

ACADEMIC COUNCIL

**Minutes of Meeting
September 25, 2019****I. Consent Calendar**

1. Today's agenda items and their priority
2. Master of Environmental Data Science at UCSB

ACTION: Council approved the consent calendar.

II. Senate Officer Announcements

- Kum-Kum Bhavnani, Academic Council Chair
- Mary Gauvain, Academic Council Vice Chair

September Regents Retreat: Senate Chair Bhavnani and Vice Chair Gauvain attended the Board of Regents' annual retreat at UCLA on September 4-6. The retreat featured discussions about implicit bias, the role of online education in the undergraduate experience, lifelong learning in the context of continuing education and graduate education, and strategies for effective Board governance in an environment of change.

Regents Meeting: President Napolitano announced at the September 18 Regents meeting that she will step down in August 2020. Board Chair Pérez has appointed a Special Committee to consider candidates for her replacement. Per Regents Policy 7101.B, the Academic Council will appoint an Academic Advisory Committee (AAC) with at least one representative from each campus to help the Special Committee screen candidates. Chair Bhavnani will ask each Division Chair to work with the campus Committee on Committees (COC) to nominate three Senate members for the AAC.

Senate Priorities: The Senate's 2019-20 priorities include UCRP policy and employee contributions; consideration of undergraduate online degrees; total remuneration for faculty; the implementation of UC Path; cohort-based tuition; admissions and standardized testing; self-supporting graduate and professional degree programs; faculty diversity; and issues of residency and incarcerated students.

III. Elsevier Negotiations

Members of the UC Publisher Negotiating Team (UCOLASC Chair Dennis Ventry; 2018-19 UCOLASC Chair Richard Schneider; CDL Executive Director Günter Waibel; CDL Director of Collection Development and Management Ivy Anderson; UCB University Librarian Jeffrey Mackie-Mason; and UCSB University Librarian Kristin Antelman) joined Council to discuss the status of negotiations with Elsevier. The publisher began limiting UC's access to new journal articles on July 10, 2019.

Alternative Access: Interlibrary loan (ILL) demand for Elsevier articles has not increased significantly since July 10, suggesting that many people are finding [alternative paths](#) to articles. The UC libraries are delivering two-thirds of ILL requests within a day, and working on ways to further improve and accelerate alternative access through new loan networks and tools that

facilitate the discovery of open access versions of articles. In addition, the libraries are analyzing user feedback and ILL request data, and developing a systemwide survey to assess impacts on faculty and graduate students and their views on alternative pathways.

Status of Negotiations: UC's goal in negotiations continues to be cost neutrality and an immediate transition to perpetual open access. Elsevier has not proposed terms favorable enough to bring UC back to the negotiating table. The negotiation team is considering how the shifting demand picture should shape next steps in negotiations. The Office of Scholarly Communication's [fact check webpage](#) includes detailed responses to Elsevier's claims concerning the contract dispute. UC has received support from other research libraries and professional associations, and the University's actions have inspired and emboldened other institutions. UC and Cambridge University Press recently entered into an Open Access agreement, and UC is optimistic as it enters into negotiations with other publishers. The faculty's support for UC's negotiating position has been critically important.

OA Tipping Point Event: The August 2019 Open Access Tipping Point event at UCDC in Washington brought together faculty and librarians from North American and European institutions to discuss the status of open access negotiations with publishers. It was an unqualified success.

IV. Consultation with UC Senior Managers

- Janet Napolitano, President
- Michael Brown, Provost and Executive Vice President, Academic Affairs
- Paul Jenny, Interim Chief Financial Officer

President Napolitano noted her decision to step down from the presidency in August 2020, after seven years. She emphasized that she has come to appreciate the value of shared governance, and the importance of a strong administration-faculty relationship to the University's success and excellence. She said she intends to work closely with the Senate over the next year to advance the academic mission. Chair Bhavnani thanked the President for her commitment to shared governance and faculty welfare issues; for her work on such issues as food security, carbon neutrality, and DACA; and for her commitment to further positioning UC as a global university.

September Regents Meeting: The Public Engagement and Development Committee held an offsite meeting at the Mann UCLA-Assisted Community School, and the Academic and Student Affairs Committee discussed accountability for diversity in the Health Sciences. The Board approved Craig Leasure as Vice President of the National Laboratories, and discussed strategies for eliminating gaps in timely graduation. President Napolitano emphasized that she supports the work of the Senate's Standardized Testing Task Force, but encouraged the Task Force to conduct its review with a timely sense of urgency.

