January 8, 2014

To: Division Officers:
   Jennifer Hughes (History), Vice Chair
   Piotr Gorecki (History), Secretary/Parliamentarian
   Bahram Mobasher (Physics & Astronomy), Senior Assembly Representative
   Ilhem Messaoudi Powers (SOM), Junior Assembly Representative

   Standing Committee Chairs:
   Mike Allen (Plant Pathology & Microbiology), Research (COR)
   James Baldwin (Nematology), Physical Resources Planning (PRP)
   Kenneth Barish (Physics), Planning and Budget (P&B)
   Lynda Bell (History), Graduate Council (GC)
   Ward Beyermann (Physics & Astronomy), Educational Policy (CEP)
   Kathryn DeFea (Biomed), Undergraduate Admissions (UAC)
   Erica Edwards (English), CHASS Executive Committee
   George Haggerty (English), Academic Personnel (CAP)
   Mariam Lam (Comparative Literature & Foreign Languages), Committees (COC)
   John Levin (GSOE), GSOE Executive Committee
   Barry Mishra (SOBA), SOBA Executive Committee
   Eugene Nothnagel (Botany & Plant Sciences), Preparatory Education (PRP)
   Akula Venkatram (Mechanical Engineering), BCOE Executive Committee
   Ameae Walker (School of Medicine), SOM Executive Committee
   Georgia Warnke (Political Science), Faculty Welfare (FW)
   Gillian Wilson (Physics & Astronomy), CNAS Executive Committee
   Zhenbiao Yang (Botany & Plant Sciences), Diversity & Equal Opportunity (CODEO)

Fr: Jose Wudka, Chair
   Riverside Division

RE: Executive Council Agenda ~ January 13, 2014

This is to confirm the meeting of the Executive Council on Monday, January 13, 2014 at 1:00 p.m. to 3:00 p.m. in the University Office Building Room 220.
Agenda

Item
1. Approval of the Agenda for January 13, 2014

Consent Calendar
1. Approve Draft Minutes of December 8, 2013
2. Receipt of Conflict of Interest Statements:
   Physical Resource Planning
   Scholarship & Honors

Information / Discussion
2. Division Chair Announcements
   a) Composite benefits: discuss the letter (attached) to be sent to the President via the Senate Chair, jointly or in parallel with a letter from the EVCP to the President through the Provost.
   b) Healthcare: Council is asked to review the UCSD survey (attached) and suggest additional points to be covered in the UCR survey. This is intended as assistance to FW
   c) The Moreno report: comment on the report (http://www.maildoc.ucla.edu/External_Review_Team_Report.pdf) and the responses from Irvine and Merced (attached)
   d) Input form Council on the EVCP search

Information / Discussion
3. Review of Proposal for Self Supporting Graduate Professional Degree Programs

Information / Discussion
4. Updates from Committee Chairs
EXECUTIVE COUNCIL MEETING
MINUTES
DECEMBER 9, 2013

Present:
Division Officers:
Piotr Gorecki, Secretary/Parliamentarian      Jennifer Hughes, Vice Chair
Ilhem Messaoudi Powers, Jr Assembly Rep     Jose Wudka, Division Chair

Standing Committee Chairs:
James Baldwin, Physical Resource Planning   Kenneth Barish, Planning & Budget
Lynda Bell, Graduate Council           Ward Beyermann, Educational Policy
George Haggerty, Academic Personnel         Mariam Lam, Committees
Eugene Nothnagel, Preparatory Education     Michael Vanderwood, GSOE Exec Committee
Akula Venkatram, BCOE Exec Committee       Ameae Walker, SOM Exec Committee
Georgia Warnke, Faculty Welfare            Gillian Wilson, CNAS Exec Committee

Absent:
Kathryn DeFea, Undergraduate Admissions      Erica Edwards, CHASS Executive Committee
Barry Mishra, SOBA Exec Committee             Bahram Mobasher, Sr Assembly Rep
Zhenbiao Yang, Diversity & Equal Opportunity

APPROVAL OF EXECUTIVE COUNCIL AGENDA AND MINUTES:
The agenda for December 9 and the minutes from October 28 were approved as written.

STANDING COMMITTEE CONFLICT OF INTEREST STATEMENTS:
Conflict of Interest Statements were noted as received from Distinguished Campus Service, Distinguished Teaching, Diversity & Equal Opportunity, Faculty Research Lecturer, International Education, Research, Shadow CAP, University Extension, BCOE Executive Committee, GSOE Executive Committee, SOM Executive Committee

ANNOUNCEMENTS BY THE CHAIR:
Presidential Initiatives
Chair Wudka shared that President Napolitano recently announced a list of 7 initiatives and explained that some more than others are of particular significance to the Riverside campus. Chair Wudka advised that the latest issue of UCR Today includes information on the initiatives: http://ucrtoday.ucr.edu/18958

Proposed Revision to Senate Bylaw 8.1 Committees of the Division. Appointment and Tenure
Chair Wudka informed Executive Council that early next year he will introduce a divisional bylaw change which would prohibit faculty who hold an administrative position as a Department Chair or higher from participating on a standing Senate committee. The proposal will be sent to all standing committees for input and approval.
Inter-Committee communications
Chair Wudka reminded/encouraged all Committee Chairs to please include him in inter-committee communications so that he is aware of the cross issues being discussed.

Moreno Report
The Chancellor of UCLA commissioned a report, headed by former California Supreme Court Justice Carlos Moreno, to lead an external panel made up of community leaders to review incidents of racial and ethnic bias and discrimination reported at UCLA. The subsequent “Moreno Report” report was received and forwarded to President Napolitano. The response from President Napolitano was vigorous and she asked that each campus find the root cause of complaints of discrimination. She also instructed the Senate and Administration to form a small work group to examine the findings and recommendations of the Moreno Report, and to develop recommendations for implementation systemwide. President Napolitano requested that the group consist of no more than eight people, including Bill Jacob and Aimée Dorr, and four representatives from each of the Academic Senate and the Administration, and that it complete its work by the end of the calendar year. For the Senate, Bill Jacob, and representatives of UCAP (Chair Harry Green), UCAAD (Chair Emily Roxworthy in a tag team with member Amani Jurun-Neter), and UCP&T (Chair Jeff Lansman) will participate. Aimée Dorr and Susan Carlson are populating the Administration seats. Because of the improbability of being able to complete the task within the President’s timeline, the Senate is going to instead review the processes at all campuses for responding to these types of grievances.

