

## ACADEMIC COUNCIL

**Minutes of Videoconference Meeting  
September 23, 2020****I. Consent Calendar**

1. Today's agenda items and their priority
2. Revision to Bylaw 160 (Editorial Committee)

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

**II. Senate Officers Announcements**

- o **Mary Gauvain, Academic Council Chair**
- o **Robert Horwitz, Academic Council Vice Chair**
- o **Hilary Baxter, Executive Director**

September Regents Meeting: The meeting featured a report from the UC Health Executive Vice President about the status of COVID-19 nationally, in California, and at UC, and a report from UC budget leaders on the status of the UC operating budget and the financial impact of COVID-19 on the University. The Vice President for National Laboratories and the Vice President for Research and Innovation gave a presentation on the UC National Laboratory Fees Research Program and how it benefits UC's research and graduate education mission. The Special Committee on Student Basic Needs also presented its draft report.

Feasibility Study Working Group: The Provost charged a joint Working Group with evaluating the viability of a new UC admissions test, following the Regents' May 2020 decision to phase out the use of SAT/ACT in admissions by 2025, and replace those tests, if possible, with one better aligned with the A-G requirements. BOARS Chair Comeaux and Council Vice Chair Horwitz co-chair the Working Group, which will report to a Steering Committee co-chaired by Provost Brown and Council Chair Gauvain by the end of November.

Climate Crisis Issues: Chair Gauvain and Vice Chair Horwitz are crafting a plan for engaging all standing committees of the systemwide Senate in a discussion about their respective roles in combatting the climate crisis at the UC.

Review of SSGPDP Program: CCGA and UCPB will continue their review of UC's self-supporting graduate professional degree (SSGPDP) programs this year, and develop recommendations for improving the review of new SSGPDPs and for increasing the accountability of existing SSGPDPs.

Health Benefits Advisory Committee: The joint UC Health Benefits Advisory Committee is drafting a report on employee benefits. UCOP will ask the UCFW Health Care Task Force (HCTF) to comment on the report before circulating it to the larger University community for review.

Senate Office Update: The Systemwide Senate office absorbed a 12.7% cut from UCOP by reducing its travel budget and moving to videoconferencing for all committee meetings. Council meetings will be conducted via Zoom at least through December.

- Council members emphasized the need for the Regents and legislature to understand the central importance of UC's graduate education and research missions. Members suggested

one way of doing this would be to connect graduate education to the Regents' interest in expanding faculty diversity.

- A Council member noted that campuses ideally want an admissions test that in addition to helping to determine student admission will also enhance diversity and student success. Members were also skeptical that a new test could be developed by fall 2024, and some suggested that the existing Smarter Balanced Assessment may be a viable alternative.

### **III. Academic Integrity and Chegg**

- **Daniel Potter, UCEP Chair**
- **Angus MacDonald, Senior Counsel - Intellectual Property & Innovation**
- **Chad Pimentel, Senior Counsel- Education**

UC Legal attorneys discussed with Council concerns raised by UCEP and others about the Chegg website, a paid service that students appear to be using to cheat on on-line exams, and what might be done to stop it. Student use of the website has increased with the University's move to remote and online instruction. In 2019, UCEP and the Academic Council raised related concerns about the illegal posting of copyrighted course materials on similar websites. They recommended that faculty and students be informed about the behavior as well as its legal, UC policy, and student conduct policy implications.

The University learned that Chegg provides access to academic tutors who help students learn and stated that Chegg wants to work with faculty to prevent students from misusing Chegg and to protect exam integrity. Chegg said it is testing a new Proctoring Support Tool that prevents students from receiving tutoring support on questions during an exam by filtering out specific tests or questions uploaded to the site in advance by faculty. In addition, Chegg said it enforces an "Honor Code" for students and tutors that bans violators from the site; the organization commits to respond to Honor Code violation requests from faculty within 48 hours.

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

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

Remarks from the President: President Drake said that he has enjoyed a positive working relationship with the Academic Senate throughout his administrative career, including as vice president for health affairs at UCOP, chancellor of UC Irvine, and president of The Ohio State University. He said that in the late 1990s, he served as the UCSF faculty representative to the UC Merced Task Force of the Academic Senate, which had a key role in setting up the campus. Recently he chaired WASC's review of UC Merced and was gratified to see how UCM had progressed. He is also pleased with the progress and success of several diversity programs he established at UC Irvine as chancellor.

