

ACADEMIC COUNCIL

Minutes of Meeting

January 28, 2015

I. Consent Calendar

1. Approve today's agenda items and their priority
2. Approve draft Council minutes of December 17, 2014
3. Approve items for 2-11-15 Assembly Teleconference Meeting: Announcements, Approve Bylaw 155, Bylaw 50, budget update

Action: Council approved the consent calendar.

II. Announcements

- o *Mary Gilly, Chair, Academic Senate*

January Regents Meeting: The Regents approved the establishment of a Select Advisory Committee on the Cost Structure of the University. The "Committee of Two" will involve a series of meetings between the Governor, President Napolitano, and their staff to discuss ideas for reducing UC's costs. The Regents also received an update on the progress of implementing the recommendations of the President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault, including the establishment of confidential advocacy offices on each campus, and Regent Kieffer described forthcoming presentations he requested on the nature of a UC undergraduate education; the UC Berkeley Senate Chair and Chancellor will lead the first presentation in March, focused on the undergraduate curriculum initiative at Berkeley.

State Budget: The Governor's 2015-16 [State Budget Proposal](#) ties a 4% funding increase for UC to tuition and nonresident enrollment remaining at current levels, and requires the Regents to act on the recommendations of the Committee of Two. UC has noted that campus decisions on admissions, enrollment, and financial aid are made well in advance of the conclusion of the state budget process in June, making precise coordination with the process difficult.

Faculty Engagement Plan: Chair Gilly recently asked campus Senate offices to disseminate a letter from the President to all faculty with information and talking points about the UC budget and stabilization plan and encouraging them to take an active role in talking publicly about how their teaching, research, and public service contributes to the excellence of the university.

SCA-1: The systemwide Senate has sent a letter to the UCOP administration expressing its formal opposition to a proposed [State Constitutional Amendment](#) (SCA-1), which would remove UC's historical autonomy and give state officials more control over tuition and executive compensation.

Laboratory Fees Research Program (LFRP): The DOE has penalized UC for a recent safety problem at a radioactive waste storage facility, caused by a LANL drum, by reducing UC's management fee to \$6 million from a possible \$63 million. The shortfall will have a negative

impact on the LFRP and the doctoral and postdoctoral students whose work is supported by that program. Calls for proposals for these programs will be delayed by at least a year.

CCC Bachelor's Degree: A new pilot program signed by Governor Brown will allow up to 15 California Community Colleges to offer bachelor's degree programs in certain vocational fields not currently offered at a UC or CSU campus.

UCPT Memo on Campus Climate and the Privilege & Tenure Process: In late December, Chair Gilly asked Senate divisions to distribute a letter from the University Committee on Privilege and Tenure to department chairs outlining the role of chairs in the Privilege and Tenure process in supporting an inclusive and supportive campus climate for all faculty and informing chairs of procedures for addressing faculty grievances.

Health Care Update (*Joel Dimsdale, UCFW Chair*): UCFW's Health Care Task Force (HCTF) is concerned about UC's plan to replace the Health Net Blue and Gold HMO plan with a new "self-funded" UC Care HMO plan by January 1, 2016. HCTF also feels strongly that UC should maintain its existing UC Care PPO plan, and should resolve access issues prior to rolling out the new HMO to ensure that UC employees at all locations can obtain the same high level of care. HCTF is also following the contract dispute between Blue Shield of California and Sutter Health and its potential impact on UC employees. Faculty can help by writing the FTC and state legislators to complain about the restraint of trade in health care delivery.

III. Systemwide Senate Reviews

1. Proposed Presidential Policy on Open Access

The proposed Presidential Open Access Policy is similar to the [Open Access Policy adopted by the Senate](#) in July 2013 that applies to Senate faculty and gives UC a limited, non-exclusive right to make published UC faculty scholarship freely available in an existing open-access online repository (eScholarship) maintained by the California Digital Library (CDL). Like the Senate policy, the Presidential policy allows non-Senate UC authors to opt-out of the open access license through a waiver or to request a temporary embargo for any publication and for any reason, through an online mechanism. Unlike the Senate policy, the Presidential policy would still require non-Senate UC authors to deposit their articles in eScholarship even if they obtain a waiver.

