

ACADEMIC COUNCIL

Minutes of Meeting

July 27, 2016

I. Consent Calendar

1. Today's agenda items and their priority
2. Draft Council minutes of June 22, 2016

ACTION: Council approved the consent calendar.

II. Senate Officer's Announcements

- **Dan Hare, Academic Senate Chair**
- **Jim Chalfant, Academic Senate Vice Chair**
- **Hilary Baxter, Academic Senate Executive Director**

July Regents Meeting: The Regents approved a [new governance structure](#), noting that there will be ongoing revisions to Regents Bylaws, Standing Orders, and Policies to reflect the new structure, and that the new Bylaws will not alter the current role of faculty representatives and staff advisers who sit on Regents committees. The Regents also approved new [limitations](#) on Senior Management Group (SMG) outside professional activities, a 3% across-the-board salary adjustment for SMG members, and a budget for UCOP. They discussed plans to fund new housing and classroom facilities on several campuses, and listened to presentations from UC Merced, Santa Cruz and San Francisco administrators on those campuses' finances, learning outcomes, and diversity. The Regents deferred consideration of a nonresident enrollment policy to a later meeting. Chair Hare's [remarks](#) focused on "The University of California's Fundamental Existential Question."

UCFW Issues: The Office of Human Resources declined to accept UCFW's [recommendations](#) for 2016 Pension Tier Communications and Election Guidelines, endorsed by Council in June. However, Human Resources did address to UCFW's satisfaction the committee's [concerns](#) about proposed revisions to the Elective Disability Program.

PDST Task Force: The Provost has assembled a Task Force to consider UC policy governing Professional Degree Supplemental Tuition (PDST), and the process by which campuses propose new PDSTs. UCOP also wants to change policy to allow the Regents to approve fee increases proposals on a multi-year basis, instead of annually. A systemwide Senate review of the proposed changes is unlikely, though there should be opportunities for some consultation and review, by selected committees and the Academic Council. The Senate is represented on the task force by Vice Chair Chalfant.

Marginal Cost Funding: The budget agreement with the state provides UC with \$25 million to enroll 5,000 new resident undergraduates in fall 2016 – equivalent to half of the \$10,000 per-student figure agreed to in the past. The agreement also funds the enrollment of an additional 2,500 undergraduates in fall 2017 at a \$7,400 marginal cost rate. UC is expected to make up the difference with savings achieved through the elimination of nonresident undergraduate financial aid. If the cost of financial aid had not been socialized across the system, campuses would have

experienced different budgetary consequences due to the variation in nonresident enrollment across campuses and the number who were receiving financial aid. However, all campuses were taxed to provide this, so all will now experience savings. The savings will be proportional to the total tuition revenue on the campus, however, and not related to the campus share of new enrollments. Hence, UCOP will use a mechanism for closing the marginal cost gap that will not hurt any campus.

III. Supplemental Report of the Joint Committee of the Administration and Senate

Council discussed the Supplemental Report of the Joint Committee of the Administration and Academic Senate. The report responds to the President's request for additional recommendations for streamlining and improving investigation and adjudication processes around sexual harassment and sexual violence cases involving UC faculty. The recommendations include merging parallel Title IX and Academic Personnel Office investigations, reducing the total timeframe for investigation, disposition, and adjudication to five months, and clarifying the "three year rule."

The report recommends ways to improve communications between, and the consistency of Title IX and Academic Personnel investigations, but also notes that each investigation has a distinct purpose that could be lost through integration. It says that the investigation and disposition stages could be completed in five months with improved processes, but that a total five-month timeframe through adjudication is unrealistic in most cases. The report recommends changing APM language and SBL 336 to clarify that there is no time limit for a complainant to report a violation, and that an administrator must decide to deliver notice of proposed disciplinary action to the respondent or not within three-years of learning about an alleged violation.

- Council members discussed the President's decision to institute a Peer Review Committee on each campus to review proposed discipline and make final decisions regarding early resolutions. They noted that campuses will be challenged to implement a Peer Review Committee structure that respects due process and also results in greater consistency in disciplinary outcomes across campuses. Members noted that putting Peer Review and P&T Committees on a full-year schedule that includes summer will make it more difficult to recruit faculty to those committees, particularly without providing extra compensation. Some members also expressed concern about the unintended consequences of allowing an unlimited timeframe for initiating complaints about past incidents, although others noted that a long timeframe will ensure that students can feel sufficiently secure to report an incident.

