UNIVERSITY OF CALIFORNIA   **ACADEMIC SENATE**
ACADEMIC COUNCIL

Minutes of Videoconference Meeting
July 22, 2020

I.   Consent Calendar

1. Today's agenda items and their priority
2. Academic Council minutes of June 24, 2020
3. UCB Master of Development Engineering (SSGPDP)
4. UCLA Master of Healthcare Administration (SSGPDP)
5. UCI Pharm.D. (concurrent with School of Pharmacy approved by Council June 24)
6. Simple Name Change: UCLA Graduate School of Education and Information Studies
7. UCOPE recommendation to extend to summer exception allowing a C- to satisfy the ELWR

ACTION: Council approved the consent calendar.

II.   Senate Officers Announcements
   o   **Kum-Kum Bhavnani, Academic Council Chair**
   o   **Mary Gauvain, Academic Senate Vice Chair**

New UC President: The Regents approved the appointment of Michael Drake as the new UC president effective August 15. Dr. Drake began his career as a professor of Ophthalmology at UCSF. He then served as UC systemwide vice president for health affairs, chancellor of UC Irvine, and president of The Ohio State University.

Budget and Borrowing: The University has issued bonds that will raise $2.8 billion in working capital for the University. $1.5 billion of the proceeds will help campuses to bridge costs and revenue losses associated with COVID-19, and $1.3 billion will support capital projects already approved by the Regents.

Cybersecurity: In June, a cyber-attack at UCSF forced the campus to pay over $1 million in ransom to unlock illegally obtained data. The incident led all campuses to reevaluate their cybersecurity protocols. Faculty are encouraged to participate in these discussions through their local and Systemwide Academic Computing and Communications Committees.

LLNL Director: The University has begun a national search for a new director of the Lawrence Livermore National Laboratory. LLNS board chair Regent Zettel will lead the search committee, and Chair Bhavnani will inquire about adding an ACSCOLI member to the committee.

Annual Dinner: Chair Bhavnani announced the annual dinner honoring the outgoing Council Chair and Academic Council, President Napolitano, and the Oliver Johnson Award winners, will be held this evening via Zoom. UC Irvine Professor Michele Bratcher Goodwin will present an address on "Educational Leadership in Times of National Crisis."

III.   Meeting with Student Regent Designate
   o   **Alexis Zaragoza, 2021-22 Student Regent Designate**

Student Regent Designate Zaragoza joined the meeting briefly to introduce herself to the Academic Council. Ms. Zaragoza is a UC transfer student, presently the undergraduate student

representative to BOARS, and has served as student representative to the CCC Board of Governors. Ms. Zaragoza noted her passion for promoting innovation in admissions, advancing equity and the diversity pipeline, and amplifying the voices of all students, particularly those with Native American and Chicana/Chicano backgrounds.

IV. COVID-19 and the Navajo Nation
- ### Sriram Shamasunder, UCSF Associate Professor of Medicine

Council met with Professor Sriram Shamasunder, an associate professor of medicine at UCSF and co-founder and faculty director of HEAL (Health, Equity, Action and Leadership), a transnational, interdisciplinary global health fellowship organization founded in 2015. HEAL trains health professionals to work alongside underserved populations to advance health equity in the Navajo Nation and underserved countries around the world. Since 2015, HEAL has placed 149 fellows and alumni in 19 sites within nine nation states, including the USA. The organization is funded mostly through U.S. government contracts and philanthropy.

Dr. Shamasunder noted that the Navajo Nation has suffered a higher per capita COVID caseload compared to other populations, largely due to structural issues and inequalities, including limited access to healthy food and healthcare resources and multigenerational families living under one roof. Before the onset of COVID, HEAL had 52 fellows and alumni, identifying as both Native and non-Native, placed in the Navajo Nation. In April, he proposed that UCSF send an additional delegation to the Navajo Nation to battle COVID. Since then, more than 40 UCSF nurse and doctor volunteers have served in five of the largest Navajo Nation hospitals in New Mexico and Arizona.

HEAL is considering how it might replicate its fellow model at other UC campuses, how it could establish long-term capacity-building partnerships in impacted communities near UC campuses, and how to encourage and support more first-generation and underrepresented students seeking careers in health equity.