The Regents approved revised actuarial assumptions for UCRP and a 3% increase to the employer contribution rate, implemented over a six-year glide path, and asked UCOP to model options for an increase in employee contribution rates for a November discussion. The Board deferred to November a planned discussion of a cohort-based tuition model that would provide entering undergraduates a guaranteed tuition level for the duration of their enrollment, and incorporate moderate inflationary-based increases for each cohort. The Regents would need to approve a plan in November 2019 for fall 2020 implementation.

The University announced that it is divesting its pension and endowment funds from fossil fuel investments because they are financially risky. President Napolitano and the 10 UC chancellors joined the leaders of 7,000 other universities in signing a climate emergency declaration letter urging a drastic societal shift to combat climate change.

Legislation: UC is following the progress of ACA 14, a proposed State constitutional amendment that would limit UC's ability to use temporary labor. The March 2020 ballot will include a public education facilities general obligation (GO) bond, which sets aside \$2 billion for UC to help address some of the campuses' seismic, deferred maintenance, and space needs. Finally, UCOP is working with the chancellors on a plan to fund and implement by fall 2020 SB 24, a bill requiring all CA public universities to provide medication abortion services.

Faculty Salaries: The President has decided to extend a 5.33% increase to the faculty salary scales (equivalent to a 4% increase on a 12-month scale), effective October 1. The President is reviewing a plan for additional augmentations over the next three years sufficient to eliminate the remaining UC faculty salary gap. The University's 2020-21 state budget request will include a faculty salaries component.

Comprehensive Access: The Regents' new Working Group on Comprehensive Access, chaired by UCI Chancellor Gillman, will consider principles for potential affiliations between UC academic health systems and external health systems to ensure that UC values are upheld.

Faculty Disciplinary Standards Task Force: Chair Bhavnani and UCLA Chancellor Block will co-chair a task force charged with developing consistent guidelines for chancellors to use when assigning discipline to faculty for conduct violations.

DACA: The Supreme Court of the United States will hear oral arguments in the legal battle over DACA on November 12.

Academic Affairs: Provost Brown noted that the UC multi-year budget and enrollment framework seeks to increase degree production; close the achievement gap; and grow and diversify the faculty. It is important for UC to demonstrate a commitment to innovation in each area. The Provost noted that he is organizing a statewide symposium on educational equity, and reorganizing the Office of Research and Graduate Studies. The Office will be renamed the "Office of Research and Innovation," and Graduate Studies will move into a new unit, "Student Success." The changes will improve the overall effectiveness of the units and emphasize the connection between UC research and real world problems.

- Council members noted that higher employee pension contributions would impose additional burdens on lower-paid employees and undo the recent progress on faculty total remuneration. They urged that the Regents follow the 2010 Post-Employment Benefits Task Force recommendation to ramp-up employer contributions to an 18-20% ceiling. They also expressed support for maintaining a five-year interval for UCRP experience studies rather than shifting to an annual evaluation of Plan assumptions.
- In response to Council members' concerns that the \$2 billion General Obligation bond would not meet the total needs of the ten campuses, administrators noted that the bond is a great start and puts the University on a positive path. UC should focus on passing that bond, and then lay the groundwork for future efforts. They also noted that UC must be thoughtful and transparent about what projects and priorities the proceeds will fund.

- Council members encouraged administrators to emphasize to Regents the centrality of UC's graduate education and research missions. They noted that the reorganization of RGPO should not overemphasize the commercial potential of research and diminish the importance of basic science and humanities research or the connections between research and graduate education.
- Council members expressed concern about political attacks on UC diversity and outreach efforts emanating from conservative media outlets.

V. Consultation with Office of General Counsel

- **Ellen Auriti, Principal Counsel, Office of General Counsel**
- **Rachel Nosowsky, Deputy General Counsel - Health Affairs & Technology Law**
- **Elisabeth Yap, Senior Counsel - Educational Affairs**

Diversity: Proposition 209 prohibits UC from discriminating against or granting preferential treatment to individuals based on race, ethnicity, gender, or national origin. However, diversity remains a central part of UC's mission, and while Prop 209 eliminated some prior diversity tools, UC still has many strategies available for addressing race and gender equity in academic programs that comply with Prop 209. UCOP has compiled many of these strategies in a set of [guidelines](#). Strategies in the area of faculty diversity include recognizing and rewarding diversity contributions in appointment and advancement, requesting a diversity statement from candidates, diversifying search committees, and incentivizing departments for increasing diversity.

