

UNIVERSITY COMMITTEE ON FACULTY WELFARE

MINUTES OF MEETING

MAY 8, 2020

I. Chair's Announcements

Jean-Daniel Saphores, UCFW Chair

- Some of the possible “lessons to be learned” from previous financial crises and how they might apply to the current situation will be discussed with UCPB (Item VII). A similar document is being developed that focuses on medical center faculty specifically.
- Another medical center faculty concern involves the loss of clinical billing hours, which could cause some faculty to lose their full-time status, and thus Senate membership and protections. Leniency and flexibility will be sought.
- The Academic Council will consider a memo objecting to new federal immigration restrictions.
- Flexibility within campus directions to return to campus are needed. Faculty, staff, and students can be impacted differently.
- A memo calling for greater transparency in fossil fuel investments is under development.
- Members are asked to follow-up locally regarding DEI statements, as the Academic Council has asked for an accounting of practices to date.

II. Consultation with Academic Senate Leadership

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

1. **Budget:** 1) State revenues are down 37% in May, per Governor Newsom. The May revise budget is flat for now, but since the tax deadline has been deferred to July, no final budget is expected until August or September. UCOP is developing contingency plans for various levels of cuts. The medical centers may soon release beds held for COVID-19 for elective procedures. 2) Many in the Senate are concerned that Shared Governance is being given short-shrift given the rapidity of change and degree of uncertainty. Formal requests for more transparent consultation have been submitted.

Discussion: Members asked if the union-represented staff would still receive their scheduled raises, even though other employee groups have been told theirs have been canceled. Chair Bhavnani indicated that union contracts would be honored, but discussions are underway. Members noted that any outcome is likely to involve furloughs, and wondered if the Senate would be as involved in planning as it was in 2009. Chair Bhavnani noted that an emergency

budget committee with Senate representation has been convened, but its proceedings are confidential for now. Chair Saphores suggested that Senate participants in confidential discussions would benefit from a clear and open Senate position. Members agreed that articulating clearly the pitfalls and possible benefits of various options, as well as achieving concurrence on the meaning of various terms and practices, would also be helpful; the Senate should be in a pro-active position.

2. **Reopening:** UCSF's George Rutherford is leading the state's contact tracing efforts, in which some 45,000 tracers are estimated to be needed. UCSD has scheduled a phased opening to begin May 11. The campuses are making advances in testing, but greater coordination would enhance efforts. Wet labs are expected to open first, and campuses are experimenting with staggered access and other safety protocols. Decision deadlines are up to campuses to determine individually at this point.

Discussion: Members suggested that some faculty over 50 may choose never to return to campus, and wondered if retirement incentive programs should be considered. Members noted that social distancing must be part of every plan.

3. **Emeritus/Emerita Titles:** Clarification of the new policy is still pending with Academic Personnel.
4. **Regents May 19-21:** Among other topics, the Regents will consider the future usage of standardized tests in UC admissions.
5. **Presidential Search:** The Regents Special Committee to consider a new president continues its work, largely eschewing interaction with the Academic Advisory Committee.

III. Consultation with the Council of UC Staff Assemblies (CUCSA) and the Staff Advisor to the Regents

Amanda Chavez, CUCSA Chair

Jacquelyn Holmes, CUCSA Vice Chair

Kate Klimow, Staff Advisor to the Regents

Ann Jeffrey, Staff Advisor Designate

1. **Child Care and Paid Family Leave:** CUCSA shares the concerns articulated by UCFW in its recent memo to the Academic Council. Affordability and access must be stressed. Some members suggested "paybands", similar to those used to set health insurance premiums. Others added that COVID restrictions will exacerbate access problems, regardless of cost. The impact to part-time employees should also be considered. Ms Jeffrey noted that the concept of student "basic needs" could be expanded and that staff and faculty basic needs must also be addressed. Chair Saphores suggested jointly submitted memos may have a greater impact than individually submitted memos.
2. **Reopening:** The entire campus community must be considered and consulted. Even though planning is proceeding slowly, it seems that a consensus for individual flexibility is emerging. Members noted that campus neighborhoods should also be considered. Others suggested that

this is an opportunity to reframe work through a greener lens. Reports that some campuses may allow departments to act individually were met with concern. Open dialogue is needed.

3. **Climate Change**: Members noted that not only is addressing climate change a moral imperative, UC is in a good position to leverage its position in the state both economically and intellectually. Previous student activism and faculty memorials have not yielded the desired results. This topic is new to CUCSA, but the delegation can begin considering it. Chair Saphores wondered how best to interact with the Regents on this issue, and Chair Bhavnani noted that several Regents are sympathetic and receptive to actionable suggestions. The investment and public engagement committees may be good starting places.

IV. Report: UCFW Task Force on Investment and Retirement (TFIR)

David Brownstone, TFIR Chair

- **UCRS Advisory Board**: The Senate has two representatives to the University of California Retirement System Advisory Board, and they serve staggered two-year terms. Henning Bohn from UCSB will continue his term, and Terrence Hendershott from UCB will begin a term on July 1, 2020, replacing termed-out representative David Brownstone.
- **UCRP Funding**: COVID-19 impacts on the budget and markets have put decreased employer contributions back in discussion. A new type of actuarial stress test, called the “crossover test”, would allow passing institutions to set their own rate of return assumptions, but institutions that failed the test would see their rate assumptions set at a lower rate by the federal government, which would in turn balloon their liabilities. The test involves solvency projections over 30 years. A failed test would also put a red flag on the UC credit rating, which some Regents care about strongly, even though rates would be only marginally different. There is no room to reduce contributions and still pass the crossover test. VERIP would also increase liabilities, so it seems unlikely that another program would be offered.
- **Retirement Projections**: The lump-sum cash-out value has increased due to the plan assumptions adopted by the Regents last summer, and the price of increasing payouts to contingent annuitants has increased for the same reason.
- **LLNL Settlement**: Specifics of the settlement remain confidential, but it appears that employees do have standing to sue if retiree health benefits are canceled. Employer contribution cuts still seem permissible.
- **Borrowing Options**: Rates in the commercial market are low. Current IRS regulations prohibit refinancing, and time limitations under the CARES Act make acting under that aegis prohibitive. Further options will be explored.