V. UCPT Issues
- ### Nicholas Webster, UCPT Chair

1. Procedural Guidelines for new SVSH Standards of Evidence

New regulations from the U.S. Department of Education require colleges to implement changes to their campus sexual misconduct policies by August 14, including a mandate that colleges use the same standard of evidence for establishing policy violations in instances involving faculty, staff, and students. The University currently uses "clear and convincing" standard for Privilege and Tenure cases involving faculty respondents (outlined in Senate Bylaw 336), and "preponderance of evidence" standard for instances involving student respondents. UCPT is working with UCOP on guidelines that provide immediate policy compliance by August 14, while longer term solutions are discussed. The guidelines will advise parties to present cases to P&T hearing committees using both standards, and ask committees to evaluate cases, writing a report to the chancellor with an analysis that uses both standards.

2. APM 140-23(a), Non-Senate Academic Appointees/Grievances, Filing Deadlines

UCPT asked Council to endorse a recommendation to extend the grievance filing deadline for non-Senate academic appointees outlined in APM 140-23(a). Non-Senate appointees subject to APM 140-23(a) have 30 days to file a grievance from the time they knew, or could reasonably be expected to know, about the event or action giving rise to the grievance, while Senate members

have three years to do so. UCPT recommended extending the deadline to six months to reduce the differential and increase fairness.

ACTION: A motion to endorse the proposed change was made, seconded, and carried unanimously. Council will forward the recommendation to the administration.

3. **University of California Electronic Communications Policy**

UCPT asked Council to recommend a new prohibition in the UC Electronic Communications Policy against the use of University electronic communications resources for "transmitting or distributing sexually explicit material, except as such material relates to University sanctioned work, bona fide scholarship or a legitimate teaching, research, or clinical purpose." Part of the purpose is to protect faculty who use such materials in courses, from SVSH complaints.

➤ Council members expressed concern that what is considered "scholarly" or "legitimate" use of explicit materials is a complicated matter that could easily be misinterpreted or politicized, and suggested that such a provision might be better placed in the section on allowable uses, not prohibited uses.

ACTION: A motion to postpone consideration to next year's Council passed unanimously.

VI. **Report of the Academic Council Teaching Evaluation Task Force**

The Task Force included the chairs of CCGA, UCAP, UCAADE, UCEP and UCFW, and was charged with studying current best practices for student evaluations of teaching, as well as issues of reliability, validity, and bias in student evaluations.

UCAP Chair Gilbert noted that the systemwide UC Centers for Teaching and Learning (CTL) finalized its own analytical report on teaching evaluations at UC campuses in late 2019, and five individual UC campuses are also conducting their own investigations into teaching evaluations. The Council Task Force report includes six recommendations, largely distilled from the CTL and campus analyses. The Task Force understands that the reliability and validity of student evaluations are questionable, due in part to patterns of bias that are a function of instructor gender, race, ethnicity, and other identities. It agrees with the CTL that student evaluations of teaching should be reframed as reports on student "experiences" with teaching, and that assessments of teaching for tenure and promotion should be based on a holistic evaluation drawing on multiple sources of evidence, including student feedback, peer review, and self-assessment. It emphasizes the need for UC teaching evaluations to be transparent and account for bias, and for the UC to support pedagogical development for all faculty who seek it. Finally, it encourages campuses to adopt recommendations best suited to their campus, to educate campus CAPs about issues of possible bias in student evaluations, and to adopt alternative strategies such as assessing the learning outcomes of students in the course.

UCAADE Chair Lynch added that UCAADE would also encourage campuses to take a broad view of systemic, identity-based bias; notes that variation can occur in student evaluations due to the nature of the course; suggests that all students take implicit bias training; and would encourage campuses to think about how to increase student response rates with the goal of increasing validity.

Council approved an amendment to Task Force Recommendation 5, which recommends that campuses identify robust, additional forms of evaluation, such as peer observations and reflective teaching statements for use in faculty assessments.

ACTION: A motion to endorse the report was made, seconded, and passed unanimously. Council will forward the report to divisional Senate chairs for local distribution.