Several Senate reviewers requested clarification and a clearer justification for why the proposed policy differs from the Senate policy in its requirement for authors to deposit articles in eScholarship even if they have received a waiver. Several requested clarification about the intended scope of the policy and how it would apply to different student and faculty groups working at UC under different circumstances. Several raised concerns about the policy's "opt-out" provision and suggested that a policy in which the default allows UC authors to "opt in" to open access without requiring them to opt-out, may be more appropriate. One Council member noted that an opt-out policy is disadvantageous for certain populations, including students and faculty in certain disciplines whose book manuscripts may take several years to complete. Finally, reviewers asked that the policy include more specificity about the definition of the

embargo period and the extent of a reasonable embargo period. There is also confusion about the implementation of the current policy on some campuses.

Council was joined by former UCOLASC chair Christopher Kelty, who helped develop the Senate policy and who served on the work group that drafted the Presidential policy. Professor Kelty noted that the Senate [asked](#) for the Presidential policy to ensure that publishers treat all UC employees identically. Opting-out to open access is the current default position for Senate members; the proposed policy also has the default to “opt-out.” He acknowledged that questions about who should be considered an employee or copyright owner for purposes of the policy are complicated and driven in part by the UC Copyright Policy, which is also [under review](#). Granting a non-exclusive license to UC before publication will protect faculty against a potential future copyright complaint by a publisher. Choosing to retain open access rights along with a temporary embargo would satisfy most publishers, who want a 6-12 month embargo.

It was agreed that Council should express support for the goals of the Presidential policy and the faculty’s strong commitment to the principles of open access but also suggest that the authors change the deposit requirement to mirror the Senate policy; clarify the authors covered by the policy; and improve and clarify implementation procedures overall.

Action: Council voted to endorse the policy and to send a letter to the administration noting the above concerns and suggested clarifications.

2. Proposed Amendments to Senate Regulation 682

CCGA’s [proposed amendment](#) to SR 682 would change a provision specifying the interval between the filing of advancement to candidacy for a Master’s degree and the conferral of the degree. The revision would eliminate the requirement that a Master’s degree candidate file in the academic term prior to the one in which the student anticipates completing work for the degree, allowing individual Graduate Councils to decide the timeframe for advancement to candidacy.

A suggestion was made to correct an ambiguity in the language by replacing the term “may” with “shall” in the phrase “... the Graduate Council may set the terms and deadline formal advancing to candidacy...”

Action: CCGA will review revised wording that addresses the ambiguity at its February meeting, and return to Academic Council with an update.

IV. UCORP Letter re the Compendium and MRPIs

UCORP is endorsing a proposal from the Academic Planning Council to not include a description of multi-campus research programs and initiatives (MRPIs) in [the Compendium](#). UCORP agrees that it is not necessary to include MRPIs in the document because they are not formal research entities to be established or disestablished.

Action: A motion was made and seconded to endorse and forward UCORP’s recommendation to the Academic Planning Council.

V. Consultation with UCOP Senior Managers

- *Aimée Dorr, Provost and Executive Vice President*
- *Nathan Brostrom, Executive Vice President and Chief Financial Officer*

Diversity and Engagement: The Regents approved a significant organizational change in the Department of Academic Affairs—the appointment of Vice Provost for Education Partnerships Yvette Gullatt to the newly-created position of vice provost for diversity and engagement. The position will oversee and coordinate diversity and inclusion efforts across the university, although the Provost emphasized that those efforts must be a shared responsibility across campuses and multiple UCOP units.

Faculty Engagement in Advocacy: Senate offices have been asked to distribute a [letter](#) from President Napolitano to faculty with information about the state budget, the Long-term Stability Plan for Tuition and Financial Aid approved by the Regents, and UC’s commitment to California. UCOP wants to support and encourage faculty involvement in advocacy and also wants to know what faculty are doing to ensure coordination with other campus and UCOP efforts.

A Council member recommended that UCOP sponsor fora and Town Hall events on the campuses to help inform the university community and promote discussion about the issues.

Streamlining Transfer Curriculum: The President’s [Transfer Action Team](#) recommended ways to simplify and clarify the sometimes complicated and opaque transfer pathways from the California Community Colleges to UC. Although UC has made much progress to improve transfer—by creating UC Transfer Preparation Paths that identify differences and similarities in pre-major requirements across UC campuses, and through a new Senate policy that guarantees a comprehensive review (but not admission) for Associate Degrees for Transfer degree holders—there is general agreement that UC can and should go further in aligning its major preparation requirements. The President will attend BOARS’ February meeting to discuss.