Discussion: Members noted that many younger faculty do not know the value of UCRP and perhaps are not as vigilant about protecting it as they are about protecting other aspects of their employment.

V. Report: UCFW Health Care Task Force (HCTF)

Mark Peterson, HCTF Chair

1. HCTF Meeting of April 17, 2020

- UC Health EVP Byington reported that there had been no COVID-19 surge but the medical centers still feel prepared. Telehealth usage has increased, but is not equal to previous levels of physical visits. Morale is holding, but many expect the crisis to last many more months. The medical centers are facing significant budget impacts, and plans to secure funding from federal and state sources are in motion. How much revenue has been permanently lost and how much can be made up as deferred treatment is unknown. EVP Byington has already issued guidance to the medical centers to be flexible regarding Senate membership and employment thresholds. Addressing physician, nurse and provider burn-out remains a priority for UC Health.
- Insurance coverage for COVID-19 testing is free in all plans, but members may have to pay co-pays for treatment. Interruptions to dental and vision care can also be expected.
- Financial outcomes for the new Medicare plans are still pending due to accounting delays.
- Rapid turnover in Human Resources have many concerned about institutional memory and the maintenance of Shared Governance.

2. **Reopening**: HCTF recommends that inclusive language be used in all communications. Scientific language should be used sparingly so as to protect access to messages.

VI. Systemwide Review Items

1. Proposed Revised Presidential Policy on Protection of Human Subjects in Research

Representatives Beaster-Jones, Hollenbach, and McGuire Lead Reviewers

The revised policy does not present any immediate concerns as most changes are modernizing language. Revised guidelines will be expected and appreciated.

2. Proposed Revised Presidential Policy on Travel Regulations

Representatives Aron and Tsiaj, lead Reviewers

The revised policy contains conforming amendments, but no change in tone or vision regarding carbon-based travel. A policy position not rooted in accounting is needed.

3. Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

Note: Item not addressed.

4. Proposed Revised Presidential Policy on UC Seismic Safety

Note: Item not addressed.

VII. Consultation with the University Committee on Planning and Budget (UCPB)

Chris Newfield, UCPB Task Force Lead

1. **Financial Consequences of COVID-19**: UC budgets are already threadbare, having never fully recovered from previous state disinvestments in the late 90s/early 2000s and again in 2008-09. The Regents remain firmly opposed to tuition increases. Further cuts seem inevitable, though, especially as UC is a large part of the state's remaining discretionary budget. Members suggest campus downsizing is inevitable, but the Regents and the legislature continue to call for UC to increase enrollment, regardless of capacity or support. The Senate must establish affirmative goals and guidance.

VIII. Campus Updates

1. Systemic Discrimination:

Representative Adejunmobi Lead Discussant

Faculty hiring and advancement continues to struggle with diversity. Because shortfalls may not be intentional, discrimination charges are difficult to levy. DEIs are an attempt to counteract historical and inertial forces, but they are inconsistently used and not supported by clear commitments from leadership. Further, statements must be supported by actions and resources. A binding, systemwide policy response is needed. Some wonder whose good is being considered in these discussions, students or faculty, but that presents a false choice and allows the system to continue operating in its current fashion. Members noted that a lack of safe reporting exacerbates these concerns. Some suggest that certain disciplines are more amenable to work promoting diversity, and that younger faculty should not be expected to have a track record in this area. But some assert this also presents a false dichotomy, and thus underscores the need for consistent messaging. Alternative strategies should be explored at the same time UC experiments with DEIs. Members noted that not all campuses have faculty equity advisors, and at those that do, their authority is unclear.

2. Climate Change Next Steps:

Representative Aron, Lead Discussant

Despite administration claims, UC has not divested from fossil fuels. The Chief Investment Officer has de-risked the portfolio, but there is no commitment from the Regents to keep it de-risked in this fashion or to prescribe investing in fossil fuel companies in the future. Greater accounting and transparency is still desired, especially regarding secondary and tertiary holdings. Another memo to Council will be drafted.

IX. Executive Session

Note: Item not addressed.

Adjournment 4:10 pm.

Minutes prepared by Kenneth Feer, Principal Analyst

Attest: Jean-Daniel Saphores, UCFW Chair

Attendance:

Jean-Daniel Saphores, UCFW Chair
Shelley Halpain, UCFW Vice Chair
David Steigmann, UCB
Moradewun Adejunmobi, UCD
Ken Chew, UCI
Ben Schwartz, UCLA Alternate
Jayson Beaster-Jones, UCM

Abhi Ghosh, UCR

Adam Aron, UCSD

Jill Hollenbach, UCSF

Cynthia Skenazi, UCSB

Grant McGuire, UCSC

Mark Peterson, HCTF Chair

David Brownstone, TFIR Chair

Caroline Kane, CUCEA Chair