

**DIVISIONAL COUNCIL
MERCED DIVISION OF THE ACADEMIC SENATE
ANNUAL REPORT 2019-2020**

The Divisional Council (DivCo) held a total of 19 meetings with respect to its duties as outlined in the Merced Division Bylaw I.IV.3. Over the course of the year, committee guests included the following:

- Chancellor Nathan Brostrom
- EVC/Provost Camfield
- Sam Traina, Vice Chancellor, Office of Research and Economic Development
- Nicole Pollack, Chief Human Resources Officer
- Kurt Schnier, Associate Provost for Academic Planning and Budget
- Maggie Saunders, Executive Director, Space Planning and Analysis
- Phillip Woods, Director of Physical and Environmental Planning
- Roger Bales, Professor, School of Engineering
- Paul Maglio, Director, Division of Management and Information, School of Engineering
- Valerie Leppert, GE Program Chair

Many of DivCo's agenda items were delegated for preliminary review by the appropriate Senate Committees, followed by full DivCo review. The issues that DivCo considered this year are described briefly below.

APM 230 Visiting Appointments

The proposed revisions to APM-230 Visiting Appointments were distributed for comment to the standing committees and School Executive Committees of the Merced Division. At its October 2, 2019 meeting, Divisional Council endorsed forwarding for Academic Council's consideration the comments from the Committee on Research (CoR). In sum, CoR noted that the proposed, revised policy is at odds with long-established traditions, in certain academic fields, in which a "stand-alone" visiting position (without appointment elsewhere) is part of regular professional development. Two possible negative impacts were identified. The use of a non-traditional title may affect the caliber of applicants, as applicants may not recognize the position for what it is, or applicants may elect to accept a position with a more recognizable title. Reciprocally, when appointees under the new title apply for faculty positions, their experience may not be fully understood by other institutions that maintain the visiting title. CoR members also wondered why individuals at one UC campus are unable to hold a visiting title at another UC campus. In other words, why the use of the visiting title is restricted to individuals in the Professional Research, Project Scientist, and Specialist series who hold academic or research positions at institutions other than the University of California.

Proposed Revised Presidential Policy on Copyright Ownership

At its November 13 meeting, DivCo discussed Senate committee comments. Like the committees, DivCo supported the revised policy. DivCo members also highlighted for consideration several suggestions made by committees. In Section II – Definitions, provide examples of Academic Authors to clarify who is an Academic Author and who is not. DivCo members, for example, wondered if University Librarians would be considered Academic Authors under this policy. In Section III A.3. – Student Works, clarify what constitutes "unusual circumstances" with respect to the statement "For the purposes of this section, a student's financial aid is not considered Significant University Resources. Absent unusual circumstances, copyright ownership of theses or dissertations authored by University students resides with such students." And additional recommendation was to clarify definitions so that faculty understand the

policy implications of various funding sources, including, for example, research account funds derived from startups and grant monies from the Academic Senate research grant program. Finally, DivCo members recommended considering developing a workflow/decision guide to help faculty and students navigate and comply with this policy as it relates to other relevant policies, like the patent and open access policies, and topics like intellectual property.

Proposed Revised APM - 120, Emerita/Emeritus Titles

These changes were being proposed in order to conform to Regents Policy 1203: Policy on Emerita/Emeritus Title Suffix. The major revisions were gender inclusive title suffix, criteria for the recommendation of non-tenured Senate faculty, disqualification criteria, new subsection for Deans and Faculty Administrators, definition of “retirement” for Savings Choice participants, clarification of curtailment authority, rescission and incorporation of Appendix A (the previous Appendix A documents relating to space resource allocation are proposed for rescission, as the key principles of the documents have been incorporated into the policy text in APM - 120-80-d).

Proposed Revisions to APM Sections 240 and 246

The proposed changes aligned with previous revisions and provide some clarification regarding the Deans and Faculty Administrators. To align with previous revisions to APM -025, Conflict of Commitment and Outside Activities of Faculty Members, language has been added in Sections 240-20-c and 246-20-c to clarify that both uncompensated and compensated activities are reported and count toward the time limit, but that vacation days are deducted only for compensated activities.

