inclusion in graduate admissions; strategic diversity planning in program reviews; and campus climate. UCAADE recommends that EAs be tenured faculty or senior staff members selected by a committee of faculty and administrators involved in diversity and equity issues; serve for a minimum of two years, and be appropriately compensated. Campuses should conduct a periodic assessment of the program and its effectiveness.

- Council members expressed general support for the best practices, but also emphasized the need for clear lines of authority, reporting, and accountability for EAs relative to administrators responsible for equity. The best practices should emphasize that EAs are “advisors,” rather than “overseers” with approval authority over hiring, and should be more explicit about recommending compensation. Campuses should do more to promote awareness of the EA program, and empower EAs to seek information about issues like failed retentions that might point to climate problems in a department.

ACTION: UCAADE Chair Siu will make revisions based on comments and bring to Council for a second review in July.

IV. Canary Mission

Council reviewed a UCAF letter urging faculty to take note of the activities of Canary Mission, an organization that publishes the names of academics and other individuals it deems to be anti-Semitic, anti-Israel, or pro-Palestinian. The letter expresses concerns about the potential negative effects of the group's activities on UC faculty and students. The Santa Cruz Division also passed a resolution calling on the chancellor to formally disavow the activities of the group and urging consideration of a joint Senate-Administration letter condemning it.

- Council members expressed support for the statement. Two members expressed concern that the statement could help elevate the group, while others noted the importance of exposing malicious behavior. There was also support for expanding the statement to cover other groups and websites that engage in blacklisting and harassment, as well as for an additional joint statement from Council, UCOP, and the Chancellors supporting faculty and others who appear on the website and offering legal assistance to members of the University community who wish to have their names removed.

ACTION: A motion to endorse the UCAF letter and forward to the president was made and seconded. 17 voted in favor, none opposed. There were two abstentions. It was agreed that a small group of Council members would draft a broader statement.

V. Executive Session

VI. Consultation with UC Senior Managers

- Janet Napolitano, President
- Susan Carlson, Acting Provost

State Budget: The final budget increases UC's overall State general fund allocation by \$462 million, including \$247 million (7%) in ongoing funds, and \$215 million in one-time funds. This is a strong investment; however, the budget does not fund UC's request to make permanent \$95 million the state provided last year to support a tuition buy-out and over-enrollment, making it difficult for UC to fully address its mandatory cost increases. The one-time funding includes \$143 million for deferred maintenance; \$15 million to support degree completion at UC Extension; \$6 million to support recruitment and retention of low income students; \$2.5 million to support faculty diversity; and \$46.7 million for single campus programs and projects.

Several budget trailer bills affect the University, including SB 77, which expands financial aid scholarships for undocumented students who do not currently qualify for aid under AB 540; AB 105, which allocates \$50 million to support new CA resident undergraduate enrollment over two years; and AB 75, which creates a working group to develop a longitudinal data system to track "cradle to career" educational progress

Faculty Salaries: The Governor's budget does not specifically fund UC's request for \$14 million to support increases to the faculty salary scales to reduce the UC faculty pay gap. However, the President has decided to extend the 4% increase implemented in 2018-19 for a second year. The increase will take effect October 1.

Regents Meeting: The July Regents meeting will include a presentation about UC ANR; a preliminary discussion about a cohort-based tuition model; action on the 2019-20 UCOP budget; a report from the Basic Needs Special Committee about student financial literacy and housing insecurity; a report on the systemwide admissions audit. The Regents will also be asked to appoint a new Executive Vice President for UC Health and adopt principles to guide decisions about contracting out for services.

Retiree Health Benefits: The Health Benefits Advisory Committee reviewed four options for a Medicare Advantage Plan RFP: 1) continue the status quo; 2) replace the Health Net Seniority Plus Plan with a Medicare Advantage Plan; 3) replace the Health Net Seniority Plus and Medicare PPO Plans with a Medicare Advantage plan; or replace all three existing plans, including the High Option Supplement. A decision has been made to implement option 2. The Committee will now shift its focus to a general review of the UC employee health benefits portfolio.

Fetal Tissue Research: President Napolitano said she appreciates Council's statement on the Trump administration's ban on federal funding of fetal tissue research and noted that the University is looking for other potential funding sources to fill the gap.

