

## ACADEMIC COUNCIL

## Minutes of Meeting

July 24, 2019

**I. Consent Calendar**

1. Today's agenda items and their priority
2. Draft Academic Council Minutes of June 26, 2019
3. UCLA Herb Alpert School of Music proposed Bachelor of Music in Music Performance (first of its kind)

**ACTION: Council approved the consent calendar.**

**II. Senate Officer Announcements**

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

Elsevier Update: After Elsevier begin limiting UC's access to new journal articles on July 10, the Senate released a [statement](#) asking all UC stakeholders to support UC's negotiating position by not re-subscribing to Elsevier journals on an individual basis and instead supporting the UC libraries' plan for alternative access to journals. Chair May and Vice Chair Bhavnani also plan to author an op-ed emphasizing the UC faculty's support for the librarians.

July Regents Meeting: In his [remarks](#) to the Regents, Chair May announced the results of the [Senate Memorial](#) on divestment from fossil fuels. The chair of the Investments Committee responded in a letter, which noted that the Regents are committed to continuing on a glide path to zero investments in the Carbon 200 by January 2020. The Regents also expressed interest in further discussion of a cohort-based tuition pricing plan. The Regents did not approve a plan to ramp-up the UCRP employer contribution rate by 2%, proposed in response to revised actuarial assumptions for UCRP following an experience study. Instead, they expressed interest in studying alternatives, including those involving higher employee contribution rates. TFIR does not believe the University can rely on additional borrowing to meet the Annual Required Contribution, and sees a strong case for increasing employer contributions. The Regents also convened the Special Committee on Basic Needs to discuss a plan for distributing \$15 million in new state funding to campuses in support of student food and housing insecurity.

**ACTION: Council will send the president a letter commending the Regents for responding affirmatively to the Memorial, and urging her to make a public statement.**

UCI Online Degree: In May, UCEP and Council responded to a UCI School of Business proposal for a fully online undergraduate degree in Business Administration for transfer students, by recommending that the School of Business first gather data about the success and experience of online students through expanded offerings of online courses in tandem with face-to-face courses in the existing program. The School has responded, noting that it secured resources to double the enrollment of transfer students, who will be given the opportunity to enroll in online courses in the major.

SB 24 and Access to Medical Abortion: A UCFW-HCTF letter urges support for Senate Bill 24, proposed by the legislature to require all California public universities to provide medication abortion services at student health centers. The letter notes that UCOP is overestimating costs

associated with the services; that the additional security measures envisioned are unnecessary and send the wrong signal; and that UC medical centers which currently provide medication abortions do not employ those security measures. Chair May and Vice Chair Bhavnani have encouraged the president to have a program in place by fall 2019.

Support for Baki Tezcan: A UC Davis faculty member was arrested in Turkey after signing a petition criticizing the Turkish government. Council agreed that it should issue a statement in support of Professor Tezcan and defending his and other Turkish academics' right to free speech.

**ACTION: Council will issue a statement in support of Professor Tezcan.**

Faculty Salaries: Council reviewed a letter thanking the president for approving a 4% increase to faculty salaries effective October 1. The letter assumes that the three-year plan to close the 8.4% UC faculty salary gap will be extended to four years, with 2019-20 being the second year. It encourages UCOP to make adjustments to the scales over the next two years sufficient to eliminate the remaining gap; to carefully analyze the level of increases to the scales needed, to insure they materially erode the gap; and to include faculty salary adjustments in the initial UC budget for 2020-21

**ACTION: Council approved the letter pending final wordsmithing.**

Mauna Kea Protests: Native Hawaiians are protesting the proposed construction of the Thirty-Meter Telescope (TMT) on Mauna Kea. UC is a partner in the project with Caltech. Several Council members expressed support for issuing a statement against the use of military-style policing and excessive force on the protestors (without weighing in on the merits of the TMT itself). Several Council members agreed that the treatment of protestors does not fit with UC values, especially given UC's new Native American Advisory Council and its efforts to update the University's NAGPRA policy and renew UC's focus on other issues important to Native American communities. Other members noted that the Hawaii Supreme Court has approved the project and expressed concern that some might construe the statement as opposing the TMT.