UC Washington Center Assessment Report

Last academic year, President Napolitano announced she would like to begin the consultation process on whether and how to transition selected systemwide programs to campuses. As part of that process, Chair Bhavnani led a review of the UC Washington Center (UCDC) to gain a better understanding of its current state and determine the best options for UCDC’s future. DivCo members agreed with CAPRA’s comment about the need for funding for UC Merced students to participate in the UCDC program. DivCo members also agreed with CAPRA that discussions should be held with the Office of Development and Alumni Relations on this topic and Chair Hansford conveyed this suggestion to EVC/Provost Camfield. CAPRA also offered comments regarding possible organizational structures, the high costs of the program, and recommends expanding the UCDC scholarships to increase UC Merced students’ ability to participate. UGC was interested in obtaining further information regarding transitioning to a single host campus versus remaining with UCOP. At its February 3, 2020 meeting, Divisional Council endorsed forwarding for Academic Council’s consideration comments from CAPRA and UGC.

Work Group Comprehensive Access

The WGCA report was distributed for committee review on January 27, 2020. It was formed to develop recommendations that would uphold UC values when UC health systems affiliate with non-UC health systems. This followed a UCSF decision to halt a planned affiliation with the Catholic Hospital entity Dignity Healthcare, over concerns that Dignity’s restrictions on services for women and LGBTQ+ people are inconsistent with UC values. The Working Group did not arrive at a consensus, nor did all members feel they could endorse the final report. Following the transmittal of the Working Group Chair’s report on December 20th, several Working Group members submitted additional letters further stating their perspectives, and in some cases, raising additional questions. A more thorough analysis of the impacts associated with current and potential future affiliations, including affiliations with employee health plan providers, was recommended before any decision was finalized. Comments were requested via a web-based form on the WGCA website or emailed to president@ucop.edu. Feedback and impact analyses

had been compiled over the next several months and then prepared to make a recommendation to the Board for its consideration at the May regents meeting.

White Paper on Recognizing International Activities in Merit, Tenure and Promotion

The White Paper was prepared by Michael Lazzara, Associate VP for Academic Programs, Global Affairs at UCD, and UC Senior International Officers. They presented an argument for why the University of California should consider changing the APM to include language that allows for a faculty member's international activities to be recognized in the merit, tenure and promotion reviews. CAP Chair Van Dyke summarized CAP's comments for DivCo and the comments from other Senate committees and School Executive Committees. Two themes common to all the responses were: 1) faculty are already recognized and credited in the personnel review process when they engage in international activity, however 2) international activities should not be valued more than community engaged scholarship, moreover, faculty whose disciplines do not lend themselves to international collaborations should not be disadvantaged in the review process.

Report of the Standardized Testing Task Force

In January 2019, at the request of President Napolitano, former Senate Chair May empaneled the STTF to examine the University's current use of standardized testing for admissions and consider whether the University and its students are best served by UC's current testing practices, a modification of current practices, another testing approach, or the elimination of testing. DivCo discussed the comments received from Senate committees and School Executive Committees. UGC Chair Sharping briefly summarized the report for DivCo members and the recommendations contained therein. DivCo members praised and endorsed the carefully written report.

BOARS Recommendations to Eliminate ACT/SAT

BOARS has engaged in a narrower review of the requirement for all applicants to the UC system to submit scores from the SAT Essay or ACT Writing Test and recommended that the UC eliminate this requirement as soon as is feasible.

UGC Chair Sharping summarized for DivCo members the comments received from Senate committees and School Executive Committees. DivCo members agreed with the BOARS recommendation that the ACT/SAT Essay Writing Test Requirement be eliminated as soon as feasible.

Proposed Presidential Policy on Gender Recognition and Lived Name

The new Presidential Policy on Gender Recognition and Lived Name was drafted in response to the passage of SB-179, Gender Recognition Act. It was proposed that the policy be fully implemented by UC campuses and locations by July 1, 2021, and it includes the following key issues: i. The University must provide three equally recognized gender options on university-issued documents and information systems — female, male and nonbinary. ii. The University must provide an efficient process for students and employees to retroactively amend their gender designations and lived names on university-issued documents and in information systems. iii. The legal name of university students, employees, alumni and affiliates, if different than the individual's lived name, must be kept confidential and must not be published on documents or displayed in information systems that do not require a person's legal name.

