

ACADEMIC COUNCIL

**Minutes of Videoconference Meeting
September 22, 2021****I. Consent Calendar**

1. Today's agenda items and their priority
2. UCEP letter on divisional flexibility for grading options for the 2021-2022 academic year

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

- o **Robert Horwitz, Academic Council Chair**
- o **Susan Cochran, Academic Council Vice Chair**

September 28-30 Regents Meeting: The Regents will discuss several proposed campus development projects, the status of student basic needs and state budget allocations, diversity outcomes for students, faculty, and staff, a plan for building enrollment capacity, and the University's compliance with a new policy that prohibits it from contracting out for services and functions that can be performed by UC employees. Board Chair Cecilia Estolano will visit the Academic Council on October 27 to discuss several critical issues facing the University.

Master's Program Reviews: In June, Council rejected the Provost's proposal that the Senate delegate authority for approving state- and self-supporting master's programs from UCOP and the systemwide Senate to the division Senates and chancellors. The Provost has agreed to appoint a joint work group to assess the current review system.

ELWR Task Force. Council's Entry Level Writing Requirement Task Force is preparing to issue preliminary recommendations to UCOPE about possible revisions to Senate regulations governing ELWR administration and oversight. UCOPE will subsequently issue its own recommendations to the Council.

RASC: The Senate is working with UC Systemwide Human Resources to discuss remedies for ongoing problems with the Retirement Administration Services Center that include lost pension payments and medical insurance coverage for recent retirees. Senate leaders have asked HR to form a dedicated strike team to address immediate problems and also a long term plan to restore the effective functioning of RASC.

Mitigating Covid Impacts: Chair Horwitz and UC Davis Provost Mary Croughan co-chair a joint Working Group on Mitigating Covid-19 Impacts on Faculty that is developing recommendations for addressing challenges around faculty advancement, morale, work-life balance, and dependent care, stemming from the pandemic.

Provost's Budget Meeting: Several Council members will participate in monthly budget briefing videoconferences for faculty and senior administrators hosted by the Provost. The last such meeting included a "Budget 101" presentation from the UCOP budget office. Senate leadership have invited the budget office to bring the presentation to the full Council at one of the upcoming videoconferences scheduled between Council meetings.

Standardized Testing: The Senate’s Smarter Balanced Study Group (SBSG) is finalizing its report and recommendations to President Drake around the potential use of the Smarter Balanced Assessment in the UC admissions process. The SBSG will recommend against its use, and offer several additional recommendations for supporting the University’s goal to build a more equitable admissions process.

- Council members noted that RASC problems increased following an uptick in UC retirements and RASC staff departures, but there are other ongoing problems related to software and vendors. Similar problems persist with UC Path, grant management software, and other IT systems that were not designed to align well with a research university environment. Members noted that faculty have struggled to obtain clear information about the problems, but agreed that the Senate should continue to engage and push for solutions. Council members suggested that the Senate ask UCACC to lead a systemwide effort.

III. UCEP Letter on Academic Integrity and Intellectual Property Rights

- **Mary Lynch, UCEP Chair**

Council reviewed a letter from UCEP with recommendations to faculty about how to combat academic dishonesty and intellectual property and copyright violations. The letter noted that the move to remote instruction during the pandemic increased student use of paid websites that facilitate cheating and the illegal online posting of course materials. UCEP recommended that faculty list copyright notices on course sites and materials, include key phrases on exams to help filter exam materials from cheating websites, and remind students about the legal, UC policy, and student conduct policy implications of cheating and other behaviors.

- Council members expressed support for the recommendations, and for additional attention to effective enforcement of academic integrity violations and improvements to exam-taking integrity, including instances where remote exams are needed. They suggested that instructors might also cite specific examples of cheating’s consequences, and observed that students and instructors may have different understandings of academic integrity and expectations for the role of technology and collaboration in learning. Given the potential for misunderstanding, it may behoove faculty to better define “cheating.”

ACTION: Council approved the recommendations for transmittal to Senate divisions.

IV. Executive Session – Academic Integrity

- **Angus MacDonald and Chad Pimentel, Senior Counsels**
- **Allison Woodall, Deputy General Council**

Notes were not taken for this discussion, which is protected by the attorney-client privilege.