**ACTION: Council agreed to empanel a subgroup to draft a statement for Council's review.**

### **III. UCAADE Recommendations for Equity Advisor Programs at UC**

#### **o Lok Siu, UCAADE Chair**

UCAADE has revised its best practice guidelines for existing and developing campus Equity Advisor (EA) programs to incorporate Council member suggestions from June. The guidelines now include more detail about administrative reporting and accountability expectations; EA program authority, scope, selection, compensation, assessment; and Senate involvement. In addition, UCAADE separated EA expectations into required and recommended roles, and recommended as baseline composition for EAs the equivalent of one-ninth summer salary and one course relief.

Council agreed that existing and emerging EA programs should adopt the recommendations. Members endorsed the addition of language recommending that EAs consult with relevant department and College/School administrators to develop a timeline and accountability structure for strategic diversity planning. A member suggesting a revision to language addressing the authority of EAs to modify search plans.

**ACTION: A motion to approve the recommendations pending revised wording concerning the authority of EAs over search plans was made, seconded, and passed 18 to 1.**

#### **IV. Consultation with UC Senior Managers**

- **Janet Napolitano, President**
- **Susan Carlson, Acting Provost**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

Regents Meeting: The Regents approved the appointment of Dr. Carrie Byington as the next executive vice president for UC Health, approved the UCOP budget, and received briefings on the [2019 UC Accountability Report](#) and the UC Division of Agriculture and Natural Resources. The Regents began a discussion about a potential move to a cohort-based tuition model. A working group of regents, chancellors, students, and including Vice Chair Bhavnani will discuss next steps and a possible plan for 2020 implementation. UCOP will be modeling options for Regents who expressed interest in increasing the UCRP employee contribution rate rather than employer contributions, to address changes in UCRP funded status.

Fossil Fuel Memorial: President Napolitano acknowledged the Senate's Memorial on fossil fuels, noting that about 1%, or \$105 million, of UC's General Endowment Pool is invested in public equities that are part of the Carbon 200, and that UC has been selling its holdings and avoiding any new investments in fossil fuels.

Open Access: The Regents received an update on the current state of negotiations with publishers, and Elsevier's shut off of access on July 10. The California Digital Library and the UC Libraries have posted an [explainer](#) web page with information about alternative access to journal articles, and they are working hard to ensure faculty have timely access to those articles.

Legislation: President Napolitano announced her decision to implement the provisions of SB 24 (College Student Right to Access Act). She noted that UC is monitoring ACA 14, a constitutional amendment to prohibit UC from using contract labor to perform support services, and SB 14, a proposed General Obligation Bond that will soon head to the Governor's desk.

Retiree Health: UC has awarded United Healthcare the contract to replace the Health Net Seniority Plus Plan with a Medicare Advantage Plan for 2020, as recommended by the Health Benefits Advisory Committee.

Disciplinary Standards Task Force: Chair May and UCLA Chancellor Block will co-chair a joint task force charged with establishing best practices for chancellors when assigning discipline to faculty for conduct violations involving but not limited to SVSH.

Student Pay Working Group: A working group is developing recommendations for improving how UC pays student employees, particularly those paid from multiple sources through UC Path. One recommendation is to move all students to a standard bi-weekly pay cycle by 2020.

Immigration: On July 14, the University released a statement noting that it will not be a willing participant in immigration raids and will stand by the privacy and civil rights of its undocumented community. The Supreme Court will hear oral arguments in the legal battle over DACA on November 12.

Library: the UC libraries are collaborating on a systemwide integrated library system (SILS), which will enable access to the library catalogs of all UC campuses. An RFP will be released for a vendor, with some costs funded centrally.

Gender ID: The University is adding to several systems the option for individuals to identify as non-binary. In addition, President Napolitano has asked staff to develop a policy on gender representation and preferred names that will be released for systemwide review.