A Council member noted that UC should do more to highlight existing programs that help transfer students, including the Transfer Admission Guarantee (TAG) program that guarantees admission to CCC students who meet certain thresholds, and UCSD’s Universitylink program, which gives admission preference to low-income transfer students at San Diego-area CCCs.

Budget Update: General fund expenditures in the Governor’s proposed 2015-16 state budget increased 6.1% over last year, reflecting higher revenues from Proposition 30 and a strengthening state economy. The Proposition 98 guarantee helped ensure healthy increases for the K-14 sector—approximately \$2.5 of the \$3 billion increase in the education budget is for K-14. But the Governor’s proposed 4% (or \$119 million) increase to the state-funded portion of the UC budget is equivalent to only a 1.7% increase to the overall UC budget, is contingent on tuition and nonresident enrollment remaining at 2014-15 levels, and fails to cover UC’s 2015-16 mandatory costs, much less the funding UC needs to support other high priority costs and long-term academic quality reinvestments.

The Stability Plan passed by the Regents has inspired action in the Legislature, and UC sees promise in alternative budget plans proposed by the Assembly Speaker and Senate President pro

tem. UC also sees opportunities associated with Proposition 39-funded UC energy efficiency capital projects, cap-and-trade revenues from AB 32, and the Rainy Day Budget Stabilization Act (Proposition 2) which sets aside money to pay down the state's unfunded liabilities and includes UCRP in the list of liabilities.

The UC budget includes a pool of funds equivalent to 3% of salaries and \$60 million for academic quality reinvestments that campuses may or may not use to invest in priorities like new faculty lines, graduate student support, and the total remuneration gap. UC needs a total of \$8 billion over the next five years to address capital needs at the campuses and medical centers, but UC's debt capacity is limited. To help address the problem, UCOP is considering additional bond issues and new financing techniques.

It was noted that salary increases have not had a noticeable impact on paychecks in recent years, due to negative offsets from simultaneous increases in employee contribution rates to UCRP; however, the university does not expect additional increases in contribution rates in the foreseeable future. UC is making more progress meeting UCRP's unfunded liabilities thanks in part to the Senate's support for the internal borrowing plan approved by the Regents.

VI. Consultation with UCOP Senior Managers

- *Julie Henderson, Senior Vice President, Public Affairs*
- *Nelson Peacock, Senior Vice President, Government Relations*

The Regents voted to create the new positions of Senior Vice President-Public Affairs and Senior Vice President-Governmental Relations following the elimination of the Senior Vice President-External Relations and Vice President-Budget and Capital Resources positions. SVP Peacock will lead UC's state and federal government relations activities, and SVP Henderson will focus on UC's public affairs, communications, and stakeholder relations activities.

The two offices will work together closely to synchronize UC's media strategy and government relations work and to coordinate and enhance systemwide and campus-based communications and advocacy efforts. They will work with the media to increase the public's understanding of the University's work and the accuracy of the story told about UC; use President Napolitano to the highest effect in meetings with legislators to help make the case for additional state investment; and build and empower more internal and external champions for UC to help communicate the value the university provides to local communities and the state. In addition, they want to look for new opportunities for campuses to host events that showcase the faculty's positive teaching, research, and service activities to make the case that UC matters not only for undergraduate education, but also for graduate education and research. They want to give campuses room to move on issues that are important to them but also ensure that they are unified on issues like the state budget, and at the national level, monitor issues such as Pell grants, the proposed college rating system, federal research spending, and the possibility of budget sequestration in 2016. Faculty can help provide input about messaging and identify credible spokespeople who can talk about the good work happening on UC campuses in both the California and national media.

Council members suggested that the SVPs connect with the Senate during their campus visits; promote awareness of the lack of competition in health care markets in California, its effect on

faculty welfare, and potential solutions; and enhance UC's website so that it is more effective in highlighting the interesting work happening on the campuses.

VII. Consultation with UCOP Senior Managers

- *Susan Carlson, Vice Provost, Academic Personnel*

In December, Council sent Vice Provost Carlson a [letter](#) indicating that the Senate could not endorse [proposed revisions to APM 210-d-1](#) but that Council would discuss next steps for developing and securing a faculty consensus around improved wording. Chair Gilly invited Vice Provost Carlson to discuss the revision and summarize the feedback she received from administrative groups.