Update of Systemwide Senate Chair Bill Jacob’s meetings with various senate committees

composite Benefit Rates
After the campus visit with Bill Jacob the Division was tasked with joining forces with the administration to submit a collaborative letter of concern. The letter will be sent to President Napolitano and her Chief of Staff via Chair Jacob. The letter will be supportive of composite benefits but will offer options so that summer salary will not “be taxed.”

Time to Graduation
Riverside’s time to graduation appears to have flat-lined in comparison to our sister campuses; however, if the data is disaggregated as to type of student using two bands such as prepared and underprepared students, then we are in-line with every other campus. The difference appears to be that we accept a larger number of lower AIS students than do the other campuses. It will be up to the campus to make sure OP understands why our time to graduation numbers appear the way they do. EVCP Rabenstein has convened a task force of which Ward Beyerman, Chair of Educational Policy is a member and Steve Brint, Vice-Provost for Undergraduate Education is Chair, to study our numbers and submit its findings. The report is expected to be completed in early January.

Health Care Plans/Benefits
The Committee on Faculty Welfare will be working with Human Resources and the Senate to develop a survey for all employees regarding his/her experience with enrollment in the new medical plans. In addition, the Senate website will include a portal for faculty to submit their comments about the plans and their available medical services.
Discussion of the Self Supporting Graduate Professional Degree Programs

Executive Council members asked for a background explanation of the SSGPDP Proposal in advance of individual committee submittals. Lynda Bell, Chair of Graduate Council and Ken Barish, Chair of Planning & Budget explained that the proposal is the extension of an existing program that has been revived since the Graduate School of Business at UCLA became fully self-supporting, which was approved despite the objections of the Senate. The proposal aims to define what being self-supporting means, although the definition itself remains very broad and unclear.

BYLAW REVISION – PROPOSAL TO CHANGE BYLAW 8.4.12 – GRADUATE COUNCIL

Members of the Executive Council suggested that CCGA does more than what is listed in the bylaw and that the Graduate Council actually sets policy rather than advises the Graduate Division. After discussion of the proposed revision, Lynda Bell, Chair of Graduate Council asked that the proposal be rescinded to allow additional discussion within the Graduate Council committee.

SYSTEMWIDE REVIEW OF PROPOSAL TO AMEND SENATE BYLAW 55

There was no consensus on whether to support or oppose the proposal. This was partly because of ambiguities in the documentation provided, and partly because of genuine differences of opinion within senate committees.

Several committee responses included concerns that the proposal violates the spirit of the Regents' standing order 105.2 and of ruling 5.67 of UCR&J. Other members were skeptical about the possibility of rescinding the voting rights once granted: while this might be technically possible, it would be very difficult in departments with a large number of non-Senate faculty (NSF) members. It was also pointed that while some departments might opt to extend voting rights to their NSF, others might not, leading to inequalities across the school and increased tensions within the latter departments. It was also pointed out that NSF are employed under a renewable contract and do not receive tenure. Because of this there might be circumstances where they feel pressured to vote in a particular way. In addition, the potential regular fluctuation in the NSF body would require a continuous education effort to ensure consistency in the voting criteria.

Though the proposal is directed towards NSF in the school of Health Sciences, committee members noted that if the proposal is adopted other non-senate groups may demand to be included, and there would be no compelling reason to deny such a demand. On the other hand it was pointed out that the adoption of bylaw 55.E would allow the affected departments to adopt a more inclusive policy that would foster the participation of NSF in departmental matters, leading to increased cohesion and collegiality. Other members opined that the effect can be restricted to our School of Medicine and did not believe that peer pressure within departments would prevent Senate faculty from rescinding the voting rights of NSF.

During the discussion several members voiced the opinion that there are various modifications to the policy that may be easier to adopt. One example would be to extend NSF voting rights, but only for NSF personnel actions. There was, however, general consensus that Senate faculty should not be excluded from voting in NSF personnel actions.
REVIEW OF CAMPUS STUDENT ABSENCE STATEMENT
The Executive Council supported the statement submitted by Dan Jeske, NCAA Faculty Representative and the effort to have the statement included in the faculty handbook.

DISCUSSION OF PHOTO ROSTER AVAILABILITY
Executive Council discussed the proposal to remove restrictions on the availability of photo rosters. The council recognized the usefulness of this change and, though it also understood the concerns that led to the current restrictions, did not find that these represent a compelling reason to continue limiting access to the roster. The Council then voted unanimously to remove all restrictions on the availability of photo rosters.

The meeting was adjourned at 3:19 pm.

Respectfully submitted,
Cindy Palmer, Executive Director
Office of the Academic Senate
December 4, 2013

To: Jose Wudka, Chair
    Riverside Division

From: James Baldwin, Chair
    Committee on Physical Resources Planning

Re: Conflict of Interest Statement 2013-2014

The Physical Resources Planning Committee re-adopted the following conflict of interest statement for 2013-2014:

If any Committee member has a personal affiliation with departments, programs, or individuals that are part of ordinary deliberations of the Committee, that member may have a conflict of interest. If any member does have such a conflict of interest, it is their responsibility to bring it to the attention of the Chair. Upon consultation with other Committee members, the Committee Chair may ask that member to leave the room during substantive discussions, motions or votes.
3 December 2013

To: Jose Wudka, Chair
Riverside Division

Fr: Jack Eichler, Chair
Committee on Scholarships And Honors

Re: Conflict of Interest Statement 2013-14

The committee on Scholarships and Honors adopted the following conflict of interest statement.

