

DIVISIONAL COUNCIL
Minutes of Meeting
Friday, February 19, 2021

Attendees: Chair Robin DeLugan, Vice Chair LeRoy Westerling, Christopher Viney, Ashlie Martini, Patti LiWang, Hrant Hratchian, Matthew Hibbing, Abbas Ghassemi, Kara McCloskey, Jesus Sandoval-Hernandez, Erin Hestir, Jessica Trounstone, and Justin Yeakel.

I. Consultation with EVC/Provost Camfield

EVC/Provost Camfield answered questions submitted by Divisional Council members prior to this meeting.

With regard to student health concerns in the context of a return to in-person instruction in fall 2021, EVC/Provost Camfield stated that it is unknown whether the UC system will mandate COVID vaccines for students. The vaccines were manufactured under an emergency use authorization so any attempt to mandate the vaccinations can be challenged. A regular use authorization typically takes two years but it could be accomplished sooner. The UC has no authority over such decisions and is unaware of the timeline.

UC Health had been receiving its own vaccine supply but the state has now decided that the vaccines will be distributed through Blue Cross/Blue Shield and Kaiser. The UC's own supply of vaccines is therefore cut off. The UC is challenging this decision especially given the UC's role in assisting local communities with vaccine clinics.

UC Merced collaborated with UC Davis on asymptomatic COVID-19 saliva tests. UC Merced hired a nurse practitioner for the student health center and is working on hiring an additional physician. Our campus is participating in a working group with UC Davis, UCSF, and UC Health to bring more physicians to Merced. UC Health is beginning the negotiations, and these could take 5-8 months. UC Merced analyzed data on which medical services are most requested by faculty (pediatrics, general practice, and some specialties).

A Divisional Council member asked if rules will be different for UC Merced employees who are not vaccinated by fall 2021 and still return to work. EVC/Provost Camfield answered that they will be expected to continue physical distancing. He acknowledged that some populations are reluctant to receive the vaccination due to a history of health disparities.

EVC/Provost Camfield has just learned that the Governor revised his initial January proposed budget and has restored a portion of the cuts that the UC was scheduled to receive. The UC budget is not as positive as the pre-pandemic January 2020 version, but this is still good news. For now, the UC will likely not have to implement furloughs and layoffs.

II. Chair's Report – Robin DeLugan

A. C-19 Cabinet Meeting (Feb 11)

Chair DeLugan echoed EVC/Provost Camfield's statement that the state's vaccine supply will be managed by Blue Cross/Blue Shield and Kaiser. However, the UC will attempt to regain its own

supply. There will no longer be closed vaccination pods on campus (open only for UC Merced employees) but rather open pods (UC Merced employees plus community members). The campus is aiming for the yellow Tier 4 (“minimal”) risk category by fall 2021 so we can have in-person instruction but still maintain physical distancing and reduced capacity. Chair DeLugan cautioned that it is a dynamic, evolving situation.

Chair DeLugan requested that Divisional Council members send her topics for discussion for her standing meetings with the Chancellor and EVC/Provost. She also encouraged members to submit topics for the EVC/Provost for the next Divisional Council meeting.

III. February 10, 2021 Meeting of the Assembly of the Academic Senate– Jessica Trounstone

- A. Continued discussion on the discontinuation of the SAT and ACT tests for admission to the UC. The decision was to adapt an existing, Smarter Balance test.
- B. The Governor’s budget was updated, and the UC’s cut was restored. However, UCOP is addressing line items in the budget such as funding for online courses. The UC will push back on such items because the state is redirecting how faculty are teaching.
- C. UC President Drake has organized two symposia on campus safety, specifically about campus policing. The date and time of the March symposium is available on UCOP’s website.
- D. UCOP is trying to make the standard of evidence for Title IX cases consistent across the 10 campuses for faculty, staff, and students.
- E. UCFW is involved in alleviating burdens on faculty going forward with regard to merits and promotions given the losses to faculty research due to the pandemic.

IV. Consent Calendar

- A. Approval of today’s agenda
- B. Approval of the February 5 Meeting Minutes

Action: the Consent Calendar was approved as presented.