V. Consultation with Senior Managers

- **Michael Drake, President**
- **Michael Brown, Provost and Executive Vice President, Academic Affairs**
- **Nathan Brostrom, Executive Vice President and Chief Financial Officer**

Campus Re-opening: President Drake noted that there is much energy, enthusiasm, and cautious optimism on campuses after 18 months of remote teaching and learning. Vaccine mandate compliance is at 93% systemwide, and adherence to indoor masking has been excellent, which should ensure that UC campuses remain among the safest places in the country. UC will encourage all employees to receive a vaccine booster when they are available.

Legislation: UC requested a veto on Assembly Bill 1550, which requires that any existing represented job classifications added to the Academic Senate must continue to be represented, and a veto on AB 1215, which directs UCOP to establish protocols pertaining to admission. UC contends that campuses have already mostly implemented the provisions of AB 1215, and that state statute should not constrain admissions processes. UC also opposes AB 928, which requires UC and CSU to establish a common lower division transfer curriculum, over concern about the intrusion of a new statewide board into the faculty's purview over curriculum.

Contract Negotiations: In its negotiations with the UC-AFT on a new contract for Unit 18 lecturers, the University is working hard to resolve remaining differences and reach an agreement on a fair contract that meets the needs of faculty and students.

Campus Safety Plan: Recently UCOP released a UC Community Safety Plan that will help UC move toward a more data-driven, community-centric approach to campus safety. The President has formed a systemwide work group focused on collecting and sharing campus safety data, and another focused on alternatives for police vehicles, uniforms, and equipment.

Regents Meeting: The September meeting will include re-opening updates from the chancellors of UCM and UCB, a report from the Governor's Recovery with Equity Task Force, an update on COVID-19 impacts on UC, an update on the University's debt portfolio and seismic safety programs, discussion of new campus housing projects, including the redevelopment of Berkeley People's Park, and discussions about campus enrollment growth, the role of the ASSIST program in transfer, and UC's progress in meeting outsourcing policies and requirements.

Budget: It was a positive year for the UC budget, but the University must implement a new mandate to reduce nonresident undergraduate enrollment to 18% at the three campuses that currently exceed this percentage. The reduction is to occur over a five-year period and is to be supported with a \$30 million annual buy-out of nonresidents, provided the agreement is maintained. If the buy-out is not maintained this may present an enrollment planning challenge. One complication is that the state budget cycle is not aligned with UC admission cycle. The Office of the CFO is introducing a zero-interest supplemental housing loan program for faculty to maximize the tax effectiveness of faculty recruitment allowances. UC also hopes to leverage a new state grant program for student housing. The CFO is also exploring possible changes to rebenching and to UC's captive insurance programs.

- Council members asked if UC was planning to issue a flu vaccine mandate, and how it would enforce the COVID vaccine mandate for faculty. Several members also expressed concern about the Provost's plan to delegate the review of master's degree programs to campuses. They noted that the systemwide review helps campuses improve the quality and consistency of programs, and a campus-based review without CCGA would be less robust and involve conflicts of interest. Campuses would also need significant additional resources to perform a more thorough local review. They noted that self-supporting programs offered at other elite

institutions are receiving increased media scrutiny as low quality money-making enterprises. These programs could damage UC's reputation if existing checks and balances are removed.

- Council members asked administrators to comment on UC's plan for securing sustained support for physical and software infrastructure, noting that the \$325m in the state budget for deferred maintenance falls far short of campus need. They encouraged UCOP to earmark funds to support efforts around mitigating COVID impacts on faculty that require a financial commitment.
- President Drake responded that UC will issue a flu vaccine mandate. He also noted that faculty have their own disciplinary procedures, but that UC would dis-enroll students and suspend staff out of compliance with the COVID vaccine mandate. In response to concerns about master's programs, the President said he wants to encourage innovation on campuses, but also wants to work with faculty to avoid starting academic programs that inadvertently threaten UC quality, and to ensure that new programs are in the compelling interest of the Senate and larger community.
- CFO Brostrom noted that UC will seek additional state funding and a General Obligation bond to support seismic and deferred maintenance, as it also turns to internal capital strategies to generate revenue to help campuses meet those needs. He said the University plans to leverage state recovery funds and use other creative solutions to fund faculty COVID mitigation efforts.