Open Access: President Napolitano has briefed the chancellors on the status of negotiations with Elsevier and communicated the University's commitment to Open Access and reducing unsustainable subscriptions costs. If Elsevier cuts-off access to new journals, the libraries have robust plans in place for alternative access and communications.

Native American Issues: President Napolitano spoke at a meeting of the Tribal Alliance of Sovereign Indian Nations about UC's work on a range of issues important to Native American communities, including efforts by UC's Native American Advisory Council and Cultural Affiliation and Repatriation Policy Work Group to update UC's NAGPRA policy concerning the repatriation of Native American remains and cultural items.

Admissions: In response to the national SAT cheating scandal, UC conducted an internal admissions audit of current undergraduate admissions policies, processes, and controls, particularly related to Admission by Exception, Special Admissions, and athletic admissions. President Napolitano announced a series of actions to strengthen processes, procedures, and protections against bad actors. The second phase of the audit will test the effectiveness of these actions. The University is also expecting a follow-up State audit.

Faculty Diversity: Acting Provost Carlson noted that UCOP recently released RFPs for two programs aimed at supporting campus faculty diversity: 1) the 2019-20 “Advancing Faculty Diversity through Improved Climate and Retention” program; and 2) the 2019-20 “Advancing Faculty Diversity Recruitment” program.

- Council members thanked the President for her commitment to faculty salaries. Members encouraged her to support Senate Bill 24, which would ensure access to medical abortion on CA public university campuses, and alerted her to the need to improve the retirement counseling system to reduce wait times and increase opportunities for face-to-face counseling. Members noted concerns about the cybersecurity audit, and about payroll practices that create a fall pay gap at the beginning of the academic year for some graduate student employees.
- President Napolitano noted that the University supports the principle behind SB 24, and has asked the legislature to back up its sponsorship of the bill with a funding commitment. Acting Provost Carlson noted that a UC Path working group is discussing solutions to several issues and problems including those related to graduate student pay.

VII. Election of Senate Representative to UCRS Advisory Board

ACTION: Council selected Professor Henning Bohn of UCSB to serve a second four-year term on the UCRS Advisory Board effective July 1, 2019.

VIII. UCEP Issues

- **Anne Zanzucchi, UCEP Chair**

1. Infringement of Faculty Intellectual Property

Council reviewed a UCEP letter offering faculty options for combatting the illegal posting of their copyrighted course materials via commercial websites. UCEP received advice from the Office of General Counsel that policing course materials is largely a faculty responsibility, as OGC is not authorized to contact companies hosting course materials with a removal request on behalf of faculty. The letter also suggested actions faculty and graduate students can take to reduce the threat of copyright infringement, including placing copyright language on all course documents, and a statement on syllabi that selling or sharing course materials violates UC policy and the Student Code of Conduct. UCEP would like the information distributed to campuses as recommendations. UCEP also suggested that the systemwide Senate issue a resolution calling on the administration to work with the faculty on a plan to protect course materials.

- Council members agreed that faculty and students should be better informed about the problem, and its legal, UC policy, and student conduct policy implications. Council members would encourage faculty to include boilerplate language on syllabi informing students about these issues, and suggested that UC develop a mechanism to enable faculty to easily request

removal of their intellectual property from commercial websites, or a website to serve as a home for such a request form. Finally, they agreed that UC should update its 2005 policy on the Use of Recordings of Course Presentations and other relevant policies to specifically address the rise of commercial course material sharing websites.

ACTION: Council will recommend that UCOP revise the 2005 copyright policy.

2. ILTI Cross Campus Enrollment System and Data

UCEP has been investigating barriers to UC students' ability to enroll in and gain credit for systemwide online courses offered at another UC campus. In June 2018, the Council endorsed a UCEP recommendation for a "student friendly" petition process to address and track cases in which UC students are "dropped" from enrollment in a systemwide online course. UCEP and the Innovative Learning Technology Initiative (ILTI) spent the past year examining enrollment data and created a catalog of issues and problems related to students' decisions to drop systemwide online courses. UCEP found that most problems do not relate to policy, which makes a petition process both burdensome and unnecessary. UCEP recommends that ILTI prioritize creating a taxonomy (based on this initial work to group actions) for its cross-campus enrollment system to organize and classify student enrollment actions, particularly the early phases of enrollment such as prerequisite communications.

ACTION: Council endorsed UCEP letter and will forward it to ILTI via the Provost.