The Committee on Scholarships and Honors has adopted the following policy for situations where the close personal or professional affiliation of a committee member with a department, program, or individual nominated might be interpreted as a source of bias in committee deliberations. The committee member will be excluded from participating in any motions or votes related to the business. The committee chair will ask the committee member to leave the room during the period of any substantive discussions, motions or votes.

Jack F. Eichler
Dear X,

I write to you to request that you continue to discuss with President Napolitano UCR’s concerns with the current composite benefit proposals. While the many discussions the Senate and campus Administration have had with the central administration have moved the proposal from the original narrow one of a single universal rate for all UC employees to one where each campus has several groups, the taxing of health-related composite benefits to extramural funds continue to be very problematic. The belief that grants and contracts will absorb any benefit tax that is levied on them is unrealistic and demonstrates a profound ignorance about the functioning of funding agencies such as NSF and DoE.

A solution to this problem was recently proposed by the chair of the UC Faculty Welfare Committee. In it health benefits are assessed only during the academic year. For the often-used example of the UCLA faculty group the CBR would be 20.7% during the academic year and 10.3% during the summer¹.

The obstacles raised against the adoption of a reasonable CBR schedule such as the one above, are all internal, as demonstrated by the recent approval of the Berkeley and Davis plans by the Federal Government. Such internal obstacles can certainly be overcome; in particular, arguments based on the difficulties of implementing composite benefits scenarios within UC Path should lead to the reexamination of UC Path, not to a burdening of the faculty to atone for these deficiencies.

Though these points have been made in many occasions, they are worth repeating. Any proposal made by the administration should be crafted so as to avoid hurting the mission of the University, in particular, its research mission. Acting otherwise perverts the priorities of the institution.

The proposed plan provides a remedy to these problems. I urge you to continue to forcefully advocate for its implementation.

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¹ These numbers are obtained using the scenario B recently floated by the administration. From it it can be inferred that the non-health related benefits are 6.8% (for the UCLA faculty group) plus 3.5% for the DCP; this yields the 10.3% proposed for the summer. The increase from 18.1% in scenario B to the 20.7% proposed here corresponds to the spreading of the health-care rate over 3 quarters instead of 4.
1) Please indicate whether you are a regular or emeritus Academic Senate member.
   - I am a regular (not retired) Academic Senate member.
   - I am an emeritus (retired) Academic Senate member.

2) Please specify whether you agree with the following statements pertaining to the open enrollment website:
   A. It is easy to navigate the website and find information.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable
   B. Necessary, up-to-date information is available on the website.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable
   C. The “Find a Provider” tool (to locate a physician) is helpful.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable

3) The Academic Senate welcomes other comments you have about the open enrollment website:

4) Please specify whether you agree with the following statements pertaining to the open enrollment process:
   A. Adequate time to make informed decisions is being provided.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable
   B. Adequate support personnel exist to assist me and answer questions.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable

5) The Academic Senate welcomes other comments you have about the open enrollment process:
6) Please specify whether you agree with the following statements pertaining to medical plan options:
   
   A. I am satisfied with the choices of medical plans.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable

   B. I will be forced to change physicians.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable

   C. I have special needs that will be met by the plans offered.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable

   D. Supplemental insurance options are easy to find.
      - I Agree
      - I Feel Neutral
      - I Disagree
      - Not Applicable

7) The Academic Senate welcomes other comments you have about medical plan options:

8) The Academic Senate welcomes other comments you have about changes in faculty healthcare and/or open enrollments:
emeriti open enrollment

1. In what state or U.S. territory do you live?

2. Have you used Extend Health phone in for your open enrollment?
   yes
   no

3. How much time did it take to complete the health insurance open enrollment call? (in minutes)

4. How confident are you in the information provided by Extend Health?
   very confident
   confident
   not sure
   not confident

5. How courteous was Extend Health in handling your call?
   VERY courteous
   SOMEWHAT courteous
   NOT courteous

6. Did the Extend Health representative discuss pre-existing conditions in terms of your coverage for 2014 and afterward?

7. Were all your health insurance enrollment questions answered?
   yes
   no
   not sure

8. As compared to your current Medicare plan, do you believe that the plan identified through ExtendHealth will be:
   a better choice
   a similar choice
   a poorer choice

9. Compared to what you paid for health insurance in 2013, how expensive was the plan you selected via Extend Health?
   about the same cost
   up to 5% more costly
   5-10% more costly
   >10% more costly

10. Do you have any other comments, questions, or concerns?
Executive Summary

On October 25, 2013, President Napolitano charged Provost Dorr and Academic Council Chair Jacob with forming a joint Senate-Administration Work Group regarding the “Moreno Report” that addressed incidents of ethnic and racial bias and discrimination affecting faculty at UCLA. Work Group members, consultants, and staff brought considerable expertise and years of experience to the task. Several are themselves members of protected categories. The Work Group’s report addressed the President’s three charges and, as requested, is submitted to the President, Academic Council, and Chancellors by the end of the calendar year. All recommendations were supported by all Work Group participants unless otherwise noted.

Charge 1: “A review of our current procedures for handling complaints of bias or discriminatory behavior involving faculty. This review should examine the timeliness, clarity, transparency, and appropriateness of our procedures. It should address the critical question of consequences for faculty who are found to have engaged in discriminatory behavior, and make recommendations for improvements.” (see pages 8-13)

Review of Academic Senate policies and procedures indicated that on their face they provide for timeliness, clarity, and transparency and are appropriate. It also showed that they are largely consistent across campuses and between the system and the campuses. Review of annual reports of cases brought to the campus committees on Privilege and Tenure indicated that the cases were well handled, as was also reported by the UC Counsel assigned to support campus P&T committees. It is estimated, however, that more than 90% of all complaints involving faculty are handled in ways that do not lead to P&T action and often in ways that do not directly involve Senate processes. Due to a dearth of reliable information, the Work Group was unable to arrive at any grounded assessment of how well most of our current procedures work.