VII.   **Consultation with UC Senior Managers**
  o **Janet Napolitano, President**
  o **Michael Brown, Provost and Executive Vice President, Academic Affairs**

New UC President: President Napolitano noted that she was attending her final Academic Council meeting after seven years as President. She said she has valued her sessions with Council for the wisdom and support provided, and has come to appreciate shared governance as the "special sauce" in UC's success. She said she has had several conversations with Dr. Michael Drake, who is poised to take the helm in mid-August, and who understands and appreciates the role of shared governance at UC.

President Napolitano noted that earlier this year she laid out ten priorities she hoped to accomplish before stepping down from her role as UC president. Although COVID-19 required her to pivot to new priorities, most of the ten have been completed, including a resolution on the issue of standardized testing, a new AFSCME contract, a strong UCM Chancellor, a positive Supreme Court decision on DACA, minimizing potential state budget cuts, a final NAGPRA policy, and the completion of the state audit on undergraduate admissions.

COVID-19: President Napolitano noted that the chancellors are reconsidering fall 2020 plans in the context of the current COVID resurgence in California that experts predict is likely to continue. Most campuses are now expected to start the fall term in a fully distance/remote learning environment. UC Health EVP Byington recently reconvened the Systemwide Testing and Tracing Task Force to provide campuses with updated recommendations for population density; non-pharmaceutical interventions such as masking, distancing, hygiene; education; and mitigation strategies such as screening students, faculty, and staff for symptoms. The California Department of Public Health is also expected to release guidance for higher education that will inform planning.

Immigration: In early July, ICE announced a new policy requiring international students to attend in-person classes or be subject to deportation. Harvard and MIT quickly filed lawsuits challenging the policy, and UC and other institutions also by announced their own plans to sue the government. It is thought that this combined pressure forced ICE to rescind the policy.

Title IX: On May 6, the U.S. Department of Education issued new Title IX regulations detailing how schools must respond to complaints of sexual harassment and sexual violence. The regulations require changes to UC's SVSH Policy and related student, staff, and faculty frameworks. President Napolitano has asked the Academic Senate to work with the systemwide Title IX office to ensure compliance by the August 14 deadline, as well as longer term solutions for the apparent conflict in evidentiary standards between UC policy and Senate bylaws.

Regents Meeting: The July meeting will include updates on COVID-19 impacts, collective bargaining matters, the annual UC Accountability Report, and the Thirty-Meter Telescope project. The Regents will also discuss the Report of the Working Group on Chancellor Search and Selection; UC community safety and policing; and approve a 2020-21 budget for UCOP.

- Council members asked President Napolitano for her thoughts on the Report of the Regents' Working Group on Chancellor Search and Selection, noting that the proposed changes will diminish the role of the faculty and president in chancellor searches. They asked her to comment on potential layoffs and furloughs, and expressed concern about possible student mental health issues associated with single occupancy dorms. Finally, they thanked the president for making a good faith effort to close the faculty salary gap while staying true to the principle of the UC salary scales, and encouraged senior managers to heal the wounds from the graduate student wildcat strike by reinstating dismissed students.

- Chair Bhavnani thanked President Napolitano for her service to the University, her respect for shared governance, and her commitment to issues such as food security; climate change and decarbonization; undocumented students and DACA; SVSH prevention and anti-racism; Open Access; faculty salaries; Diversity, Equity and Inclusion; and investment in DEI programs like the President's Postdoctoral Fellowship Program. Chair Bhavnani also noted that the President's even temperament and sense of humor helped UC stay the course in a difficult and challenging year.

President Napolitano noted that the Regents want to increase their involvement in chancellor searches, but it is unclear if there is a problem to be solved, or, indeed, how they would improve the current process, as the diversity and quality of chancellors chosen during her presidency has been impressive. She said the faculty role in chancellors' searches is incredibly important, and if anything, that role should be strengthened.

Regarding furloughs, the President noted that individual chancellors can implement layoffs, voluntary separation incentives, and other actions that do not impact the UC Retirement System or other systemwide structures. However, furlough and salary reduction programs must be adopted on a systemwide basis, and only after a declaration of financial emergency approved by the Regents. In general, chancellors are confident they can manage the current crisis without resorting to such measures; however, those circumstances could change, and UCOP is engaging in contingency planning, which includes modeling a possible furlough program for January 2021 implementation. The consultation process will include Senate representation.