President Drake described his longstanding commitment to access, affordability, and excellence. He said the University needs to give students the best experience possible as they are the best measure of its work. He stressed that faculty are the core of the University's teaching, research, and public service missions and need to be supported. He also stated that shared governance helps make UC great, and the Regents benefit by having faculty representatives present in all Board conversations.

President Drake said his main initial concern is managing the health and economic challenges of the pandemic. He expanded by stating that this effort includes maintaining campus and community safety, and supporting working, teaching, and learning access and flexibility for students, faculty, and staff in ways that preserve educational and research quality.

President Drake noted that the topic of police and community safety is a major societal concern, and he expressed support for exploring new community safety strategies on the campuses. He mentioned his own troubling encounters with police and security forces, including personal experiences of being unnecessarily stopped and detained by police.

President Drake said that he looks forward to receiving full data from the California State Auditor in connection to its report on UC admissions practices. He said the data will help guide the University in making the proper adjustments, and he is fully committed to integrity in admissions and has zero tolerance for fraud and backdoor cheating.

Budget Update: CFO Brostrom noted that UC projects \$2.2 billion in COVID-19-related losses and expenses to date, the majority of which (65%) affect the medical centers. He said he anticipates a v-shaped deficit for the medical centers and campus auxiliaries because hospital revenues are stabilizing as they address deferred procedures and there is no expectation of a long-term drop in demand for on-campus student housing. However, he expects a second set of longer-term losses reflecting reduced state general fund support. If the state receives federal stimulus funding, it could reverse some or all of the \$300 million cut to UC, but only on a one-time basis. In any event, state funding will continue to be an issue, and unlike the 2009 recession, the current crisis affects all of UC's revenue streams. In addition, a larger than expected number of students have elected to defer enrollment in fall 2020.

Working Capital: To help campuses bridge revenue declines from COVID, the University liquidated some assets from the Total Return Investment Pool (TRIP) and issued taxable bonds that included \$1.5 million for working capital. UC also has \$10.2 billion in the Short Term Investment Pool (STIP).

Workforce Options: President Drake has convened a Strategic Planning Task Force to consider workforce-related options for addressing the financial challenges created by COVID-19, and principles to guide decisions about options. The Task Force is co-chaired by Provost Brown and Chief Operating Officer Nava and includes Council Chair Gauvain and the chairs of UCPB, UCFW, and UCAP.

COVID Testing: UC Health EVP Byington leads a Systemwide Testing and Tracing Task Force that is considering a systemwide approach to campus-based diagnostic testing and contact tracing to help increase testing capacity at a lower cost. Widespread testing will allow campuses to return to normal operations more quickly and safely.

**Discussion:**

Council members asked President Drake to comment on UC's potential affiliation with religiously-affiliated health entities that restrict access to care in ways that conflict with UC's public mission and values; his view on the relationship between UCOP and the Regents; and what UC was doing to address the pandemic's disproportionate impact on faculty and staff with dependents, many of whom are women and URMs. Members also noted that many faculty are experiencing stress over the potential loss of career advancement opportunities and potential furloughs and layoffs. Council members asked what UC could do under current tax law to refinance debt and take advantage of low interest rates.

- President Drake said he is considering the affiliation issue carefully and seeking a balance that allows UC to adhere to its values, which include expanding access to the best possible healthcare. He said he expects to have a positive and productive relationship with the Regents and that they were helpful and supportive to him when he was the UCI chancellor. He said the University is considering how it can better support faculty and staff who are challenged with extra family obligations. Provost Brown added that UCOP is working on a modification to the policy on active service-modified duties that takes into account differential impacts of COVID on faculty with a broad range of care duties. The Provost noted that he is looking forward to working with Council members this year in a variety of forums, including the monthly budget call, the Academic Planning Council, and the Feasibility Study Working Group. He expressed hope that everyone could come together to identify innovative solutions in challenging times.
- CFO Brostrom noted that UC is refinancing what it can on a current refunding basis, using creative solutions to reduce debt service, and advocating for a return to tax-exempt Advance Refunding Bonds, a financing option eliminated in the 2018 federal tax bill that helped UC fund capital and infrastructure projects. A recent screen of all UC bonds found that advance refunding could produce \$1 billion in savings.