Vice Provost Carlson noted that the language of APM 210-d is a national model but remains controversial at UC, where the current debate reflects an ongoing culture change surrounding the implementation of language approved ten years ago. She said some of the administrative concerns about the revision echoed those expressed in the Senate review—some reviewers called the language ambiguous and inappropriate, while others were more supportive. She confirmed that she does not feel she is in a position to change the policy without the Senate's support.

A Council member noted that the revision was intended to address confusion from CAPs about how to interpret language about the role of contributions to diversity and equal opportunity in the academic personnel process. The Senate review revealed an almost unanimous consensus that those contributions should be evaluated and credited on the same basis as other contributions, but should not hold a privileged position or constitute a "fourth leg" of evaluation. There is still a need for clarification, but Council should shelve the philosophical debate about academic freedom and diversity and instead cohere around this consensus.

It was noted that some faculty interpret the current APM language to imply that CAPs should give extra credit for diversity activities; while others believe the language simply suggests a need to highlight and protect those activities. It was noted that there are disciplinary differences affecting the extent to which faculty can participate in diversity-related research. It was noted that there has been a tendency for CAPs to discount, undervalue, or marginalize such research as less relevant to the key questions in the field, and it remains important for CAPs to acknowledge those efforts and reward exemplary efforts. It was noted that APM 210 has evolved to help faculty acknowledge peers properly—in addition to diversity, it now calls out the performing arts, collaborative work, and other specific activities. Finally, the San Diego division chair circulated an alternative revision that seeks to address the concerns expressed in the review.

Action: It was agreed that a Council subgroup involving the UCSD, UCAP, UCAAD, UCEP, and BOARS chairs will meet to discuss the San Diego chair's revision and other alternatives, and propose a new revision in February that Council might send out to divisions.

VIII. Total Remuneration Recommendations

Council reviewed letters from UCPB, UCFW, UCAAD, and UCAP recommending options for addressing the UC faculty total remuneration gap, and next steps for a joint administrative/Senate

workgroup (including the chairs of those four committees) to discuss 1) how to allocate the pool of funds equivalent to 3% of salary in the proposed 2015-16 UC budget, and 2) how to address the salary lags noted in the Total Remuneration [study](#).

UCPB and UCFW have opined that the 3% salary funding pool in the 2015-16 UC budget should be distributed as an across-the-board range adjustment applied to both the on- and off-scale salary components, while UCAP and UCAAD favor allocating the 3% as an across-the-board increase to on-scale salary only, to help narrow on- and off-scale differentials.

With regard to the use of funding beyond 2015-16 and above 3%, UCPB recommends using additional money set aside in the budget for “quality reinvestments” to address the total remuneration gap. UCPB has determined that closing the gap would require a 5.6% annual salary increase for five years, including an additional 2.6% above the 3% range adjustment that could be funded from the quality reinvestment pool. It recommends using the full 2.6% increment to increase the published salary scales to make them more reflective of market conditions. UCFW is less optimistic about the proposed multi-year plan, but it also (along with UCAAD and UCAP) favors a long-term scheme that applies the bulk of resources to the salary scales. UCPB, UCFW, and UCAP all note the important link between the integrity of scales, the peer review system, and UC’s excellence. UCAAD is also open to flexibility considering options that would increase equity within and across campuses.

Several divisions also shared views. UCR and UCSB support applying the 3% salary pool on an across-the-board basis, and a potential additional 2.6% to fix total remuneration. UCB, UCI, and UCSC support applying the 3% only to the on-scale portion of salary, to help address inequities and lessen existing off-scale differentials that may be based merely on a faculty member’s negotiating skills or ability to secure an outside offer. UCSF notes that most of its faculty are on the Health Sciences Compensation Plan (HSCP) and none has an off-scale salary. Any salary increase should apply to all series and to both the “X” and “X-prime” salary components.

Chair Gilly noted that the joint work group is expected to make recommendations for HSCP faculty and to discuss unacceptable options. Council members noted that unacceptable options include a less than 3% salary increase, elimination of the salary scales, and the total delegation of salary decisions to administrators. It was noted campuses and individual departments within campuses differ in the extent to which faculty salaries have fallen behind the market; fixing the systemwide scales will help address the problem in those campuses and units and ensure comparable worth and pay for faculty across campuses.

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