- Council members raised concerns about the militarized policing tactics being used in protests against the TMT in Hawaii, and suggested that UC open a dialogue with native Hawaiians through the UC Native American Advisory Council. UC leaders noted that there has been extensive outreach to Native Hawaiians on the TMT over the years. UC and other institutions involved in the project hope a resolution can be reached that addresses cultural concerns and respects the rule of law. Authorities in Hawaii are taking the lead in efforts to engage with the protestors. The protests are a flashpoint for 125 years of mistreatment.
- Council members also expressed support for the administration's recommendations for addressing revised actuarial assumptions for UCRP; thanked the president for her support of negotiations with Elsevier, the Memorial to the Regents, and climate change efforts; and expressed concern that some LSOEs are being assigned inappropriately high teaching loads inconsistent with APM 285.

**V. Standardized Testing Task Force (STTF) Update**  
○ **Henry Sanchez, STTF Chair**

In July 2018, President Napolitano asked the Senate to examine the University's use of standardized testing for admission; review the [testing principles](#) developed in 2002 by BOARS and [revised](#) by BOARS in 2010; and determine whether changes to policy or practice are needed. Chair May empaneled the STTF in early 2019 and charged it to consider whether UC and its students are best served by UC's current testing practices, a modification of current practices, another testing approach, or the elimination of testing, and to develop a set of actionable recommendations to BOARS and the Council. STTF Chair Sanchez presented the STTF's interim report, which included the following highlights from the STTF's first five meetings:

- Review of a "Validity Study" produced by UCOP on the relationship of the SAT/ACT to college preparation and performance at UC.
- Meetings with ACT and the College Board to discuss 1) test design, predictive validity research, non-cognitive measures, educational environment, and limitations for various test-takers; 2) testing agencies' efforts to address disparate outcomes associated with socioeconomic status and race/ethnicity; and 3) recommendations to institutional users for addressing disparities.
- A meeting with Saul Geiser, a Senior Research Associate at the Center for Studies in Higher Education, to discuss his research on the use of standardized testing in higher education, the role of race/ethnicity and socioeconomic status in SAT/ACT outcomes, and the advantages/disadvantages of "criterion-referenced" achievement tests and "norm-referenced" tests.

As next steps, the STTF plans to meet with the nine campus admissions directors to learn more about how tests are used by individual campuses; with representatives from the Smarter Balanced Assessment Consortium to discuss the potential utility of the 11th grade assessment for admissions; and with additional experts in the field.

BOARS Chair Comeaux and UCEP Chair Zanzucchi, who both sit on the STTF, added that the STTF is interested in exploring alternative measures that may explain and predict student success, including those that incorporate psychosocial and non-cognitive factors and that

emphasize a broader definition of success by incorporating longer term and post-graduation outcomes. Chair Sanchez added that he supports a systemwide review of BOARS' proposal to eliminate the SAT Essay/ACT Writing requirement. President Napolitano attended Chair Sanchez's briefing, and encouraged the STTF to set a timeline and work as quickly as possible toward a well-grounded, supported and thoughtful recommendation.

## **VI. Avoiding Inequities in Implementation of APM 285**

Several Council members drafted a letter elaborating on concerns expressed in an earlier UCFW letter about the teaching obligations of Lecturers with Security of Employment (LSOE). Revisions to APM 285 approved last year increase expectations for the professional and scholarly activity of LSOEs. While APM 285 recognizes that LSOEs are expected to teach more than ladder-rank faculty, it does not define an upper limit for their teaching obligations, and some LSOEs are being assigned teaching loads equivalent to those of Unit 18 Lecturers. The letter asks the Provost to issue immediate guidelines clarifying that LSOEs should not be treated as replacements for Unit 18 lecturers in terms of instructional workload. The letter also requests additional revisions to APM 285 clarifying that LSOE faculty should have an upper limit on instructional workload that places them below that of a Unit 18 lecturer.