The Work Group recommends that we create a rich system of data gathering and analysis and promote use of that information to support strengths and address problems relating to bias or discriminatory behavior involving faculty. Work should be undertaken to determine how best to promote transparency, confidentiality, and the University’s best interest; whether the three-year “statute of limitations” should be changed (one dissenter), and how best to prepare any faculty who participate in investigations. If systemwide action is taken in response to the Moreno Report, the Academic Personnel Manual and the Academic Senate bylaws should be examined to determine any needed changes.

Charge 2: “An analysis of the Moreno Report’s recommendations and advice as to which of them should be implemented systemwide.” (see pages 14-20)

The Moreno Report offered six recommendations, most with multiple parts. As to systemwide implementation, the Work Group supported many, augmented some, and disagreed with some, as detailed in the body of this report.
The Work Group supports the recommendation that each campus have at least one Discrimination Officer and a single Discrimination Office. The Discrimination Office should address discrimination, harassment, and bias issues for all members of the campus community, including, but not limited to, legally protected categories and any faculty covered by the Faculty Code of Conduct. The office should review all bias/discrimination/harassment complaints, provide advice, explore informal resolution options, conduct and report investigations, and handle education and training programs about the nature of, and handling of alleged incidents of, discrimination, bias, intolerance, and harassment.

On each campus, there should be an independent Ombuds Office, where complete confidentiality is assured (except in rare “imminent harm” situations) should a faculty member want that.

The Discrimination Office should be responsible for record keeping requirements for the entire campus, acquisition and storage of records, annual data analysis, reports that provide useful information to campus leaders, and an informative public annual report.

The Discrimination Office on each campus should manage a gateway/portal website that provides a description of bias, discrimination, and harassment, explanation of how to submit a complaint, functionality to accept complaints (one dissenter), contact information for the Discrimination Officer, options for informal resolution, investigation procedures, expectations for privacy and confidentiality, remedies and possible disciplinary actions, and links to relevant resources and policies, including local disciplinary proceedings.

On each campus, the Chancellor and other leaders should clearly and consistently affirm strong support for diversity, inclusion, and respect for all persons. They should be clear that harassment, discrimination, intolerance, and bias are not acceptable, that allegations of such behavior will be taken seriously, and that appropriate consequences and corrective actions will be imposed should the allegations have merit. When there are significant problems in these areas, the Chancellor and other leaders should publicly deplore them and take action to understand them, remediate them, and make changes that will decrease the likelihood of their recurrence.

Charge 3: “A longer-term strategy for addressing the root causes of discriminatory or harassing incidents that have occurred, as well as recommendations for ways the University can support diversity in all University endeavors at all of our campuses.” (see pages 20-22)

Drawing upon their expertise and experience, Work Group participants offered 10 recommendations that address increasing numerical diversity; considering diversity achievements in performance assessments of faculty (merit reviews), department chairs, deans, and chancellors; gathering and using information; improving intergroup relations, and reducing the negative residue from past grievances.
Background

On October 25, 2013, following a discussion during the October 23 Academic Council meeting that Provost Dorr also attended, President Napolitano charged Provost Dorr and Academic Council Chair Jacob with forming a joint Senate-Administration Work Group regarding the “Moreno Report” that addressed incidents of bias and discrimination affecting faculty at UCLA. The Work Group was to submit a report to the President, Academic Council, and Chancellors by the end of the calendar year addressing the following:

1. A review of our current procedures for handling complaints of bias or discriminatory behavior involving faculty. This review should examine the timeliness, clarity, transparency, and appropriateness of our procedures. It should address the critical question of consequences for faculty who are found to have engaged in discriminatory behavior, and make recommendations for improvements;

2. An analysis of the Moreno Report’s recommendations and advice as to which of them should be implemented systemwide;

3. A longer-term strategy for addressing the root causes of discriminatory or harassing incidents that have occurred, as well as recommendations for ways the University can support diversity in all University endeavors at all of our campuses.

The Senate-Administration Work Group participants (see attachment) together represent considerable expertise about, and years of experience with, research, policy, procedure, and practice related to diversity, inclusion, positive climate, bias, discrimination, harassment, Academic Senate and campus policies, procedures, and practices at universities generally and in UC specifically. Several are themselves members of protected categories, including women, underrepresented racial/ethnic minorities, other racial/ethnic minorities, and religious minorities.

The Work Group accomplished a tremendous amount in a short time. All parts of the President’s charge were considered, 16 recommendations were developed in response to Charges 1 and 3, and for Charge 2, all recommendations in the Moreno Report were assessed as to their adoption systemwide. The Work Group met four times, worked collaboratively between meetings, reviewed and analyzed a great many existing and newly prepared documents (see attachment), consulted with the University Committee on Privilege and Tenure and the Academic Council, and briefly discussed likely recommendations with the Council of Vice Chancellors.

Overarching Perspectives

The Moreno Report focused on UCLA faculty experiences of racial and ethnic bias, discrimination, and intolerance. As described at the beginning of the report, “Several high-profile incidents of racial and ethnic bias and/or discrimination have roiled the University of California, Los Angeles (UCLA) campus in recent years. In 2012, the UCLA Chancellor and
Executive Vice Chancellor and Provost were approached by a group of concerned faculty about perceived racial bias, discrimination and intolerance at the university.” (Moreno Report, p. 2) The ultimate result was the October 2013 “Independent Investigative Report on Acts of Bias and Discrimination Involving Faculty at the University of California, Los Angeles,” the so-called Moreno Report, which references the investigative committee’s distinguished Chair, the Honorable Carlos Moreno (Ret.).