V. Systemwide Review Item

- A. Presidential Policy on UC Research Data and Tangible Research Materials – **CoR Chair McCloskey**

The new policy describes the responsibilities of the campus leadership and its researchers concerning the access to, and retention and maintenance of Research Data and Tangible Research Materials produced during the course of University research. The policy addresses the following key issues:

- Affirms that the Regents of the University of California owns all Research Data and Tangible Research Materials.
- Research Data and Tangible Research Materials must be retained as long as required by funders, publishers, campus policy, compliance or regulatory bodies, applicable law, relevant agreements, and in accordance with the standards of the Principal Investigators’ scholarly disciplines.
- When Principal Investigators leave the University, Research Data and Tangible Research Materials remain the property of the Regents of the University of California, however, Principal Investigators may generally take copies of Research Data generated under their research projects.

Chair McCloskey pointed out that the old policy was too vague, and the new policy aims to be more specific given the many different forms of data that faculty now generate. However, several Senate committees pointed out that the new policy is problematic because the UC seems to want to own faculty data, but they do not wish to pay to keep it. Student participation with regard to data is also unclear.

A Divisional Council member pointed out that the scholarly output that faculty produce makes it impossible for the UC to claim sole ownership. Faculty do collaborative projects with other universities, institutions, and communities of scholars. The data that results from these projects is owned by several entities. It is unclear how the proposed Presidential Policy would address that.

Another Divisional Council member inquired how the policy would apply to graduate students on fellowships. When graduate students are in laboratories collecting their own data and they apply for fellowships, are they still responsible to the laboratory? Does the laboratory own the data? If a graduate student moves to another university or institution, does the student lose their rights to the laboratory's data? Also, what happens to the data if a faculty member is on a fellowship or on sabbatical?

A Divisional Council member stated that Assembly Bill 1755 (The Open and Transparent Water Data Act) mandates that any water quality data collected through state funds must be owned by the state and provided publicly in a state repository. This mandate was not reflected in the proposed Presidential Policy.

A Divisional Council member asked how the UC would enforce the policy given the open-ended definition of data which can include laboratory notebooks, mathematical models, and theories.

A Divisional Council member agreed with the SSHA Executive Committee that the Presidential Policy should carefully define what research data UC actually wants to own.

Action: DivCo's comments will be summarized in a memo to Chair Gauvain.

VI. Senate Service Expectations for Faculty– Chair DeLugan and Vice Chair Westerling

This item was first introduced at the February 5 Divisional Meeting and was tabled due to time constraints.

Senate Vice Chair Westerling explained that in the early years of the university, the practice was to overburden untenured faculty with service due to the dearth of faculty members. Now, the campus is following the opposite practice and shielding untenured faculty from service. This has led to a situation in which several faculty members have gone up for tenure without having performed any Senate service. The Senate has never decided on a policy about service; the administration has been giving advice to faculty. The Senate does not have to mandate what service activities faculty should complete, but the Senate could affirm a norm of good service for different ranks and steps. Almost every full professor is carrying a significant service load. The pool of faculty the Senate can draw from for service is therefore constrained given the high number of untenured faculty. The Senate would benefit from robust participation across all faculty ranks. There are leadership roles on campus that full professors should be engaging in (e.g. mentoring of untenured faculty) but are unable to due to their other service activities.

An example norm could be that faculty member going up for tenure will have completed one year of Senate service or the equivalent at the department or School. If a faculty member is going up

for promotion to full professor and has never performed Senate service, that will be seen as problematic. However, the expectation will vary and departments, deans, CAP, and the EVC/Provost will use their best judgement.

CAP Chair Martini stated that CAP sees variations from departmental review committees. Some review committees declare their untenured faculty need to perform more service while other review committees recommend that their untenured faculty reduce their service load. CAP would benefit from guidance on service expectations for departments since CAP cannot be too prescriptive in its advice.

A Divisional Council member stated that he does not wish to have untenured faculty members on certain Senate committees as those faculty members fear retaliation from their senior colleagues when the latter vote on tenure cases. He supports the idea of creating a norm for Senate service but does not want to leave untenured faculty vulnerable. Another Divisional Council member argued that untenured faculty cannot be disenfranchised from serving on the Senate.