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

## **VII. Cybersecurity Audit**

- Alexander Bustamante, Senior Vice President/Chief Compliance & Audit Officer, Ethics, Compliance & Audit Services (OECAS)
- Maryann Martone, UCACC Chair (Zoom)

Council invited SVP Bustamante to discuss his request for access to FireEye web portals on the ten campuses as a part of a cybersecurity "audit" of network traffic. The announcement has raised privacy and network control concerns on some campuses. SVP Bustamante noted that the audit will assess risks to networks from outside intrusive and criminal activity, and evaluate options for preventing attacks. He said the audit function of his office is an independent arm of UCOP that reports directly to the Regents, outside of the shared governance mechanism. Campus audit directors report to the systemwide office, which has the authority to initiate audits based on risk assessments in consultation with the Regents. He said he understands and respects faculty concerns about privacy, but the audit will not enable or permit access to personal data or email. OECAS will outline a management solution to each issue identified and will help campuses work through problems. He wants to increase engagement with UCACC and other Senate committees on issues in his office's scope of influence, and would welcome Senate input about how to better approach and communicate the issues.

- Council members noted that the term "audit" conjures up negative images; in the interest of transparency, UCOP should provide a clearer grammatical framing of the issues, when possible. Members also expressed concern that the audit's limited scope could change over time and take the form of persistent monitoring rather than a one-time activity. They also requested more substantial consultation, and suggested that UCOP provide an annual report of any issues identified and addressed by the audit.

## **VIII. Student Course Evaluation Task Force**

- Dan Farber, UCAP Chair
- Anne Zanzucchi, UCEP Chair

In March, Chair May approved a Senate task force with representatives from UCAP, UCAADE, UCEP, UCFW, and CCGA to discuss issues of reliability, validity, and bias in student evaluations, determine the scope of any problems, and recommend remedies. The Student Course Evaluation Task Force co-chairs sent Council a letter summarizing its initial evaluation and additional recommendations for the scope and organization of the Task Force, which includes reconstituting it to include individuals with specific subject-matter expertise, and developing a more comprehensive change that includes a study of best practices for teaching and teaching evaluations and how to align them with the UC personnel process.

**IX. SSGPDP Review Update**

- **Jim Steintrager, UCPB Chair**
- **Onyebuchi Arah, CCGA Chair**
- **Dan Farber, UCAP Chair**

In fall 2018, Chair May asked UCPB, CCGA, and UCAP to lead an evaluation of the self-supporting graduate and professional degree (SSGPDP) program, focused on its overall success and effectiveness; impact on educational goals, budgets, state-supported programs, faculty effort, diversity, and the academic personnel review process; the extent to which SSGPDPs are appropriate in a public university; and how the systemwide review process has improved proposed SSGPDPs. The committees sent Council an interim report on their efforts to date. The report notes that the committees developed a survey on SSGPDPs for distribution to campuses. However, as UCI had just assembled a task force to review SSGPDPs, they decided to pilot the survey at UCI with the help of staff there. The results of the survey became available in June.

The review found that good data are still lacking for the 13 SSGPDPs at UCI that started more recently, including data on student outcomes and the use of specific revenues from SSGPDPs. It found that some programs are generating healthy revenues, while others are operating in a deficit, and that many programs draw on faculty who teach on an overload basis to mitigate impacts on state-supported programs. The report recommends that campuses begin tracking data on the use of SSGPDP revenues; how SSGPDPs maintain academic quality on par with state-supported programs; the ratio of ladder-rank faculty teaching done on-load or overload; diversity, access, and student learning outcomes; and the role of SSGPDPs in the academic review and merit system. CCGA is also collating completed program reviews of approved SSGPDPs to further analyze trends. The committees will continue and complete their review in the new academic year.

**X. Collecting Data from Medicare Advantage PPO Transfer**

As announced in June, the University will issue an RFP to replace the Health Net Seniority Plus Plan with a Medicare Advantage PPO Plan. Council reviewed letters from UCFW and its Health Care Task Force asking UC to collect and analyze data from the experience of the conversion, and that any changes to Medicare plans UC offers to retirees be accompanied by a targeted and purposeful data collection effort.