VI. Reports from Division Chairs on Campus Re-opening

- Division chairs reported widespread enthusiasm about the return to campus. They also noted that there is a wide range of views about risk, and a vocal group of faculty and students who would prefer to remain remote. Chairs reported very high campus vaccination rates, low infection rates, and little evidence of COVID spread in academic settings.
- Most campuses are offering the majority of fall term courses in-person with the exception of large lecture classes. Campuses plan to move more of these classes to an in-person format beginning in winter quarter. A vocal group of students is requesting access to online classes, including some disabled students who argue that remote learning is a reasonable accommodation. Some disability offices are being overwhelmed with requests for accommodations.
- Campuses have mechanisms to consider requests for in-person teaching exceptions. In general, campuses require a strong justification for exceptions. Instructor preference is not sufficient, but exceptions may be granted for faculty with young children who are ineligible for the vaccine. Campuses will also authorize immediate temporary remote teaching accommodation for faculty who need to quarantine or have children who need to quarantine.
- Campuses want to help faculty whose research activity was halted or delayed during the pandemic, including faculty with extramural grants that have timed out or who work with human subjects who do not want to come to campus. CAPs are moving to a holistic review of faculty based on personal circumstances, including dependent care duties.

- Several campuses are experiencing major shortages in student housing, in dining hall staff, parking access, and child care facilities. Merced is also addressing the shutdown of new campus buildings by the fire marshal over a variety of safety issues, and other difficulties associated with the shift to new purchasing software.

VII. Academic Freedom and Political Postings on Departmental Websites

○ with Ty Alper, UCAF Chair

Several UCLA departments recently signed a coordinated political declaration about the Israel/Palestine conflict and announced their support on department websites. Some faculty have asked UCLA to remove the statements and questioned whether they are protected by academic freedom or should require additional administrative or faculty approval. There is also concern that their placement on UC websites could suggest broader Senate or University support. Other faculty assert that restricting faculty from issuing public statements would violate their academic freedom.

UCAF found that several individual campuses have policies requiring faculty who post political statements on department websites to include disclaimers clarifying that they are not speaking for the University as a whole. However, UC lacks clear systemwide policy guidance, and UCAF is discussing whether UC should have a systemwide policy. UCAF believes consensus exists on a few general principles: 1) individual faculty and groups of faculty have the right to speak on any issue; 2) the University can speak on political issues that do not relate directly to electoral politics; and 3) campus units should avoid speaking for or appearing to speak for the larger institution.

- Council members noted that a number of campuses have established task forces to discuss guidelines for the use of UC websites to promote personal views, and the parameters of appropriate political speech on those platforms. They noted that a common systemwide policy could be beneficial, but they also recommended caution and a policy that is fairly limited in scope.
- It was noted that political statements can also impact campus climate if they make specific groups of students, faculty, or staff feel unwelcome. It was also noted that faculty have a right to speak on issues concerning injustice, and that statements can be part of an educational process around an issue. There was also concern about carving out a disclaimer requirement for specific political issues but not others. Members suggested making available a menu of disclaimers covering a range of situations.

VIII. Labor Negotiations – Executive Session

- Susan Carlson, Vice Provost for Academic Personnel**
- Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs**
- Leticia Silas, Executive Director, Labor Relations**
- Allison Woodall, Deputy General Counsel**

Notes were not taken for this discussion, which is protected by the attorney-client privilege.

IX. Academic Personnel Issues

- **Susan Carlson, Vice Provost for Academic Personnel and Programs**
- **Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs**

Academic Personnel and Programs (APP) is preparing to circulate proposed revisions to APM 025 (Conflict of Commitment and Outside Activities of Faculty), APM 671 (Conflict of Commitment and Outside Activities of HSCP Participants), and APM 759 (Leaves of Absence/Leaves Without Pay), as well as a new Policy on Abusive Conduct and Bullying. APP is also working with faculty to develop a systemwide anti-discrimination policy, and on Council's request to add new language to APM 210 about the consideration of mentorship in the file review process.