NAGPRA: Last year, State legislation directed UC to revise policies and processes by January 1 to comply with the Native American Graves Protection and Repatriation Act (NAGPRA) with respect to the curation and repatriation of human remains and cultural items in UC's possession. The President formed a Native American Advisory Group to advise her on how to update systemwide policy. The draft policy is currently under systemwide review.

Fetal Tissue Research: Earlier this year, the federal government enacted a prohibition against intramural research by NIH scientists using fetal tissue from elective abortions. The government also cancelled a longstanding NIH contract with UCSF for HIV research using fetal tissue, and mandated that an ethics advisory board must review new extramural proposals for NIH funding of research involving fetal tissue. UC has been expressing concerns about the new regulations.

Election Rules: The upcoming election season is an opportunity to remind UC employees that the law prohibits them from using UC funds for campaign purposes in connection with ballot propositions. The rules do not apply to objective analyses undertaken by UC to evaluate a ballot measure's impact on the university.

Other Clinical Issues: A systemwide working group is drafting a new policy addressing rules for the investigation and adjudication of Sexual Violence/Sexual Harassment cases involving patients in a clinical setting. The policy will undergo a systemwide review in spring 2020. In addition, a Working Group on Physician Well-Being is developing a survey on physician burnout and discussing issues related to disruptive patient behavior.

VI. Implementation of the Transfer Guarantee

- **Yvette Gullatt, Vice Provost for Diversity & Engagement and Interim Vice President, Student Affairs**

- **Han Mi Yoon-Wu, Director of Undergraduate Admissions**

The University is implementing the systemwide transfer admission guarantee approved by the Academic Senate last year. The new transfer guarantee option for California Community College students is being termed “Pathways+”, and takes effect for students entering CCCs in Fall 2020. UCOP launched initial communication and outreach to counselors, advisors, and students last month.

Pathways+ builds on the UC Transfer Pathways introduced in 2015, which provide a roadmap for lower division major preparation accepted at all UC campuses offering the major, and the Transfer Admission Guarantees (TAGs) offered at six campuses. Under Pathways+, CCC students who complete specified curricula in one of the Pathways majors, and who complete TAG requirements at one of six TAG-participating campuses, will be guaranteed admission in the Transfer Pathway major at the TAG campus. Pathways+ combines the benefits of Transfer Pathways and TAGs, by providing solid preparation for academic success at UC and the assurance of a guarantee. GPA requirements reside in the TAGs, which currently range from 2.7 to 3.4, depending on the major and campus. Students completing TAGs are competitive for admission at all UC campuses; 42 percent of students admitted to a TAG campus ultimately enroll at a non-TAG campus. UC is advising students to plan early, maximize transfer options by completing common major preparation, and focus on meeting their preferred campus’s TAG requirements for their Pathways major.

- Council members noted the potential for the policy’s emphasis on Pathway majors to worsen impact in those majors, and the potential to discourage or confuse less informed and connected students. Administrators noted that the policy implementation plan was informed by market research about messages that resonate with transfers who want to feel confident that they are prepared for academic success at UC.

VII. Consultation with the Office of Academic Personnel

- **Susan Carlson, Vice Provost for Academic Personnel**
- **Amy K. Lee, Diversity, Labor, & Employee Relations Director**

Faculty Diversity Initiatives: The President’s Postdoctoral Fellowship Program has been an effective tool for promoting UC faculty diversity through its support of diverse postdoctoral scholars. In 2019, for the first time, over 100 Fellows are in their first or second year of postdoc training, a direct result of additional investments. For the third consecutive year, UC campuses hired 20 faculty from the pool of Fellows, aided by UCOP hiring incentives. The post-doc experience gives Fellows a competitive edge in the job market, and they are widely recruited.

In addition, UCOP has completed its review of campus project proposals from two RFPs that comprise the state-funded 2019-20 Advancing Faculty Diversity program. UCOP will be sending award announcements to five campus projects related to improving faculty recruitment, retention, and climate. Finally, UCOP is reviewing the initial results of a faculty climate survey; it will share the results with Senate committees this fall.

Academic Personnel Policy: The Joint Task Force on Scholarly Obligations and Protections for Non-Faculty Academic Appointees Revisions reviewed feedback from the systemwide review of APM 011; made revisions to address concerns; and is preparing the final policy for issuance and implementation. The Office of Academic Personnel will soon circulate for management review

proposed revised APM language related to emeritus/emeriti faculty. It is also in the preliminary stages of a major revision to APM policies related to Leave.