3. Senate-Administrative Study of Fully Online Undergraduate Degrees

UCEP sent Council a letter suggesting general themes, principles, and questions for a joint Senate-Administrative work group to consider regarding UC's possible engagement with fully online undergraduate degrees. These include the essential values and experiences for UC undergraduates; the connections between UC's identity as a public research university and undergraduate learning; the extent to which exposure to social and intellectual diversity and in-person education are defining features of the student experience; the potential role of UC Extension; and student experiences reported in systemwide surveys. The goal is to help establish common values for maintaining UC's educational mission, student success, and degree quality as a basis for policy recommendations.

- Council members agreed that the work group should consider questions about UC's fundamental academic values and principles in relation to fully online degrees, before exploring financial issues and implications.

IX. BOARS Recommendation to Eliminate the SAT Writing and ACT Essay as Admissions Requirements

- **Eddie Comeaux, BOARS Chair**

Chair Comeaux noted that the SAT Writing/ACT Essay requirement has been an ongoing topic of discussion at BOARS. The committee found that no UC campus uses the tests in admission decisions, and that UC campuses represent 9 of the remaining 12 American institutions that still require one of the tests. The requirement has become a time and cost burden for students.

Chair May noted that Council has charged the Standardized Testing Task Force (STTF) with reviewing the role of standardized testing in UC admissions, and ideally, policy questions about the SAT Writing and ACT Essay should be coordinated with the STTF's review. It was also

noted that international students can demonstrate English proficiency through one of the writing tests, and that UCOPE has suspended the use of the tests to satisfy the UC Entry Level Writing Requirement. BOARS has requested data from the College Board and UCOP to better understand the incremental utility of the two writing tests.

ACTION: Council members agreed that Council should act in response to BOARS' recommendation and request for a fall 2019 systemwide Senate review.

X. Systemwide Review of UC Sacramento Center Current State Assessment Report

Council reviewed comments from Senate divisions and systemwide committees to the State Assessment Report for the UC Center in Sacramento (UCCS). Council members agreed that UCCS is a great asset to the UC system and they supported the proposals in the Report for stabilizing and strengthening UCCS' financial and administrative structures to help it remain a strong and effective systemwide academic program. Council members also expressed support for increasing the systemwide character of UCCS, and for increasing its graduate student participation and graduate fellowship support.

ACTION: Council will send a letter to Provost Brown summarizing comments.

XI. Systemwide Review of APM 011

Council reviewed comments from Senate divisions/committees to the new APM 011, proposed by the Joint Task Force on Scholarly Obligations and Protections for Non-Faculty Academic Appointees. Chair May was co-chair of the Joint Task Force and recused himself from the discussion. The policy commits UC to recognizing the professional standards and responsibilities of non-faculty academic appointees who contribute to the UC academic mission, and to ensuring those standards are respected. It clarifies that academic freedom protections in APM 010 adhere to faculty who engage in teaching and research and who are obligated by the commensurate responsibilities outlined in the Faculty Code of Conduct. Finally, the policy outlines grievance procedures for non-faculty academic appointees who allege violations of APM 011.

- Council members supported the goals of APM 011. However, they also noted that the list of 61 job titles in APM-112-4(b) to whom academic freedom would be extended may be overly broad. There were concerns about an increased workload for campus Privilege and Tenure Committees, given that the policy would make P&T responsible for the adjudication of academic freedom grievances within a new population of individuals in those titles. Council encouraged the Task Force to consider a more restricted list of titles, and also supported a recommendation that UC vet the norms and values of external professional organizations before recognizing them as a standard, to ensure their values align with UC. It was agreed that Council would request clarifications and a second review of the policy.

ACTION: Council will send comments to the Task Force through Vice Provost Carlson.

XII. Draft Statement on Racialization of "Academic Espionage" Concerns

Council reviewed a statement drafted by UCSC Chair Lau expressing concern about the increasingly racialized ways that scholars and students from specific countries and of specific ethnicities are being targeted as potential threats in national conversations about academic espionage. Two bills recently introduced in Congress seek to address foreign espionage targeting academic research; and one would subject students from China, Iran, and Russia working on

“sensitive research projects” to additional background checks. Chair Lau’s statement acknowledges the real threats from foreign government and entities, but notes that there are existing mechanisms to safeguard research and national security and that new restrictions will hurt the international research collaborations and open exchange of information that drives innovation.