ACTION: A summary of Council's comments will be forwarded to Senior Vice President Vacca.

IV. Executive Session

V. Consultation with Senior Managers

- Janet Napolitano, President
- Aimée Dorr, Provost & Executive Vice President, Academic Affairs

Budget and Enrollment: The approved state budget requires UC to add 2,500 California resident undergraduates in the 2017-18 academic year in exchange for \$18.5 million in permanent new funding. Although the agreement falls short of full marginal cost funding, it moves in the right direction. UCOP understands that each campus has different capacities and constraints related to space and personnel, and is soliciting their proposals for accommodating a share of the enrollment growth in ways that ensure a high-quality experience for students. UCOP will issue a systemwide plan with final enrollment targets in December.

Nonresident enrollment continues to be a concern for some parents and policy-makers. UC was able to avoid statutorily-imposed limits on nonresident enrollment, but it will respond to a state request to adopt a policy on nonresident enrollment. UCOP staff are analyzing different models for a policy and the economic impact to campuses with high enrollments.

The budget also provides UC with \$35 million in one-time funding for deferred maintenance, \$22 million for innovation and entrepreneurship, \$20 million to support academic success for disadvantaged students, and other funding to expand faculty diversity and to support specific research projects related to gun violence, transportation, and precision medicine. Unfortunately, the Governor did not approve the Legislature's graduate enrollment funding plan. Securing that funding will be a major priority for UC next year, along with funding to support the capital budget.

Regents Meeting: In July, the Regents made changes to their governance structure that will fundamentally reform and improve the way they do business. The changes include reducing the number of standing committees from ten to six and restructuring Regents meetings to allow them to focus more on issues of strategic importance to the University. The Academic Council is invited to forward ideas to UCOP about topics that would be worthy of deeper analysis and that can help the Regents provide guidance about the future of the University.

Legislation and Audit: The University opposes a bill that would require UC to offer contract employees the same level of salary and benefits as full-time UC employees, at a very high cost. UC is also concerned about a national proposal to provide free tuition to students from families making under \$125,000. UC believes there may be a better solution for UC and other research universities. The State Auditor plans to interview UCOP staff about a new audit regarding the availability of "a-g" courses in California high schools. The audit will focus largely on high schools, but will also request information from UC about the processes by which high schools submit courses for review, and the criteria used to evaluate them.

Diversity: The University is working to better inform the Legislature about UC's commitment to diversity. A new UCOP report discusses all of UC's diversity-related programs that are supported with state funds or campus assessment funds, what the programs do, and whether they make a difference. Nearly every UC campus saw increases in the diversity of their admitted undergraduate classes this year, and the fall 2016 class will be the most diverse ever. The \$2 million provided in the state budget to increase faculty diversity will have limited impact, but UC plans to establish an initial program in the hopes of encouraging an ongoing funding commitment.

Vice President Searches: Arthur Ellis has joined UCOP as the new Vice President for Research and Graduate Studies. Most recently, Mr. Ellis served as Provost of City University of Hong

Kong, and is also the former Vice Chancellor for Research at UC San Diego. President Napolitano is interviewing finalists for the Vice President for Student Affairs position.

SSGPDPs and PDSTs: The President recently issued a [revised policy](#) on Self-Supporting Graduate Professional Degree Programs (SSGPDP), governing the establishment and operation of SSGPDPs. The policy includes a new requirement for campuses to complete a budgetary cost analysis template for proposed and continuing SSGPDPs. In November, UCOP will ask the Regents to approve a revised Professional Degree Supplemental Tuition (PDST) policy, to take into account Regental concerns about high fees and student debt and to address campus concerns about burdensome requirements for proposed PDSTs and the policy's alignment with current practice. UCOP will meet with Senate committees about the proposed policy, but there will be no systemwide review.