The Work Group began its deliberations with the Moreno Report’s focus on racial and ethnic bias involving faculty. The group’s discussion at the first meeting about the striking differences in how incidents of alleged sexual harassment had to be handled compared to how alleged incidents of racial/ethnic bias and discrimination could be handled led to the preparation for the next meeting of three papers (one each by a Work Group member, a consultant, and the staff to the Work Group). All have legal training, but the briefs are not legal documents. One paper referenced portions of the Faculty Code of Conduct (Academic Personnel Manual (APM) 015) that were influential in the Work Group’s deliberations, as follows:

The UC Faculty Code of Conduct lists the following among types of unacceptable conduct:

4. Forcible detention, threat of physical harm to, or harassment of another member of the University community, that interferes with that person’s performance of University activities.

5. Discrimination, including harassment, against University employees on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons. (APM 015.II.C.4-5 (emphasis added))

In addition, APM 015.II.D.2 contains language identical to Section II.C.5 in all respects except that II.D.2 applies a prohibition “against faculty” whereas II.C.5 is “against University employees.” Sections II.C.6 and II.D.3 specify non-discrimination against UC employees and UC faculty, respectively, on the basis of disability. The very first version of the Faculty Code of Conduct that was approved by the UC Academic Senate in 1971 (and then by The Regents in 1974) included similar language to the anti-harassment provision found today in section II.C.4 and the anti-discrimination provision (with a much shorter [list] of prohibited categories) in II.D.2.

1 The 1971 Faculty Code of Conduct included as unacceptable conduct:

Section II.C.4: “forcible detention, threats of physical harm to, harassment or intimidation of another member of the University community, with the intent to interfere with that person’s performance of his University activities.”
The paper noted elsewhere that the Faculty Code of Conduct prohibits discrimination based not only on protected characteristics, but also on “other arbitrary or personal reasons.” This is a broader prohibition than found in UC’s Nondiscrimination and Affirmative Action Policy, Title IX, Title VII, or FEHA. The prohibition means that a faculty member may file a grievance or be subject to discipline for acts of discrimination, bias, intolerance, or harassment without consideration for protected characteristics.

Without in any way diminishing the seriousness of our problems involving ethnicity and race, the Work Group concluded that UC approaches to addressing problems of bias, discrimination, intolerance, and harassment should be framed as applying to all protected categories as well as to all UC students and employees, including faculty. Policy language in the Faculty Code of Conduct includes everyone, at a high level the issues and needs are the same, and we should be prepared to address these problems equally well whenever they arise and whomever experiences them. Consequently, all recommendations in this report bring together all protected categories specifically and everyone else generally. The Work Group recommends that every campus have at least one Discrimination Officer and a single Discrimination Office organized such that it can appropriately deal with problems of bias, discrimination, intolerance, and harassment whatever the motivation for them may be.

For the same reasons, the Work Group also recommends that the one Discrimination Office be organized such that it can deal appropriately with problems of bias, discrimination, intolerance, and harassment that involve faculty, students, and/or staff. The Work Group recognizes that each group is in some respects unique, and the Discrimination Office must be organized such that it can appropriately deal with members of each group. Because our report is focused on faculty, we emphasize that faculty are governed by the Academic Personnel Manual, which conforms to federal and state law and university policies, and that the policies for addressing grievances and disciplinary matters treat faculty as the relevant peer group for judging a faculty member’s behavior. The Discrimination Office must have on staff, or have ready access to, experts on faculty governance and must organize itself so that these policies and procedures are appropriately incorporated into its work.

The Work Group vigorously debated whether the procedures for handling allegations of sexual harassment should be the model for handling all allegations of bias, discrimination, intolerance, and harassment. Those arguing for this approach were disturbed that alleged incidents of racial/ethnic discrimination and harassment could be treated as somehow less serious or requiring less serious institutional responses than those involving sexual harassment. They also worried that the less restrictive requirements result in less vigorous engagement with racial/ethnic discrimination and harassment. Those arguing against this approach believed that the mandatory reporting and elaborated procedural elements of our sexual harassment policies served as deterrents to many people who chose not to seek advice or some form of institutional

Section II.D.2: “discrimination against faculty on political grounds, or for reasons of race, religion, sex, or ethnic origin, or for other arbitrary or personal reasons.”

The Faculty Code of Conduct as Approved by the Assembly of the Academic Senate, UNIVERSITY BULLETIN, June 28, 1971, at page 155; Regents Approve 'University Policy on Faculty Conduct and the Administration of Discipline’ at June 14 Meeting, UNIVERSITY BULLETIN, July 8, 1974, at page 201.
response because they did not want the matter immediately referred to the sexual harassment officer and some form of inquiry that would involve the respondent. Like all work group participants they believe that the institution needs to take all claims very seriously, but they believe the institution can do so in a meaningful way without requiring the kind of mandatory reporting and follow up prescribed by our sexual harassment policies. The matter is complex and will require considerable deliberation to reach a conclusion that the institution will implement.

The Ombuds Office is an essential element of a well-functioning campus system. It operates independently of the administration and therefore must be separate from the Discrimination Office. Because it offers confidential services that are protected from disclosure, it is one place a complainant can go to explore options confident that the motivating concerns will remain confidential if he or she so chooses (some campuses offer other confidential options too, such as experienced faculty available to advise a faculty member considering filing a Senate grievance). Because Ombuds are empowered to act as neutral mediators and may request records if the complainant requests an intervention, the Ombuds Office can also serve as a locus for informal resolution of complaints when parties agree that informal resolution is desirable.

Current policies provide for resolution of claims without resort to a formal P&T hearing. Typically referred to as informal resolutions, they are and should be well established processes and policies that include investigations and consequences should complaints be substantiated. In our legal system, mediation and settlements are important mechanisms for achieving satisfactory resolutions of complaints prior to taking them up or settling them in court. In the University setting as well, the Work Group strongly supports informal resolutions and vigorous processes that ensure such informal processes work well for all parties.

A significant impediment to addressing the President’s first charge, one also encountered in preparing the Moreno Report, is the paucity of reliable information about complaints and their resolution prior to a full P&T hearing. More important, the paucity of data and the relative inattention to using whatever data are available removes from consideration information that would support campus efforts to address bias, discrimination, intolerance, and/or harassment. The Work Group believes that information is valuable and that the campuses need to do much, much more to gather data about complaints and their resolution from all sources where complaints may be taken or addressed, to regularly analyze such data from across the campus, and to provide useful reports to campus leaders as well as to the public. This perspective motivates several recommendations.