## **V. Revised Sexual Misconduct Regulations and P&T Evidentiary Standards**

- **Suzanne Taylor, Systemwide Title IX Coordinator**
- **Allison Woodall, Deputy General Counsel**

New U.S. Department of Education Title IX regulations took effect August 14, 2020. They require institutions of higher education in all sexual misconduct cases involving faculty, staff, or students to conduct an extensive investigation, schedule a live hearing with the opportunity for direct questioning, and include the right to an appeal as part of the grievance process. They also require colleges to apply the same standard of evidence for establishing policy violations in instances involving faculty, staff, and students.

The Senate worked with UCOP over the summer to develop guidelines that provided immediate policy compliance by the deadline, and it continues to discuss longer term solutions consistent with California State law and Senate Bylaw 336.F.2. UC policy and California law establish “preponderance of evidence” as the standard for student respondents; however, Senate Bylaw 336 outlines a more rigorous “clear and convincing” standard for Privilege and Tenure cases involving faculty respondents.

As part of compliance, UCOP revised the SVSH Investigation and Adjudication Frameworks for Faculty to include the right to a hearing and an appeal, and included a provision advising parties to present cases to P&T hearing committees using both standards, and asking committees to evaluate cases and write a report to the chancellor with an analysis using both standards. UCOP and the Senate are also considering several options for addressing the possibility of two hearings in cases involving faculty and staff respondents.

Chair Gauvain noted that a permanent response to the new regulations must involve a revision to Bylaw 336. The proposed revision will be circulated to Senate divisions and systemwide committees for 90-day systemwide review prior to the October Council meeting. She invited division chairs to submit initial informal feedback prior to the release of the revision. It was noted that although UC expects that a new U.S. presidential administration might reverse some

parts of the new regulations, it would be unlikely to reverse the provision regarding equivalent evidentiary standards. Examining the bylaw closely also provides the opportunity to determine whether the policy privileges some groups of employees over others and, thereby, undermines the UC value of equity.

## **VI. UCFW Letter on House Buying Assistance**

Council reviewed a letter from UCFW recommending that the University consider additional measures to help low-income faculty and staff afford to buy a home close to campus. The conversation arose during UCFW's discussions about how campuses could improve recruitment, retention, and morale. The issue also relates to UCFW's concern about systemic racism reflecting the history of housing discrimination in the U.S. and other inequities related to home ownership.

UCFW seeks a better understanding of options for faculty and staff to acquire homeownership—a major challenge in California, particularly for younger and lower paid faculty. In its letter, UCFW recommends increasing transparency and publicity around existing opportunities for faculty homeownership assistance, including the Mortgage Origination Program (MOP) and down payment assistance in start-up packages. It also recommends that the University consider longer term initiatives such as a new housing assistance benefit for faculty.

- Council members generally agreed with the recommendations, noting that the MOP loan program should be monitored closely to ensure it is not discriminatory. There was some concern about focusing on cash support for down payments because these payments are taxable and, therefore, expensive for the recipient and the University. It was also suggested that the University focus any future housing subsidy efforts on encouraging faculty to seek housing close to major transportation lines as a way to simultaneously address climate and sustainability goals.

**ACTION: UCFW will refine its letter and Council will review it at a future meeting.**

## **VII. Proposed Revisions to APM 210-1.d (1)**

- **Susan Tapert, UCAP Chair**
- **Amr El Abbadi, CCGA Chair**

Council reviewed a joint recommendation from the Coordinating Committee on Graduate Affairs (CCGA) and the University Committee on Academic Personnel (UCAP) to rename APM section 210-1.d (1) (Criteria for Appointment, Promotion, and Appraisal—"Teaching") to "Teaching and Mentoring."

Chairs Tapert and El Abbadi noted that the new title does not affect existing definitions of mentorship in APM 210 and it is not intended to change the content of the CAP review. The committees also recognize that contributions to mentoring and advising can fall disproportionately on women faculty and faculty of color, and this work should be duly acknowledged.