A Divisional Council member suggested that the chairs of CAP and CoC, together with department chairs, should draft a norm for Senate service.

A Divisional Council member asserted that the campus needs to establish a culture in which service is valued. If departments do not value service, that is the attitude and advice that will be passed to untenured faculty.

Action: Divisional Council will continue this discussion at upcoming meetings.

VII. Proposed Amendment to Thondapu Family Endowed Chair in Bioengineering – Vice Chair Westerling

The Department of Philanthropy & Strategic Partnerships has requested the review and approval of proposed amendments to the terms of the Thondapu Family Endowed Chair in Bioengineering. The amendments change the scope and name of the Chair to Medical Education and support cross- disciplinary, collaborative research among all schools.

Requested Actions:

- i. Discuss proposed amendments
- ii. Vote to approve proposed amendments for transmittal to the Department of Philanthropy and Strategic Partnerships

Divisional Council members were unclear about the amendments that propose to change the chair to medical education and whether the chair will still be awarded to a faculty member in bioengineering. A Divisional Council member inquired whether the donor or the university is requesting the amendments. Another Divisional Council member expressed concern that a research-related chair is being amended to a medical education chair. A more appropriate revision would be “Medical Science and Research” or “Medical Sciences and Engineering”.

Action: Clarification will be requested on the amendments to the terms of the Thondapu Endowed Chair. Divisional Council will consult with the School of Engineering dean.

VIII. UC Merced Presidential Chair in Humanities II – Vice Chair Westerling

The Department of Philanthropy & Strategic Partnerships has requested the Senate review and approval of the UC Merced Presidential Chair in Humanities II. Per procedure, the Senate Vice Chair reviews the proposal on behalf of Divisional Council, in consultation with the Chairs of the relevant School Executive Committee. The Vice Chair then share their analysis with DivCo for action. Actions may include approval, comment and/or electing to solicit input from committees.

Requested Actions:

- i. Vice Chair Westerling presents his analysis
- ii. DivCo transmits its recommendation/approval to the Department of Philanthropy and Strategic Partnerships.

Action: This item will be revisited at the next DivCo meeting.

IX. Consultation with Interim CFO Schnier

Interim CFO Schnier attended today's meeting to discuss issues related to the Alpha Financials system. The chairs of the SSHA and SOE Executive Committees and the Vice Chair of the SNS Executive Committee also attended this session.

Interim CFO Schnier stated that he appreciates hearing faculty's problems with the new financial system and encourages faculty to send him their questions and challenges. He added that the campus is lacking the appropriate guidance and training for users of the system and he understands that the campus has not been able to get supplies for faculty for their research in a timely manner. Interim CFO Schnier has liaised with Procurement Director Josh Dubroff to create tutorials. Liaisons from the Center for Business Services and Solutions (CBS2) will be assigned to Schools so that faculty requests are not going into a "black box". Interim CFO Schnier has also asked Director Dubroff to create "cheat sheets" to research administrators and department staff so they can help faculty learn the new mapping to FAUs. He acknowledged, though, that this should have been done previously.

Interim CFO Schnier announced that the campus has re-engaged the Deloitte firm to help train users of the new system. The firm will help develop short training materials and identify pain points in the system. By next week the campus will have a plan to address the purchasing issues and by the week after that, the campus should be ready to fix the issues.

The SSHA Executive Committee chair stated that one of the problems of the purchasing system workflow is that it requires multiple people to be involved in multiple places. Users have to manage too many pieces of the system and it is therefore not user friendly. The SNS Executive Committee Vice Chair pointed out that when he places orders, he has to enter several different numbers which is confusing and inefficient. Faculty have had to train themselves on the system due to the lack of staff support. This is an unnecessary burden on faculty. A Divisional Council member stated that she is unclear whether her orders need to be placed through Service Now or the new financial system. Her graduate students are also experiencing difficulties in both areas. The SoE Executive Committee chair asked whether the campus should engage the Senate across the system. Interim CFO Schnier

answered that his immediate next step is to fix faculty's purchasing issues. The next step is to have a meeting with Senate leadership to formulate a plan on sustainability.

There being no further business, the meeting was adjourned at 11:30 am.

Attest: Robin DeLugan, Senate Chair