History and current events show that creating positive and extinguishing negative inter-group relations are eternal challenges for us humans. We will always need mechanisms to help us achieve both goals. The Moreno Report and the Work Group’s report focus on reducing the negatives. There is also much that can be done to increase the positive and to create a culture that does not treat the negative as acceptable simply because it is part of what humans are capable of. The University as a system and each campus in it recognize the value of diversity and formally embrace it. The Work Group does so as well. Because it was developed and adopted by the systemwide General Assembly of the Academic Senate, endorsed by the UC
President, and adopted by the UC Regents, we offer below as one statement of these values the entirety of Regents Policy 4400.

Regents Policy 4400: Policy on University of California Diversity Statement

Adopted September 20, 2007 Amended September 16, 2010

RECOMMENDED TO THE UNIVERSITY OF CALIFORNIA BY THE ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA

Adopted by the Assembly of the Academic Senate May 10, 2006
Endorsed by the President of the University of California June 30, 2006
Adopted as Amended by the Assembly of the Academic Senate April 22, 2009
Endorsed as Amended by the President of the University of California August 17, 2010

The diversity of the people of California has been the source of innovative ideas and creative accomplishments throughout the state’s history into the present. Diversity – a defining feature of California’s past, present, and future – refers to the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, gender identity, socioeconomic status, and geographic region, and more.

Because the core mission of the University of California is to serve the interests of the State of California, it must seek to achieve diversity among its student bodies and among its employees. The State of California has a compelling interest in making sure that people from all backgrounds perceive that access to the University is possible for talented students, staff, and faculty from all groups. The knowledge that the University of California is open to qualified students from all groups, and thus serves all parts of the community equitably, helps sustain the social fabric of the State.

Diversity should also be integral to the University’s achievement of excellence. Diversity can enhance the ability of the University to accomplish its academic mission. Diversity aims to broaden and deepen both the educational experience and the scholarly environment, as students and faculty learn to interact effectively with each other, preparing them to participate in an increasingly complex and pluralistic society. Ideas, and practices based on those ideas, can be made richer by the process of being born and nurtured in a diverse community. The pluralistic university can model a process of proposing and testing ideas through respectful, civil communication. Educational excellence that truly incorporates diversity thus can promote mutual respect and make possible the full, effective use of the talents and abilities of all to foster innovation and train future leadership.
Therefore, the University of California renews its commitment to the full realization of its historic promise to recognize and nurture merit, talent, and achievement by supporting diversity and equal opportunity in its education, services, and administration, as well as research and creative activity. The University particularly acknowledges the acute need to remove barriers to the recruitment, retention, and advancement of talented students, faculty, and staff from historically excluded populations who are currently underrepresented.

Leadership is profoundly important in creating positive and extinguishing negative intergroup relations. Research shows that diversity issues are much impacted by academic leaders, starting at the very top. UC’s administrators and academic leaders should have responsibility to serve as leaders on these issues, not just to understand them, but to exercise leadership and highlight the importance of them. President Napolitano’s attention to the implications of the Moreno Report for the UC system is one example of such leadership, and we applaud it.

The remainder of the Work Group’s report to President Napolitano, the Chancellors, and the Academic Council should be read with these overarching principles in mind. They are not always explicitly called out, but they undergird analyses and recommendations. The focus is on faculty. In the interest of completing the report within the given time frame, points are presented without extensive analysis or rationale, few examples are given, and details of implementation of recommendations are not provided. No examination has been made of the possible unintended consequences of adopting any of the recommendations the Work Group offers, nor have the resource implications of the recommendations been assessed other than to realize they are significant. We recognize that the problems considered in the Moreno Report are too complicated to solve in this report. We believe that this report is a step forward toward addressing the problems and that the next steps belong to other groups and senior leaders.

In general, Work Group participants agreed on the analyses and recommendations presented in this report. Although it is not stated throughout, it should be understood that there is agreement among us. Where there is not agreement among us, that is specifically noted.

Specific Responses to the President’s Three-Point Charge

1. A review of our current procedures for handling complaints of bias or discriminatory behavior involving faculty. This review should examine the timeliness, clarity, transparency, and appropriateness of our procedures. It should address the critical question of consequences for faculty who are found to have engaged in discriminatory behavior, and make recommendations for improvements.

The Moreno Report describes in substantial detail both relevant UC and UCLA policies regarding nondiscrimination and also existing University formal and informal procedures and mechanisms for responding to incidents of perceived bias and discrimination that involve faculty (see pp. 5-12 of the Moreno Report). In contrast to UCLA, most campuses do not have self-standing Senate Charges Committees and instead assign the responsibility for initial probable cause investigations to administrators or a joint Administration-Senate body. Otherwise, the Moreno Report provides an adequate framework for understanding campus procedures for
handling complaints of bias or discrimination involving faculty. Consequently, the information in pages 5-12 of the Moreno Report will not be repeated here; it is assumed the reader of this report is well aware of it.

The Work Group’s review of systemwide and campus bylaws for the Academic Senate Committee on Privilege and Tenure found that the bylaws, on their face, are clear and transparent and provide for timely and appropriate procedures. None of the campus bylaws directly contradict the systemwide bylaws. The campuses vary in how they implement the investigation stipulated by the policy, as described in Riverside’s Confidential Briefing for the Council of Chancellors’ meeting in which they discussed the Moreno Report and its implications with President Napolitano. Seven campuses do not have a Senate-controlled Charges Committee, and one has a Charges Committee but it has a more limited purpose of providing an advisory “probable cause” inquiry for discrimination and other faculty misconduct allegations. On these eight UC campuses, it is the administration that designates the investigative officer(s) or committee (in some cases with Senate consultation/members) to perform pre-hearing investigative functions. Two campuses place investigative authority in the Academic Senate. It is essential that those who conduct investigations, whomever they may be, are well trained, skillful, and cognizant of all potentially relevant laws and policies.

