

DIVISIONAL COUNCIL
Minutes of Meeting
Friday, December 11, 2020

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, Carolin Frank, Erin Hestir, Jessica Trounstine, and Justin Yeakel.

I. Consultation with EVC/Provost Camfield

EVC/Provost Camfield made the following announcements to Divisional Council:

- A. A campus notification will be emailed today about the reopening of the ECEC. The facility will reopen under slightly different conditions, e.g. small enrollments and no infants, increase in the cost per student, and a request for long term commitments. The ECEC will continue to be managed and staffed by the campus's regular ECEC personnel. There will be new rules about ensuring safety of the pods.
- B. EVC/Provost Camfield spoke with his EVC/Provost counterparts at other UCs about the importance of developing robust practices and policies for personnel reviews of faculty in the post-COVID environment. The reviews must be flexible with standards and consistent. UC Davis has formulated guidelines and other campus have convened committees to discuss this topic. EVC/Provost Camfield stated that he will make a formal request to CoC to identify Senate faculty members to serve on his newly-empaneled, joint faculty-administrative committee on post-COVID faculty personnel reviews. He will ask VPAP Matlock to co-chair the committee and suggests that the CAP chair also serve as co-chair.

A Divisional Council member pointed out that it is difficult to consider long term investments given the uncertainty of the post-COVID campus budget. He asked whether the EVC/Provost could address the long-term availability of resources for growth and what the trajectory should be. EVC/Provost Camfield replied that the revenue projections versus cost projections are dependent on enrollment. If the campus reaches the 15,000 student enrollment target, the campus's finances will be in good shape. However, he cautioned that UC Merced is in competition with the other UC campuses for incoming freshmen. The other challenge in the past couple of years is that the Trump administration made it more difficult to recruit international students and other campuses responded by going deeper into their application pools. They essentially "poached" UC Merced's potential enrollees. This year, due to the pandemic, many campuses did not meet their enrollment targets and turned to their waiting lists. They again poached the students that UC Merced may have received. UC Merced is working diligently to establish relationships with community colleges in order to recruit the potentially tens of thousands of eligible students as transfer students. Those transfer students will help the campus reach the 15,000 student enrollment target.

Another Divisional Council member stated that some UC campuses are not reducing faculty salaries in response to the proposed curtailment program, but this was not an option on the recent survey issued by UC Merced administration. EVC/Provost acknowledged that not cutting salaries is indeed an option that is being considered. He added that he favors that option as the potential revenue savings are not worth the damage to employee morale.

II. LASC Updates – LASC Chair Maria DePrano

LASC Chair DePrano shared a set of slides with Divisional Council members on the following topics:

- California Digital Library (CDL). There are concerns about possible budget cuts. Cuts at CDL will mean cuts at the campus library level, as CDL is a key part of our systemwide library infrastructure. For instance, CDL supports the systemwide physical and digital interlibrary loan (ILL) and access to HathiTrust. It also provides infrastructure support for our digital special collections at UC Merced. LASC Chair DePrano stated that LASC plans to draft letters of support of CDL if budget cuts are implemented and asked whether Divisional Council would co-sponsor the letters. Chair DeLugan responded with her support.
- Dryad Digital Repository is a curated resource that makes research data discoverable, freely reusable, and citable. It is a free resource that is connected to more than 4,000 UC researchers. The UC Merced Library has been publicizing Dryad and LASC Chair DePrano encourages faculty to inform their colleagues and students about it if they have data storage needs.
- e-Scholarship is an open access publishing platform that is offered free-of-charge to UC-affiliated departments, research units, publishing programs, and individual scholars. It offers publishing and production tools, including full editorial and peer review system, professional support, and consulting services.
- The new System-wide Integrated Library System (SILS) will have an 18-month implementation.
- Project Transform Working Group currently has open access agreements with five journals.
- Springer-Nature Agreement: 1) Phase 1 – beginning in late 2020 – Open access publishing at no cost to author. 2) Phase 2 – beginning in 2021 – OA with UC Libraries financial contribution to publishing fees. 3) Phase 3 – to begin in 2022 – OA publishing with Nature-branded journals.
- The UC is still negotiating with Elsevier and hopes for an agreement by the end of the year. The UC is negotiating for expenditure reduction.
- Access to Library materials during the COVID-19 pandemic
 - HathiTrust Emergency Temporary Access has greatly enhanced access to research materials.
 - JoVE Archive – access to 10,000 lab videos –UC Merced has new subscription.
 - Digitizing materials for courses.
 - Digital ILL – functioning properly and has done since early in the pandemic.
 - Purchased (and purchasing) items requested by faculty and graduate students.
 - Loaning out physical books not in HathiTrust via curbside pickup and sending books.
- UC Merced envisions becoming a centrally located research archive for the Sierra Nevada and San Joaquin Valley. The campus is currently housing the 150-year-old archives for the Sequoia and Kings Canyon National Parks.
- The UC Merced Library continues to be chronically underfunded. A well-funded Library is critical to the campus reaching R1 status.