VI. BOARS Issues

o Ralph Aldredge, BOARS Chair

1. Compare Favorably Report

Chair Aldredge discussed BOARS' "[Compare Favorably](#)" report on 2015 nonresident admissions. The report summarizes systemwide and campus outcomes for BOARS' [policy](#) requiring campuses to admit nonresidents who compare favorably to California residents admitted at that campus. It compares high school GPA, SAT score, and first-year UC GPA and persistence for residents, domestic nonresidents, and international nonresidents, and highlights statistically significant differences in group averages for each campus. The report notes that based on those limited measures, the University is meeting the standard on a systemwide basis, although outcomes vary on specific campuses.

The report emphasizes that GPA and test scores are narrow, imperfect measures for the assessment, given campuses' use of 14 comprehensive review factors. Moreover, although campuses use a conversion formula for international GPAs, it can be difficult to compare GPAs at American and foreign institutions, given the different grading standards across the world. Noting these limitations, BOARS will consider additional future analyses, including an assessment of outcomes by admitting unit and a comparison of Holistic Review scores. The report also notes that campuses set enrollment targets for many reasons, including revenue, but that enrollment targets should not influence the quality or outcome of the compare favorably assessment.

Finally, Chair Aldredge noted that UC's nonresident admissions practices are under increasing scrutiny after the recent state audit. One of the audit's recommendations is that UC return to an interpretation of the Master Plan requiring every nonresident to "stand in the upper half of those ordinarily eligible," in contrast to the current focus on means and averages. The President has asked the Senate to review its compare favorably policy in the fall, to clarify the policy's compliance with the Master Plan and its consistency with UC's comprehensive review policy and holistic review processes.

2. Update on Letters of Recommendation Pilot

BOARS is reviewing preliminary data from UC Berkeley's Letters of Recommendation Pilot Program and the role of the Pilot in admissions outcomes. The Pilot reflects a compromise forged at the July 2015 Council meeting in which Berkeley agreed to request letters only from applicants initially receiving a score of "possible" based on their application materials or later in the review process. Berkeley has expressed its desire to expand the request for letters from the "possible" group to all applicants.

Council reviewed an analysis of the Pilot from the Berkeley Office of Admissions (OA), an independent analysis by a UCB professor, and a UCOP analysis of individual Berkeley and UCLA applicants who went through the admissions process at both campuses. The OA report indicates that students from underrepresented backgrounds were less likely to receive a request to submit letters, and those who did were less likely to request letters and submit letters to Berkeley, compared to the overall applicant pool. It also found that applicants who submitted letters were admitted at a higher rate than students who did not. The UCOP analysis indicates that Berkeley admitted a significantly smaller fraction of URM students from the applicant pool it shared with UCLA in 2016 compared to UCLA. However, the independent analysis found no evidence of a specific correlation between the Letters and decreased diversity outcomes. BOARS has requested longitudinal data on shared UCLA/UCB admits to help clarify the Pilot's effect, before endorsing an expansion or recommending against one.

BOARS recently passed a recommendation to continue the Berkeley Pilot in its current form for a second year. Chair Aldredge asked Council to endorse the recommendation, stated as follows: *"BOARS reaffirms the interim course of action approved by the Academic Council at its meeting in July 2015, specifically limiting the group of applicants from whom letters of recommendation are solicited and considered to those ranked as 'Possible' admits. We recommend extending that course of action to include the 2016-17 admissions cycle."*

- Several Council members spoke in favor of a recommendation that Berkeley end the Letters of Recommendation Pilot. These members noted that the admissions outcomes at Berkeley demonstrate a differential impact of the Pilot on underrepresented students, and confirm the validity of data showing that URM students and students who attend under-resourced schools are less likely to have access to networks for generating letters.

ACTION: A motion was made and seconded to endorse the BOARS recommendation. The vote was 3 in favor and 14 opposed, with one member not voting.

ACTION: A motion on the following statement was made and seconded: Academic Council opposes both the continuation of the UC Berkeley letters of recommendation pilot project and the expansion of the pilot project to all applicants. The motion passed in a vote of 15 in favor and 3 opposed.

ACTION: Chair Hare will write to Berkeley on behalf of the Council.

VII. Academic Council Special Committee on Agriculture and Natural Resources

Council reviewed a revised proposal to end ACSCANR's status as a Special Committee of the Council and to authorize the appointment of a ten-member UCPB task force to take the lead for the Senate on issues concerning the ANR and AES budget. The proposal clarifies that the UCPB

chair will have final approval authority over the appointment of the Task Force's chair and its six at-large members, although the chair is expected to work with UCOC to finalize the membership. The proposal also clarifies that the appointment criteria should emphasize candidates' Senate experience over their subject-matter expertise.