- Council members expressed support for the new language, noting that it will bring much-needed attention to faculty mentoring activities by emphasizing that teaching and mentorship are interrelated and that mentoring is important for educational delivery at both the

undergraduate and graduate levels. The additional emphasis on mentorship will also help motivate campuses, departments, and schools to provide more professional development resources to help faculty be better mentors. There was also some concern that this emphasis will be challenging for the CAP process because evaluating mentoring and deciding what evidence is useful are not well established.

**ACTION: Council endorsed the request, which will be transmitted to the Vice Provost for Academic Personnel.**

### **VIII. CAP Evaluations of Health Sciences Faculty**

#### **o Susan Tapert, UCAP Chair**

Council reviewed a letter from UCAP summarizing the committee's discussions about campus CAP evaluations of Senate health sciences faculty. The letter notes that CAPs struggle with expectations related to the assessment of health sciences faculty, and it provides examples of where more communication and clarity would be helpful regarding advancement criteria, file preparation, service expectations, and review guidelines.

- Council members expressed support for efforts to help CAPs evaluate health sciences faculty, noting that it is important for CAPs to have sufficient knowledge about what is valued in a given discipline. Members also noted that UCAP based its recommendations primarily on input from School of Medicine faculty, and UCAP was encouraged to broaden consultation to other health sciences disciplines such as Nursing, Dentistry, and Pharmacy.

**ACTION: UCAP will refine its letter to incorporate suggestions and will bring it to Council at a future meeting.**

### **IX. UCEP Guidance on Extending P/NP Flexibility to Fall 2020**

#### **o Daniel Potter, UCEP Chair**

Council reviewed a UCEP letter offering guidance to divisions on issues to keep in mind when considering whether to extend divisional flexibility for the Pass/No Pass grading options to Fall 2020. The letter continues prior actions that extended flexibility during COVID to spring and summer terms.

Division chairs noted that some campuses have adopted a limit of 25% of total units and others a limit of 33% of total units graded as P/NP. Individual chairs noted that their divisions plan to continue flexibility given student requests and expectations; however, some chairs also noted plans to return to standard practice and policy in winter quarter.

**ACTION: Council endorsed the letter and approved sending it to divisions.**

### **X. UCOPE Letters**

#### **o Jeffrey Gagnon, Chair, University Committee on Preparatory Education**

#### **1. Recommendation on Testing Options to Satisfy the ELWR**

Council considered UCOPE's recommendation to accept an ACT English + Reading score of 63 or higher as a new method of satisfying the Entry Level Writing Requirement (ELWR) permanently, effective for new students applying for UC admission in November 2020 and

enrolling in Fall 2021. The change is timely given that one method of satisfying the ELWR is through a minimum ACT ELA score that is calculated using scores from the ACT Writing Test, which UC has just dropped as an admission requirement.

**ACTION: Council endorsed the recommendation and it will be forwarded to the Vice Provost for Graduate, Undergraduate, and Equity Affairs.**

**2. Administration of the Systemwide Analytical Writing Placement Exam in 2021**

Council considered UCOPE's recommendations about the administration of the systemwide Analytical Writing Placement Exam (AWPE). In March 2020, UCOPE announced the cancellation of the May in-person administration of the AWPE due to COVID, and asked campuses to develop a local plan to address student placement into writing classes. While an online administration of the AWPE was subsequently offered in June, four campuses developed alternative testing and placement options. These campuses want to continue these practices in 2020-21. UCOPE recommends that incoming first-year and current students may fulfill the ELWR during 2020-21 with these local campus alternatives or with the online AWPE.

**ACTION: Council endorsed the letter and it will be forwarded to the Vice Provost for Graduate, Undergraduate, and Equity Affairs.**

**3. Letter Grade and P/NP Options for ELWR During Fall 2020**

Council reviewed a recommendation from UCOPE to extend the temporary modification of the passing requirement for the Entry Level Writing Requirement (ELWR) in Senate Regulation 636.C that Council approved for Spring and Summer 2020 sessions to fall 2020 sessions. SR 636.C normally requires the ELWR to be satisfied with a C or better. The modification allows each Division the flexibility, if they need it, to determine whether a grade of Pass (P) can satisfy the ELWR, even if a C- is the minimum passing grade on the campus.

**ACTION: Council endorsed the recommendation for transmittal to divisions.**

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Meeting adjourned at 3:30 pm  
Minutes prepared by Michael LaBriola, Principal Committee Analyst  
Attest: Mary Gauvain, Academic Council Chair