Revised Presidential Policy on Travel Regulations

The proposed revisions to the Presidential Policy on Travel Regulations were distributed for Senate committee and School Executive Committee review and comment on April 6, 2020. The main revisions consisted of the following: a) Incorporation of the Internal Audit Recommendations regarding documentation necessary to support first or business class travel, and the need to document the

business purpose of each day of the trip; b) Update the policy for the new IRS business mileage reimbursement rate effective January 1, 2020; c) Substitution of gender-neutral language throughout the policy; d) Addition of a new section on sustainable travel; and e) Clarification of what is included in the foreign per diem and link to the Department of State website in Appendix B. FWAF Chair Frank informed DivCo members that that FWAF endorsed the policy with no additional comments. DivCo also endorsed the proposed, revised policy.

Proposed Revisions to Presidential Policy on Protection of Human Subjects in Research

The policy pertains to the treatment and repatriation of Native American and Native Hawaiian human remains and cultural items under the University's stewardship and the University's compliance with the federal Native American Graves Protection and Repatriation Act (NAGPRA), its accompanying regulations, and the California Native American Graves Protection and Repatriation Act (CalNAGPRA). D&E was the lead Senate review committee, and DivCo agreed with D&E's recommendation to endorse the revised policy.

Proposed Revised Presidential Policy on UC Seismic Safety

The Seismic Policy was revised per the guidance of the UC Seismic Advisory Board (SAB). The SAB is a council of structural and geotechnical engineers with seismic expertise appointment by the Office of the President to advise the University. CAPRA served as the Senate's lead review committee. Senate Vice Chair DeLugan summarized the revised policy and CAPRA's comments for DivCo. A DivCo member asked for a definition of an acceptable level of earthquake safety. The policy did not describe to whom the level is acceptable. CAPRA also pointed out that mitigation of seismic safety issues should not be the only concern of construction, facilities, and maintenance, since other needs are more pressing at UC Merced and also speak to the issue of campuses fulfilling their mission.

DivCo also opined on the following systemwide items:

- Proposed revisions to APM sections 240, Deans, and 246, Faculty Administrators (2/4).
- Faculty Salary Data (12/19).
- UCM Librarians Association and Unit-18 Faculty Representation on Senate Committees (11/5).

Divisional Council took the following actions on the following items:

- Transmitted to the Standing Committees, a memo asking for each committee to discuss the merits of adding, as a guest or consultant, a representative of the Librarians Association of the University of California – Merced (LAUC-M) (8/19).
- Transmitted to the EVC/Provost and APAPB Schnier, CAPRA's comments regarding representation of the Associate Provost for Planning and Budget on the Committee on Academic Planning and Resource Allocation (CAPRA) (9/13).
- Endorsed the change in name of the Chemical Sciences major and minor to Chemistry, proposed by the faculty of the Chemistry and Chemical Biology Department (10/14).
- Transmitted to Academic Council, the Senate's comments on the revised *Presidential Policy on Native American Cultural Affiliation and Repatriation* (10/14).
- Transmitted to Academic Council, CoR's comments on the APM-230 Visiting Appointments, stating the negative impacts the policy has on individuals with a "stand alone" visitor appointment (10/14).
- Transmitted to VCoRED Traina, the Senate's response to structural questions regarding the reorganization of sponsored projects raised during the September 18 consultation with Divisional Council (10/18).