Grievances and disciplinary actions involving faculty often also involve status differentials that make it especially challenging to ensure that complaints are brought forward and appropriately pursued and resolved. For example, P&T grievances are initiated by individual faculty who must prove their case, often against a department chair or other faculty in a more powerful position. Disciplinary cases against a faculty member are initiated by the administration, either on its own initiative or on the recommendation of a Charges Committee. In both cases, the individual faculty member faces high emotional and financial barriers and doubts as to his or her capacity to thrive in the institution should either action be pursued. The Faculty Code of Conduct (APM 015) recognizes the implications of status differentials between students and faculty but not between faculty nor between faculty and staff. In all such cases where status differentials exist, special care must be taken to support the lower status individual in raising concerns and to ensure the ensuing process treats all participants fairly, including in their access to resources to pursue a complaint or defend against it.

At the hearing stage, the campuses vary in the degree to which detailed procedures are spelled out in bylaws or implementation guidelines, but they are similar to each other and consistent with the systemwide bylaws. Systemwide Bylaws (SBL) 335 and 336 establish hearing procedures for grievance and discipline cases. The one bylaw element that engendered discussion but not agreement among Work Group participants (and during consultation with the Academic Council) is the stipulation in SBL 336 that “No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor’s designee, who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action.” Some believed that a three-year time limit was too short, and no one wanted no limit on the time frame within which an individual’s behavior could be considered for disciplinary action.
APM 015, Section II states that University discipline should be reserved for “faculty misconduct that is either serious in itself or is made serious through its repetition, or its consequences.” To date, there is not a consensus among divisional P&T committees as to whether this allows them to consider actions that occurred outside the three-year “statute of limitations.” Systemwide P&T has been concerned about low level discriminatory actions that occur over a long period of time – things such as undervaluation, microaggression, and marginalization – that never as a single instance reach the threshold for filing a formal grievance. Addressing this concern requires examination of the current three year limitation.

A review of several years of annual campus reports from the divisional Committees on Privilege and Tenure (P&T) revealed, as did the Moreno committee review of UCLA’s records, that formal P&T hearings are infrequent. According to the current Chair of systemwide P&T, at least 90% of all matters are resolved at the formal or informal investigation stage. Of the formal hearings that are held, very few involve allegations of bias or discrimination unless these actions are claimed to occur during a personnel action such as advancement to associate professor and conferral of tenure. Although the campus data are insufficient to support or refute their opinion, Work Group members agreed that formal hearings by P&T are not the primary venue in which grievances are resolved or discipline recommendations proposed. They believe that this is a desirable state of affairs, assuming as they do that it is not necessary to have a formal P&T hearing in order to achieve fair and appropriate outcomes for alleged acts of bias, discrimination, intolerance, or harassment.

P&T does not control which cases are prosecuted, because the campus Administration decides whether to institute action. APM 015 requires that a determination of probable cause be made before a formal disciplinary action may be initiated and directs that each campus administration and Senate division work together to establish local procedures for probable cause investigation. On some campuses, a Senate Charges Committee makes preliminary findings that determine whether a complaint is referred to the Administration for possible disciplinary action. At the other campuses, probable cause is determined by an administrative body that may include one or more representatives from the P&T committee. A decision to file formal charges would only be made after an investigation either by the Charges Committee, where such a committee exists, or by the Chancellor’s designated representative(s). If formal charges are filed, P&T must take up the case. Systemwide bylaws prohibit a P&T member from sitting on a hearing panel if he or she is a member of the same department as any of the parties to the case or has participated in the pre-hearing investigation.

By the nature of her responsibilities, Cynthia Vroom, Senior Counsel in the UC Office of the General Counsel and consultant to the Work Group, has had substantial experience with campus P&T processes. She is the attorney who now fills a position created in the late 1990s that provides consistent legal advice and support to all campus P&T committees for all of their cases. In this brokered arrangement between the Academic Senate and the UC Administration, Counsel Vroom’s dealings with campus P&T committees are “walled off” from other UCOP and campus attorneys. As an adviser to the hearing committee, not to any of the parties, her priority is to assist the committee to conduct a fair and impartial process. Counsel Vroom reports that she has been very impressed by how the faculty deal with each other and how diligently they labor to
reach fair and just conclusions. She has not seen any evidence that faculty are “soft” on other faculty.

The remainder of this response to the President’s first charge applies to all components of the campus not only to the Academic Senate. It is included because it addresses the issues of transparency of our procedures and the critical question of consequences. As the Moreno Report describes, the Academic Senate is not the only venue in which complaints of bias, discrimination, or harassment involving faculty are made. At three campuses, a consolidated office for the prevention of harassment and discrimination can receive complaints of race or gender bias, provide counseling, open an investigation, and refer a matter to the relevant disciplinary authorities. At one campus, the Vice Chancellor for Equity and Inclusion often fields complaints related to bias or discrimination, although the Vice Chancellor does not have authority to discipline. At nine of the UC campuses, an Ombuds Office offers confidential services that are protected from disclosure unless the visitor/complainant and the Ombuds mutually agree to disclose an allegation to the University. On the other campus, the same functions are provided by someone other than an Ombuds. Ombuds ethics and standards of practice prevent a report to the Ombuds from being considered as putting the University on notice. Ombuds are empowered to act as mediators and may request records if the complainant requests an intervention. Department chairs and other academic administrators are also often the first place to which a complaint is directed. Regardless of how a complaint comes into the system, the Work Group supports approaches that appropriately resolve complaints at the earliest stage possible. The right to a P&T hearing allows a faculty respondent to ensure that his or her version of events is fully heard, but such formal proceedings are not necessary if the claim is substantiated and an agreement can be reached that both mitigates the harm done and imposes some consequences on the perpetrator. Although a P&T committee may broker an agreement, only a designated senior administrator has the power to approve it.