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

**XI. State Assessment Report on the UC Research Grants Program Office (RGPO)**

Council reviewed comments from Senate committees and divisions to the State Assessment Report on the RGPO, which oversees a research grant-making portfolio that includes State-sponsored research programs and UC-sponsored research initiatives,. The Report recommends maintaining RGPO's UCOP administrative home, identifying new funding streams to counterbalance diminished research support, including expanding RGPO's scope to grant-making for non-research related activities; reorganizing RGPO's internal organizational and staff structure to improve efficiency; and implementing other improvements to increase the accountability and transparency of RGPO's operations and finances. Senate reviewers endorsed many of the recommendations to the extent that they support the RGPO mission and maintain RGPO as a vibrant resource for the research needs of all UC faculty. This included support for recommendations to maintain RGPO at UCOP, to reorganize its staffing and focus to become more flexible, accountable, and effective, to make the RGPO and its services more inclusive of disciplines and campuses, and to increase funding to the MRU/MRPI programs.

**ACTION: Council will send a summary of comments.**

## **XII. Final Report of Non-Discrimination in Healthcare Task Force**

### **o Shane White, NDHC-TF Chair**

Earlier this year, Chair May asked the UCFW Health Care Task Force (UCFW-HCTF) to make recommendations about UC's relationships with external healthcare providers that may potentially conflict with UC's values, public trust, mission, and/or policies on non-discrimination. The HCTF formed a Non-Discrimination in Healthcare Task Force, led by former Council Chair Shane White. In May, Council endorsed the Task Force's Interim Report. The Task Force has now released its final report, which more fully explores strategies to avoid or minimize conflicts and their consequences, and proposes principles to avoid discrimination in healthcare and to guide the formation of relationships with sectarian organizations and institutions. The report makes the following conclusions:

- The mission, values, and policies of the University of California are in conflict with the use of religious belief or doctrine that restricts, or expands, healthcare in discriminatory ways.
- Discriminatory practices based upon religious or other sectarian belief may pose harm to the delivery of healthcare, teaching, and research by UC.
- Subjection of faculty members and their students to restriction through discriminatory practices, based upon religious or sectarian belief, is contrary to academic freedom.
- UC should avoid an entity such as a corporation, partnership, limited liability company, or joint venture, or other forms of close legal affiliation, with any external entity that exercises discriminatory policies in healthcare.
- Business agreements with external entities that exercise discriminatory policies should be avoided unless overwhelming evidence as to the greater common good is found to reach a high bar. Should such a bar be reached, a set of clearly precepts, described in this report, must be realized before a business agreement is entered.

**ACTION: A motion to endorse the report and forward it to the President, pending an expanded executive summary, was made, seconded, and passed unanimously.**

## **XIII. Canary Mission (Broader Statement)**

In follow up to Council's July 8 letter concerning Canary Mission, a Council subgroup has drafted an expanded statement covering other groups and websites that engage in harassment.

**ACTION: A motion to support the statement and ask the administration to endorse it as a joint statement was made, seconded, and passed unanimously. There was one abstention.**

#### **XIV. Improving the Effectiveness of the Assembly**

Council members suggested ways to improve the effectiveness of the Assembly of the Academic Senate, and its meetings. For Assembly meetings held in a videoconference format, the suggestions included abolishing the roll call and introducing electronic voting; encouraging more organized discussion and Q&A during meetings; using the listserv to facilitate pre-meeting discussions; and encouraging Assembly representatives to meet as a group at their respective divisions. In addition, it was suggested that the Senate find funding for at least one in-person meeting of the Assembly each year, featuring a state of the university speech by the president.

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Meeting adjourned at 4:15 pm  
Minutes prepared by Michael LaBriola, Principal Committee Analyst  
Attest: Robert May, Academic Council Chair