She noted that double occupancy dorm rooms will not be feasible in fall 2020, and that the Office of Student Affairs is crafting programs to increase student community and connection to offset possible isolation of students. The University will also increase resources for student behavioral health. She added that UC will soon announce a settlement for the graduate students involved in the wildcat strike at UCSC.

Finally, President Napolitano noted that she plans to join the UC Berkeley Goldman School of Public Policy as a faculty member, where she hopes to establish a Center for the Study of Security in Politics.

Provost Brown praised President Napolitano for her commitment to improving the faculty salary scales, and her support for graduate education, faculty diversity, and the UC 2030 plan. He asked the Senate to work with him to ensure that UCOP cuts are strategically prioritized to protect the academic mission. He thanked the Senate for its help on the NAGPRA policy, and noted that he is finalizing the membership and scope of the standardized testing feasibility study work group, which will be Senate led and have significant Senate representation.

VIII. Executive Session

ACTION: Council will approve over email a letter summarizing views on the Report of the Regents' Working Group on Chancellor Search and Selection.

IX.   First-Year Report of Faculty Diversity Task Force
   o   **Kimberly Lau, Chair**

Council reviewed the final first-year report of the Extending Faculty Diversity Task Force (EFDTF), which focused on the retention of diverse UC faculty through a network of interlocking programs that collectively offer opportunities for faculty self-determination and self-efficacy, intellectual engagement and support, and leadership development and institutional change. In May, Council voted to extend the Task Force for two additional years.

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

X.   Online Undergraduate Degree Task Force
   o   **John Serences, Chair, OUDTF**

Chair Serences noted that the Task Force was formed in response to a "first of its kind" proposal from UC Irvine in 2018-2019 for an entirely online degree program in business administration. The charge was to examine the implications of possibly creating full-time, online, undergraduate degree programs at UC. The report of the Task Force provided three distinct policy options with the strengths and weaknesses of each, and requested a systemwide Senate review of the options.

➤ Option 1 (UC-Quality On-campus Degree) would prohibit fully remote undergraduate degree programs and require at least one-third of all major units and also one-third of total units to be earned in non-remote courses;
➤ Option 2 (UC-Quality Remote Degree) would support the formation of entirely remote degree programs, but require that programs meet all ordinary expectations for a UC degree;
➤ Option 3 (Instruction-Only Remote Degree) would allow fully remote degree programs that satisfy the same coursework expectations as UC's face-to-face programs, but may not guarantee equivalent out of classroom opportunities.

Chair Serences added that the Task Force concluded that offering high-quality remote degree programs under Options 2 and 3 would require a substantial investment to build the required infrastructure, along with sustained increases in funding for more faculty and staff to design, implement, and update content. He noted that the Task Force will dissolve by end August 2020, and suggested that the 2020-21 Council ask UCEP to review the comments that will be offered by a systemwide review of the Task Force's report.

ACTION: The report will be circulated for systemwide Senate review in the fall.

XI.   Meeting with President-Designate Drake

Council members introduced themselves as they welcomed President-Designate Michael Drake back to the University. Dr. Drake noted that he has had a great working relationship with the Academic Senate throughout his career at UCSF, UCOP, UCI, and The Ohio State University. One of his main initial concerns as an incoming president will be to address challenges related to COVID-19, including safely populating campuses in the fall, ensuring equity of access to technical resources for remote instruction, and ensuring a working-teaching-learning flexibility for students, faculty, and staff to preserve educational and research quality. Dr. Drake plans to seek federal relief funding to support the University's education, research, and health care missions. In addition, he will draw upon the recently invigorated energy for equity and inclusion

into effective solutions for the future that will ensure access, affordability, and excellence are at the center of all that is done by the University. President-designate Drake noted that the topic of police, security, and safety is a major societal concern and expressed support for reimagining campus security by focusing on community safety and de-escalation strategies from the police. While his personal experiences with campus police forces have generally been good, he mentioned his own troubling encounters with municipal police forces. He added that he is committed to ensuring the protection of the planet through tackling climate change and promoting environmental sustainability.