III. Chair's Report – Robin DeLugan

A. Academic Council (11/23)

- UC President Drake thanked faculty for leaning in during the pandemic. He discussed the proposed UC curtailment and his intention to protect the workforce and employee morale as much as possible.
- The UC is de-risking its fossil fuel investments rather than divesting them which is what the UC previously intended to do. Additional discussion will occur.

- UC President Drake and UCOP leaders are optimistic about the future of the UC’s budget.

B. C 19 Expanded Leadership (12/2)

UC Merced is working with UC Davis on COVID-19 testing that will be operating in the spring semester from the old Dining center. There will be a 48 hour turn around to receive results. If the local region does not rise above the 15% ICU bed capacity, the campus and region will remain under the current stay at home order. Once the stay at home order is lifted, the region and campus will return to the tiered system. The region can expect spikes in infection rates into the new year due to the Christmas holiday. UC Merced is partnering with the county on future vaccination distribution as the campus has the appropriate refrigeration units. Beginning on January 1, campus employees will receive notifications of possible COVID-19 exposure. A campus communication with details is forthcoming. Essentially, if a positive COVID case on campus is identified, a mass message will be sent to employees who work in the affected building. Faculty are strongly advised to inform their research groups and students that this new notification system is imminent. There is no finer grained way of providing notification at this time, hence the mass message. However, if there is a real concern about exposure, individuals will be contacted directly.

C. Review of the Academic Planning Targets

Senate committees and School Executive Committees are reviewing the draft targets. Comments are due to the Senate Chair by January 12, 2021.

D. Medical Education

On November 30, Divisional Council met with Medical Director Thelma Hurd and SNS Dean Betsy Dumont regarding the proposed medical education program. Since that time, UGC, GC, and AFAC have met with Director Hurd and Dean Dumont on a plan to include Senate consultation in the medical education program process. Chair DeLugan asked Divisional Council members to send their feedback to the Senate Office who will track and compile the feedback for Director Hurd and SNS Dean Dumont.

Chair DeLugan also reminded Divisional Council members that today is the deadline to review the draft memo on the Salary Savings Proposal.

Chair DeLugan then raised concerns about confidentiality. She reminded members that discussions in Senate committees are confidential and committee chairs should periodically remind their members of this fact. Information is considered public only after a committee officially transmits a final memo on a given topic. Chair DeLugan also briefly addressed conflict of interest. She asked members to be cognizant of it, as the integrity of Senate work must be protected. The Senate’s principles of shared governance does not only apply to the Senate’s relationship with the administration but within and among Senate committees as well.

IV. Consent Calendar

- Approval of today’s agenda
- Approval of the November 13 Meeting Minutes
- Request from EVC/Provost to Extend the Emergency Educational Policy Through Summer 2021

Action: the Consent Calendar was approved as presented.

V. Name Change for the Stable Isotope Lab to Stable Isotope Ecosystem Lab Of (SIELO) – CoR Chair McCloskey

The name change was proposed by Professor Sora Kim (SNS) and endorsed by CoR. The rationale for this name change was made available to Divisional Council members.

CoR Chair McCloskey briefly summarized the request for the name change and reiterated CoR's approval. Divisional Council members had no comments.

Action: Professor Sora Kim will be notified that Divisional Council approves the name change for the Stable Isotope Lab.

VI. Campus Review Items

- A. Ernest & Julio Gallo Pre-proposal for a School of Management – Chair DeLugan
The proposal was distributed for campus review on September 25, 2020. Pre-proposal and associated materials were provided as hyperlinks on today's agenda.

Divisional Council members agreed that the pre-proposal in its current form should not be sent to UCOP given the lack of support by key stakeholders and the many concerns submitted by Senate committees and School Executive Committees. Divisional Council members also agreed that campus leadership should be explicit with regard to the campus's budget outlook and should provide clear communication about the campus's commitment to funding the proposal Gallo School of Management. Specifically, campus leadership should address: what are reasonable expenses for the campus to incur in the long run in funding the proposed School? What resources will be provided for staffing? The documentation that goes to UCOP must include a clear statement from the Chancellor and EVC/Provost about their commitment to the proposed School.