ACTION: A motion was made and seconded to dissolve ACSCANR and replace it with a UCPB Task Force. The motion passed unanimously.

VIII. CCGA Handbook Revision

o Valerie Leppert, CCGA Chair

CCGA has revised its [Handbook](#) to add Guidelines for the review of new and continuing Self-Supporting Graduate Professional Degree Programs (SSGPDPs). The Guidelines are outlined in "Appendix K."

Chair Leppert noted that SSGPDPs are increasing in number across the UC system. CCGA reviewed about 20 SSGPDP proposals this year. A recent policy [update](#) removed four restrictions on SSGPDPs and added a clause allowing state-supported programs to convert to self-supporting status. CCGA understands that SSGPDPs fill an educational need and can benefit the University, but the committee is also concerned about the potential for SSGPDPs to affect the public nature of the University and to divert faculty teaching and research effort and other resources away from UC's core state-supported academic mission. The new Guidelines ask SSGPDP proposers to describe provisions for faculty teaching and advising, including provisions for "overload" or "buy-out" teaching; the facilities available to house the SSGPDP; how a program will affect existing state-supported programs on the campus; admissions criteria and financial aid; and a financial viability analysis that assesses budgetary impacts. CCGA is concerned that revenues are often overestimated and instructional costs are underestimated. It wants to ensure that resources are available to maintain academic quality both in the SSGPDP and in state-supported programs. CCGA will seek the advice of UCPB in evaluating all proposed new SSGPDPs.

- Council members expressed support for the CCGA Handbook revisions, noting that the checklist in Appendix K will encourage programs to put forward stronger proposals and will help ensure quality.

IX. Electronic Communications Policy

Council received a response from the Office of General Counsel (OGC) to its request for clarification about UC policy on non-consensual access to UC employees' electronic communications permitted during an internal investigation, in the context of UC's [Internal Audit Management Charter](#), the [Electronic Communications Policy](#) (ECP), and state and federal law.

The OGC clarified that UC is subject to federal and state law requirements that allow a public employer to access employee electronic records without consent only if the access and the means of access are "reasonable under the circumstances," carry a work-related justification developed in advance, are directly related to the justification and relevant to the scope of the investigation, and are "not excessively intrusive." The OGC also clarified that there is no University-directed internal investigation or audit involving electronic communications that falls outside the ECP

and the Internal Audit Charter. The OGC is researching an additional question of whether all internal UC investigations are considered “audits” under the authority of the Charter.

ACTION: A Council member proposed the following motion:

WHEREAS:

Shared governance with the Academic Senate is a cornerstone of the University of California;
and

The expectation of privacy in internal communications among members of the Senate is
fundamental to the effective functioning of the Academic Senate,

BE IT RESOLVED THAT:

A search of the electronic records of the Academic Senate, a Divisional Senate, or of any committee thereof without consent is an extreme and excessively intrusive measure. It is warranted only in the most extraordinary circumstances and is to be avoided whenever possible, even if permitted by the Electronic Communications Policy or other University policy. No nonconsensual search of such electronic records should be undertaken without notice and consultation with the Chair of the Academic Council, or, in the case of a search involving a Division of the Academic Senate, the Chair of the affected Division.

The vote was 12 in favor and 1 opposed, with 3 abstentions. Council will send the resolution to the President as an information item.

X. Council Priorities for 2016-17

Council identified anticipated new and continuing issues for the 2016-17 Council, including the following possible “deep dives” to suggest to the Regents:

1. Diversity, including structural and institutional barriers to hiring a diverse faculty
2. Graduate education and Self-Supporting Programs
3. Undergraduate admissions policies
4. Outcomes from the underfunded expansion of undergraduate enrollment
5. Outcomes from the implementation of the 2016 retirement tier
6. Threats to the quality of the University of California
7. Campus climate

Council members gave Chair Hare a round of applause in appreciation of his service to the Academic Senate and the University of California.

Meeting adjourned at 4:00 pm

Minutes prepared by Michael LaBriola, Principal Committee Analyst

Attest: Dan Hare, Academic Council Chair