- Council members expressed strong support for the statement and also agreed to consider ways to better maximize its public impact and the impact of similar Council statements through, for example, opinion pieces in national publications.

ACTION: Council endorsed the letter for transmission to the President and Chancellors, pending final wordsmithing.

XIII. Medicare Advantage Plan RFP

- **with Lori Lubin, Chair, UCFW Health Care Task Force**

UCFW-HCTF Chair Lubin joined Council to discuss the decision just announced by the President that UC will issue an RFP to replace the Health Net Seniority Plus Plan with a Medicare Advantage PPO Plan. Chair Lubin noted that the replacement of Health Net was one of four options considered by the Health Benefits Advisory Committee, which had two Senate representatives. The HCTF has been following the RFP process. It generally agrees with the decision to replace Health Net, but was mixed on the other options, and shares concerns expressed by retirees that replacing the plans could affect the quality and cost of benefits. HCTF has raised the possibility of banking the cost savings to help keep premiums constant. HCTF will be requesting data on the effect of the first year of the Medicare Advantage program.

XIV. UCFW Letter on APM 285 Implementation Guidelines

- **Sean Malloy, UCFW Chair**

Council reviewed a UCFW letter encouraging UC to issue clarifying implementation guidelines for the teaching obligations of Lecturers with Security of Employment (LSOEs or “Teaching Professors”). Revisions to APM 285 approved last year increase expectations for LSOEs’ professional and scholarly activity. Although the APM recognizes that LSOEs are expected to teach more than ladder-rank faculty, there is concern that no upper limit has been defined for their teaching obligations and that some LSOEs are being assigned teaching loads equivalent to those of Unit 18 Lecturers.

- Council members agreed that it is important for administrators to treat the LSOE series in accordance with the APM, and to ensure that the series is used consistently across departments and campuses.

ACTION: Several Council members will work together to craft a stronger and more comprehensive statement and recommendation based on the UCFW letter.

XV. Cohort-Based Tuition

Council reviewed a proposed model for a cohort-based tuition pricing plan that guarantees entering UC undergraduates a tuition level for the duration of their enrollment. The benefits include increased cost predictability for students and families and more stable revenue streams for UC. The model could also be more palatable for Regents who are uncomfortable approving

higher fees affecting currently enrolled students. The UC Student Aid Program would cover the full increase for about 57% of students.

- UCPB Chair Steintrager noted that his committee supports predictable tuition increases in principle, but gave tepid endorsement to the cohort model as a way to help achieve predictable funding for UC. The psychological benefits of a guaranteed tuition model seem clear. However, UCPB is skeptical that Regents or legislators would support annual tuition increases for new cohorts, and it notes that a model locking-in tuition revenue would not respond well to dramatic shifts in State funding. UCPB suggests that any cohort plan should be tied to a contract with the state that guarantees steady inflationary-based funding increases and gives UC an out if the state does not follow through.
- Council members agreed that a cohort tuition plan could help students, particularly underrepresented students wanting to know as much as possible in advance about costs, and would also stabilize revenue streams for campuses. They noted that the proposal should elaborate on the experiences of other institutions with cohort tuition.

XVI. UCORP Principles to Address the Climate Change Challenge

o Andrew Baird, UCORP Chair

Council reviewed a set of principles proposed by UCORP to guide UC’s response to the climate change challenge. The principles state that UC must be an leader in demonstrating carbon neutrality by prioritizing the 2025 Carbon Neutrality Initiative; encourage all faculty and staff to help find solutions to the problem by incorporating climate change and sustainability issues into teaching, research and service; and encourage UCOP to foster multi-disciplinary approaches to addressing and communicating the problems and goals.

- Council members expressed general support for a Council statement on climate change; however, they emphasized that the 2025 Initiative should not be perceived by faculty as a top-down initiative, and should build on existing teaching, research and service efforts on campuses. They suggested that the principles include a more comprehensive discussion about the benefits and shortcomings of those efforts, as well as guidelines for meeting goals.

ACTION: Council will return to a revised principles document at the July meeting.

XVII. UCFW Letter on Senate Bill 24 – “The College Student Right to Access Act”

Council reviewed a UCFW letter urging support for the goals of Senate Bill 24, which would ensure access to medical abortion on CA public university campuses. At a time when reproductive rights are under attack, California can and must be a leader on abortion access.

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

Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Robert May, Academic Council Chair