X. Climate Crisis Work

The Senate chair and vice chair assembled an ad hoc group of faculty climate activists from the ten campuses in July to discuss campus activities related to the climate crisis, brainstorm on strategies for building a sustained Senate role in highlighting and addressing climate crisis issues on the campuses, and forge closer ties between campus faculty and the Global Climate Leadership Council (GCLC).

Chair Horwitz noted that one possible permanent organizational structure is a new standing systemwide Senate committee, but nothing has been decided. He said he plans to ask the ad hoc group to discuss proposed revisions to the UC Policy on Sustainable Practices, currently circulating for systemwide review. He said he hopes to assemble the ad hoc group before the GCLC meets on October 14, but that individual division chairs have asked to use local appointment processes to identify permanent representatives. He encouraged division chairs to include the ad hoc members in local consideration pools.

- Division chairs noted that campus faculty are enthusiastic about climate crisis efforts. Several Senates are actively discussing energy, electrification, and sustainable building design issues. Individual chairs noted that the formal appointment process will help ensure broad perspectives are present in discussions about climate actions that potentially include resource trade-offs.

XI. Undergraduate Transfer

Chair Horwitz noted that UC is under pressure to improve undergraduate transfer from the California Community Colleges. Senate leadership want the Senate to be more engaged and organized around the issue. A meeting is scheduled with the leadership of UCEP, BOARS, and UCOPE to discuss a strategy for increasing the role of one or more of those committees in transfer work. Chair Horwitz will also ask ICAS to discuss how it can better support the segments' ongoing work on transfer and be a more significant central voice on the issues.

- BOARS Chair Sorapure noted that the University had just enrolled the largest and most diverse class of transfers in its history, and is doing a lot of great work on transfer, yet UC's transfer efforts still generate confusion and concerns. There is room for UC to improve its transfer pathways, but it can also improve its messaging and communication.

XII. UCFW Resolution on Dependent Care

○ **Jill Hollenbach, UCFW Chair**

Chair Hollenbach introduced a UCFW resolution expressing support for new UC programs that will better support faculty, staff, and students who have dependent care responsibilities such as child care and elder care. She noted that one specific issue highlighted in the resolution is the lack of affordable child care options on or near UC campuses. The pandemic exacerbated and also drew attention to this longstanding problem. Child care availability varies across campuses, but the bottom line is that there are not enough available spots to meet demand; wait times are too long; and costs are often prohibitive. Access to affordable dependent care touches on all aspects of UC excellence. It is a critical infrastructure issue that is essential to the University's functioning, to the ability of UC faculty and staff to perform their jobs, and to UC's ability to recruit and retain outstanding women and diverse faculty.

- Council members agreed that child care is an important issue of equity and inclusion particularly for junior and women faculty who the University wants to recruit and retain. Members agreed that no single solution is appropriate for all campuses, and there are also important financial considerations to explore. Members expressed interest in learning about child care cost and subsidies on individual campuses.

ACTION: A motion to endorse the resolution and send it to the administration was made, seconded, and passed unanimously.

XIII. UC Health Issues

Affiliations: Last year, Council discussed UC's potential affiliation with external healthcare providers that include discriminatory policy-based restrictions on health care. In May, the Regents approved a new policy that establishes standards for affiliation with such organizations, and UCOP subsequently released an interim presidential policy that supports its implementation. The interim policy will circulate for systemwide review before the end of this year.

Medical Centers: Chair Horwitz said he wants Council to consider the role of UC Health in the UC mission, including the financial relationship of the UC hospitals to the general campus where they reside, and how money flows through medical centers to the general campus budget.

Clinical Faculty: Council will continue to discuss factors affecting low morale among clinical faculty and how the Senate can help to clinicians on "pain points" where they need better representation and advocacy.

- A Council member noted that the Senate's consideration of the medical centers should go beyond financial relationships, to examine the academic impact of the medical centers on students and patients.

Meeting adjourned at 4:15 pm
Minutes prepared by Michael LaBriola, Assistant Director
Attest: Robert Horwitz, Academic Council Chair