- Endorsed D&E's proposed revisions to the call for the Senate Award for Contributions to Diversity, supporting the recommendation to exclude members of D&E from eligibility for the award and appreciating the suggestion that all committees adopt a similar provision for awards under their jurisdiction (10/21).
- Endorsed to the Library and Scholarly Communications Committee (LASC) proposed revisions to Division Bylaw II.IV.4.A to increase the membership (10/21).
- Conveyed to the EVC/Provost, Divisional Council's comments to two questions on the Scholars at Risk Network (SARS) request, with the recommendation that the campus' and faculty's interests in the SAR Network would be best served if Primary Representative responsibilities were handled by a staff member, perhaps located in the Vice Provost for the Faculty's Office (10/21).
- Transmitted to GE Executive Committee Chair Leppert, comments on the proposed permanent bylaws for the General Education program, focusing on two issues raised by committees: vote apportionment for non-Senate faculty and the voting threshold for making changes to the program. (10/31).
- Conveyed to Vice Provost and Dean of Graduate Education Zatz, Divisional Council's approval of the Proposal for a Program of Graduate Studies in Cognitive and Information Sciences for the M.S. Degree (11/14).
- Transmitted to Associate Vice Chancellor and Chief Information Officer Kovalchick, Divisional Council's comments on the charter for the Faculty Advisory Committee for Information Technology, noting how essential I.T. is to meeting faculty and campus goals for research and teaching (11/26).
- Transmitted to the Faculty Advisory Committee on Sustainability (FACS) Chair, Divisional Council's varying comments regarding the structure for Phase 2 of the FACS (11/26).
- Transmitted to Academic Council, Divisional Council's comments on the revised Presidential Policy on Copyright Ownership (11/26).
- Conveyed to the PROC Co-Chairs Divisional Council's endorsement for the Associate Provost for Academic Planning and Budget to replace the Executive Vice Chancellor and Provost as the administrative co-chair of PROC (12/6).
- Transmitted to the Director of Transportation, Parking and Fleet Services, a memo from the Committee on Faculty Welfare and Academic Freedom (FWAF), recommending a change to how authorization for parking reciprocity is handled (12/9).
- Transmitted to the EVC/Provost, VPDGE, and VPF, Divisional Council's endorsement of a memo, jointly developed by the Committee on Faculty Welfare and Academic Freedom (FWAF) and Graduate Council (GC), urging the development of infrastructure, including policy, procedures, and support structures, for resolving disputes between faculty members and graduate students (1/9).
- Transmitted to Interim VPDUE Zimmerman, Divisional Council's endorsement of Undergraduate Council's approval for a B.S. Degree in Civil Engineering, effective Fall 2021 (1/24).
- Conveyed to Professor Roger Bales, Divisional Council's endorsement of the Resolution regarding the University of California's engagement in carbon neutrality (1/31).
- Transmitted to the VPF, Divisional Council's comments on the MOU and proposal to establish a policy for faculty FTE transfer to Division-level appointments (1/31).
- Conveyed to AVC Pollard, Divisional Council's approval for four new Endowed Chairs (2/4).
- Transmitted to Academic Council, Divisional Council's comments and recommendation for an amendment on the proposed revisions to APM-120 Emerita/Emeritus Titles (2/4).
- Transmitted to Academic Council, Divisional Council's comments on the UC Washington Center Current Assessment Report and Proposal for Future State (2/4).

- Transmitted to the EVC/Provost, Divisional Council's endorsement of Diversity & Equity's proposed revisions to the guidelines for faculty retention procedures (2/24).
- Conveyed to Academic Council, Divisional Council's endorsement of the BOARS recommendation to eliminate the SAT Essay/ACT Writing Test (3/23).
- Transmitted to Academic Council, Divisional Council's endorsement on the *Report and Recommendations of the Standardized Testing Task Force* and the Task Force's additional statement regarding the role of standardized testing in admissions to the UC system (3/23).
- Transmitted to Academic Council, the Committee on Diversity & Equity's comments, and FWAF's, GC's, and the School of Natural Sciences Executive Committee's endorsement of the new Presidential Policy on Gender Recognition and Lived Name (4/8).
- Conveyed to Academic Council, the Committee on Faculty Welfare and Academic Freedom's endorsement of the proposed revisions to the Presidential Policy on Travel Regulations (4/28).
- Transmitted to Academic Council, The Committee on Research's and The School of Natural Sciences Executive Committee's comments on The Proposed Revisions to Presidential Policy on Protection of Human Subjects in Research (5/19).
- Conveyed to Academic Council, Diversity & Equity's comments, recommendations, and the responses to the survey regarding the use of use of Diversity, Equity, and Inclusion statements (6/12).
- Transmitted to Academic Council, Divisional Council's comments on the Proposed Revisions to Presidential Policy, UC Seismic Safety Policy, including CAPRA's recommendation that mitigation of seismic safety issues should not be the only concern of construction, facilities, and maintenance, since other needs are more pressing at UC Merced and also speak to the issue of campuses fulfilling their mission (6/12).
- Conveyed to Academic Council, Diversity & Equity's endorsement of The Revised Presidential Policy on Native American Cultural Affiliation and Repatriation (6/17).
- Transmitted to Academic Council, Divisional Council's comments on the recommendations put forth by the Task Force on Faculty Disciplinary Standard (6/18).
- Conveyed to Academic Senate, Divisional Council's endorsement of the Diversity & Equity memo regarding anti-Black racism and the mistreatment of minoritized populations (6/24).