XII.   Resolution on Fossil Free Commercial Banking Vendors

Council reviewed a resolution supported by UCPB and UCFW. The resolution notes that the University currently uses three commercial banking vendors that have among the worst environmental records and lending policies. It asks the University to issue an RFP for new banking vendors that includes a criterion for eligible institutions to adhere meaningfully to Environment, Social and Governance (ESG) principles.

ACTION: A motion to endorse the resolution was made, seconded, and passed unanimously. The request will be sent to the Office of the CIO.

XIII.   UCFW Items
   o **Jean-Daniel Saphores, UCFW Chair**

1.   Increasing Transparency of UCRS Funds Invested in Fossil Fuels

Council reviewed a letter from UCFW noting that the University has divested the endowment and pension fund of fossil fuel holdings, but has not done so for managed funds in the UC Retirement Savings Plan, including the 403b and 457b Plans, the Defined Contribution Plan, and the pathway/target date funds. UCFW suggested Council support a request to the Chief Investment Officer to remove fossil fuel investments from those core UC-managed funds. It was acknowledged during the discussion that a number of other university constituencies must be consulted by the Office of the CIO before action could be taken.

ACTION: A motion to approve was made and seconded and passed unanimously. The request will be send to CIO Bachher.

2. Next Steps for Policing

Council reviewed a UCFW letter offering a list of questions to guide future campus discussions on campus policing. UCFW requests an analysis of campus emergency calls, whether police response was appropriate in such instances; listening tours on campus policing; and the addition of policing/safety questions to campus climate surveys.

➢ Individual Council members expressed concern that the letter was inconsistent with, and could undermine, the recommendations for UC Policing Council passed in June. Other Council members emphasized that Council was not unanimous in support of the June recommendations. Chair Saphores noted that UCFW did not intend to undermine Council's recommendations and based its recommendations on input from diverse policing experts.

ACTION: A motion to send UCFW's letter back to UCFW for further revision failed (7 supported, 10 opposed, 2 abstentions).

XIV. Guidelines for Disciplinary Sanctions

Chair Bhavnani noted that the University has released a draft Guidelines document 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 is expected to go to Management Review at a future date. After the May Council meeting, Chair Bhavnani had invited Senate divisions and committees to submit comments.

➢ Individual Council members observed that the best practices were vague, and questioned whether they met the original goals to encourage more transparency and consistency in sanctioning guidelines across campuses, and to have more transparency in sanctioning outcomes. Members asked that the 2020-21 Council to review the next version of the Guidelines, that will incorporate comments from the Senate and others.

ACTION: Chair Bhavnani will share the comments with the Task Force.

XV. ILTI Course Offerings During Summer and Fall 2020
   o **John Serences, Chair, UCEP**

Council reviewed a letter from UCEP alerting campuses to its concerns about the long term implications of a proposal from the Innovation Learning and Teaching Initiative (ILTI) to make online course packages available for use by instructors who had not developed the course. UCEP agreed that the proposal might be a good use of resources during the COVID emergency, but adopting it on a grand scale over the long term could undermine UC educational quality. Such practices could also undermine the authority and responsibility of instructors. UCEP encourages a careful and thoughtful approach to any expansion of remote and online instruction.

ACTION: Council will forward the UCEP letter to Senate divisions.

XVI. Systemwide Review of Proposed Revised Presidential Policy on Seismic Safety

Council reviewed comments from Senate divisions and committees to the proposed revised Presidential Policy on Seismic Safety. Reviewers recommended several additions and clarifications to the policy that acknowledge the need for campuses to implement regular seismic awareness education programs and training protocols; address potential conflict of interest in bids for seismic work; and reduce the time people are allowed to use UC facilities that have lower Seismic Ratings. Council members wondered if UC is holding itself to higher seismic standards than strictly necessary.

ACTION: Council will forward the comments and a summary letter to UCOP.

XVII. New Business

UCFW Letter on Home Buying Assistance

ACTION: The letter will move forward to the 2020-21 Council.

Meeting adjourned at 4:30 pm
Minutes prepared by Michael LaBriola, Principal Committee Analyst
Attest: Kum-Kum Bhavnani, Academic Council Chair