Divisional Council members agreed that the pre-proposal does not have to be returned to all Senate committees for another review after the lead authors of the pre-proposal address their concerns.

Chair DeLugan offered to collect the most compelling issues put forth by Senate and School Executive Committees on the pre-proposal and send to the lead authors of the pre-proposal so the concerns can be addressed. The lead authors will also be encouraged to obtain more positive letters from key stakeholders, including School deans. Chair DeLugan will then ask Senate committees if they want to review the feedback she receives from the lead authors. CAP Chair Martini volunteered to help Chair DeLugan with this task.

Action: Chair DeLugan and CAP Chair Martini will begin to collect the most significant issues on the pre-proposal from Senate and School Executive Committees. They will transmit to Divisional Council for approval. The transmittal letter will then be submitted to EVC/Provost Camfield.

B. Proposed Distribution of Indirect Cost Recovery (F&A rate) on Research Grants – CoR Chair McCloskey

The rationale for this request is provided in the joint memo from Chancellor Muñoz and EVC/Provost Camfield. That joint memo, together with former Chancellor Leland's 2018 memo referenced in the policy was made available to Divisional Council members prior to this meeting.

CoR Chair McCloskey summarized the proposal and the comments received from Senate and School Executive Committees. The consensus from all reviewers is that the proposed distribution is generally considered an improvement. The biggest concern is the reduction in indirect cost percentage for the ORUs. An additional concern related to whether the new distribution will be grandfathered in for all grants or if it applies only to new grants moving

forward. Another concern is whether departments will be asked to take on more responsibilities now that they are set to receive a percentage of the indirect cost distribution.

A Division Council member stated that departments need an incentive to discuss with their faculty the importance of obtaining grants but the proposal does not provide it. The proposal states that the percentage of indirect costs that will be allocated to the deans and departments will be revisited when the campus reaches the threshold of overall expenditures, but neglects to explain what that threshold is. He asserted that ORED should consider what levels of research expenditures are needed in broad areas of study across the campus, i.e. life sciences, physical sciences, humanities, engineering, social sciences, and set an expectation of what number of per capita research expenditures will enable the campus to reach R1 status. Department chairs can then use that per capita number and explain to their faculty that if they reach it, they will receive an increase in indirect cost percentage. In addition, faculty who are excelling in obtaining grant funding need an incentive to continue.

Division Council members agreed that the Council's transmittal letter to the administration should state that faculty depend on the effectiveness of ORUs for their grant support and Divisional Council therefore believes that ORU should receive a fair percentage of indirect cost. ORUs are the nexus for our inter-campus research collaborations and will help the campus reach R1 status. Divisional Council recommends that the administration take one-half or one percent of the indirect cost distribution from the PIs and allocate that amount to the ORUs.

Action: Divisional Council's memo will be transmitted to the administration.

VII. Systemwide Review Items

A. Proposed Revisions to Leave-Related Policies of the APM 700 Series – FWAF Chair Frank

The proposed revisions are summarized in Provost Carlson's letter which was provided to Divisional Council members prior to this meeting.

The specific proposed changes to the APM sections (redlined and clean versions) are located at the following web address:

<https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/apm-sys-rev-leave-policies.html>

Comments were received from Senate committees and School Executive Committees.

Action: Due to time constraints, Divisional Council members will discuss this item over email. Divisional Council's comments must be transmitted to Systemwide Senate Chair Gauvain by January 20, 2021.

B. Proposed Revisions to Senate Bylaw 336.F.8 – Evidentiary Standard – Vice Chair Westerling

The proposed revision aims to make the Bylaw compliant with the recent federal policy change regarding sexual violence and sexual harassment allegations. It calls for the use of the preponderance of evidence standard in P&T hearings for cases of alleged violation of the UC's SVSH policy. The background provided by UCOP was made available to Divisional Council members prior to this meeting.

Comments were received from Senate committees and School Executive Committees.

Action: Due to time constraints, Divisional Council members will discuss this item over email. Divisional Council's comments must be transmitted to Systemwide Senate Chair Gauvain by January 20, 2021.

VIII. Update from the Anti-Racism Work Group – Senate Chair DeLugan

Chair DeLugan will provide an update on the progress made by the work group.

Divisional Council members were asked to refer to the November 20 memo inviting Senate Committee Chairs to review and propose edits to their Bylaws.

Responses were received from several Senate committees. The draft Preamble Statement for UCM Bylaws was hyperlinked on today's agenda.

Action: Due to time constraints, this item was tabled for the first Divisional Council meeting of the spring semester.

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

Attest: Robin DeLugan, Senate Chair