VIII. Diversity, Equity, and Inclusion Initiatives

○ Mona Lynch, UCAADE Chair

Chair Lynch recapped several of UCAADE's recent diversity, equity, and inclusion initiatives:

1. UCAADE's [letter](#) on Equity Advisor (EA) programs, endorsed by Council in July, recommended that each campus institute an EA program, and outlined best practices for the composition, authority, and scope of programs; the role of Advisors, their appointment, and compensation; and administrative reporting and accountability expectations.
2. UCAADE's recommendations for expanding the President's Postdoctoral Fellowship Program, [endorsed](#) by Council in November. (The program has doubled in size from last year).
3. UCAADE's recommendations for the use of Statements on Contributions to Diversity, Equity, and Inclusion (DEI) for UC academic positions [endorsed](#) by Council in February. The recommendations urge campuses to take diversity contributions seriously in promotion and tenure reviews, and apply consistent use of the statements.

Chair Lynch noted that UCAADE has focused lately on faculty issues, but its charge includes student issues, and it wants to think pro-actively about initiatives in that area, as well as initiatives to improve faculty retention.

- Council members noted that campuses are inconsistent in the funding, FTE, and authority they give to the position of Chief Diversity Officer. UCAADE might consider developing best practices for the position.

IX. Audit of Undergraduate Admissions

- **Alexander Bustamante, Senior Vice President/Chief Compliance & Audit Officer-Ethics, Compliance & Audit Services**
- **Matthew Hicks, Deputy Systemwide Audit Officer-Ethics, Compliance & Audit Services**

In response to the national admissions scandal, the Office of Ethics, Compliance, and Audit Services (ECAS) initiated an internal systemwide audit of undergraduate admissions. The first phase of the audit reviewed local policies, processes, and controls—particularly around Admission by Exception, Athletics, and Special Admissions—to assess their design, and identify any potential weaknesses. ECAS recommended several management corrective actions for campuses to develop in consultation with faculty to strengthen controls and further reduce the risk of admissions fraud.

The ECAS audit report included recommendations to strengthen systemwide and campus-based application verification processes to better detect false information on the application; to improve definitions, documentation, and verification of special talents; and to clarify and strengthen conflict of interest policies and procedures, particularly for athletics admission. The audit's second phase will analyze the effectiveness of controls through additional sampling and analysis of admissions decisions. In addition, the California State Auditor will be conducting an independent audit of UC admissions, focused on UCB, UCLA, and UCSD.

X. UCRP Contribution Proposal

o David Brownstone, Chair, UCFW Task Force on Investment and Retirement

The Regents' actuarial firm Segal Consulting conducts an "Experience Study" of the UC Retirement Plan (UCRP) every five years to evaluate actuarial assumptions and update projections. The study of UCRP assets, liabilities, and ongoing costs examines demographic assumptions such as mortality and retirement age, and economic assumptions about the market performance of assets, inflation, and salary growth.

Currently, UCRP's assets total approximately \$61 billion, while the liability is roughly \$78 billion. The liability is the discounted present value of promises made to current retirees and the value of benefits projected for future retirees. At the present time, the funded ratio is 78% (current liabilities divided by current assets).

Segal's most recent study recommended incorporating new assumptions related to longer retiree lifespans, a lower assumed annual rate of return on Plan assets (from 7.25% to 7.00%), and a lower assumed annual rate of inflation (from 3.00% to 2.75%), resulting in a funded ratio of 81%. However, at the July Regents meeting, the Regents rejected these recommendations after the CIO expressed concern that these assumed rates were still too high. In September, the Regents approved a plan that further reduced return assumptions to 6.75% and inflation assumptions to 2.5%, (leaving the real rate of return constant at 4.25%), which lowered the funded ratio to 77%. In an effort to increase the funded ratio, the Regents also approved a plan to increase the employer contribution rate from 14% to 17% in 0.5% annual increments over six years beginning July 1, 2020, and also asked UCOP to model a 1.5% increase in the employee contribution rate for discussion and action at the November Regents' Meeting.

Some TFIR members support limiting employer contribution increases to 17%, to minimize the effect on campus budgets. This would fund the Plan just above Normal Cost and allow a continued (but longer) trajectory to eliminating the unfunded liability. Other members support increasing the employer contribution rate by more, or combining employer contributions with external borrowing. However, some TFIR members believe that borrowing also carries risks. The optimal policy is unclear, due to the uncertainty around investment returns, inflation, and the liability itself.

- Council members noted that the University should not rush into a solution without first considering all alternatives that do not harm employee remuneration and morale.

Meeting adjourned at 4:30 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Kum-Kum Bhavnani, Academic Council Chair