On most campuses there is little or no systematic data collection regarding bias and discrimination complaints. Records may be kept in different units or may not be kept for matters resolved informally. In most cases, records are unlikely to be systematized or aggregated across the campus and over a meaningful period of time, and they are not publicly available. It is, therefore, difficult for campus leaders and this Work Group to know the extent and nature of bias, discrimination, or harassment complaints on the campus, how allegations are handled, how complainants and respondents (or independent third parties) assess the handling of allegations, or how any of them feel about the consequences when allegations are substantiated. In the absence of relevant information and without the opportunity for an extended investigation on the campuses, there is little opportunity for anyone – campus faculty, campus administrators, or the Work Group – to develop grounded conclusions about the timeliness, clarity, transparency, and appropriateness of our procedures, including actual consequences for faculty who are found to have engaged in discriminatory behavior.

Senate faculty have the right to a P&T hearing prior to the imposition of formal discipline, but very few individuals exercise this right, as indicated by the statistics for P&T hearings. When a faculty member is informed that he or she may be facing disciplinary charges (which would have been determined after some level of investigation), he or she may enter into negotiations with the appropriate administrator to settle the matter by accepting a sanction. Such settlements are
confidential within the personnel process and are rarely reported to other parties. Based on knowledge that Work Group members have acquired during their UC employment, sanctions may range from agreement to undergo a specific training or therapy to an apology to a monetary fine or forfeiture of an opportunity to be considered for promotion. At the extreme end of the spectrum, the respondent may agree to resign from the University. By policy, codified in APM 016, formal disciplinary measures include written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, or dismissal from the University.

As discussed in more detail in the section on Moreno Report Recommendation A, there should be consequences for those faculty who engage in discriminatory behavior. Consequences are decided by administrators not the Academic Senate, for two different reasons: (1) certain administrative actions can be taken in response to faculty administrators (e.g., removing a faculty member as department chair) without implicating Bylaws 335 and/or 336; and (2) under APM 015 and 016 the Chancellor/administration (or President/Regents, depending) is vested with final responsibility for imposing disciplinary sanctions. In the latter (disciplinary) cases, a faculty member is entitled to a hearing before a P&T hearing committee, and the findings and recommendations of the P&T panel are normally accorded considerable weight (the same is generally true of P&T grievance hearing committees). When a case goes to a formal P&T hearing, the hearing committee recommends a specific sanction, which may not be more severe than that originally proposed by the administration, but the administration makes the final decision what sanction to impose, if any. Because of the confidentiality of personnel matters, consequences are typically known only to a restricted set of administrators, the faculty member who has been disciplined, and usually to a limited extent, the complainant. They may or may not be recorded in the individual’s personnel file, and they are currently not reported to any Senate committee or Senate leader. These policies and practices are fundamentally the responsibility of university administrators, including University legal counsel.

However appropriate and useful these policies and practices may be, they also constrain opportunities for others to know much about what has transpired. Complainants and respondents may know only that which is directly pertinent to them; a complainant, for instance, may well not know of outcomes, including consequences to a respondent, other than those that directly affect the complainant. The campus community will have little sense of whether grievance and disciplinary processes are working well. Those who might be deterred from negative actions that have been known to result in discipline will not be deterred. Confidentiality agreements signed as part of a negotiated settlement of a case also serve to limit opportunities for others to know much about the grievance and disciplinary process. At the same time, the University’s interests are often enough deemed to be best served by implementing such agreements (e.g., securing an immediate resignation versus the many months it typically takes for a disciplinary case to culminate in dismissal or other formal discipline). Further, it is the norm in personnel matters inside and outside the University that identifiable information about individual cases not be made public. With narrow exceptions, records pertaining to personnel matters are excluded from those subject to disclosure under the California Public Records Act.

The Work Group recognizes, though it may not fully appreciate, the challenges of choosing for each case how to weigh and balance these often conflicting goals. It did not discuss them at length. It did agree that there is every reason to find appropriate means to maintain
confidentiality while also providing the complainant and respondent with information about the disposition of a complaint and the broader campus community with summary data that depict the nature and extent of complaints and their disposition, including consequences to a respondent found to have engaged in discriminatory behavior. UC’s prior joint Senate-Administration Task Force on Faculty Disciplinary Procedures (1997) found that confidentiality was a major barrier to the University’s ability to fairly inform complainants, and while that finding resulted in helpful language now found in APM 015.III.B.5, today there are some cases that are either resolved or stalled “upstream” from a P&T hearing where the balance of policy and legal considerations around confidentiality may need to be carefully examined.

In conclusion, based on review of current policies, procedures and data for handling complaints of bias or discriminatory behavior involving faculty, the Work Group makes the following recommendations for improvements:

1. Substantially increase recordkeeping, especially to reflect the overall frequency and nature of complaints and their resolution at levels below a formal P&T hearing, for which annual reports are already made by each campus and submitted to the systemwide University Committee on Privilege and Tenure. To the greatest extent possible, records should be collected from all sources to which a complainant might go and the information provided should be systematized across the entire campus. The organization and use of the records should be such that campus leaders could get a good feel for the nature and extent of problems and their resolution; appropriate confidentiality and anonymity would be maintained; longer term patterns of individual or unit problems could be identified; and some meaningful information (including consequences for substantiated complaints) could be shared broadly on the campus. There are significant challenges to implementing this recommendation well, with respect for all involved parties. The clear need for more understanding of what is happening on each campus warrants the effort. A current UC campus example of what such a report might look like on other campuses is available at http://www.oecd.uci.edu/report/1213/#/14/zoomed

2. Establish annual reviews of such information by a variety of campus and systemwide leaders and Academic Senate committees, according to their designated responsibilities. Ask that each designated reviewer prepare a brief report on what was found and what, if any, further action is needed. Establish one or more appropriate individuals or offices to receive these reports, likely the Chancellor on each campus and the UC President.

3. Examine current applicable policies, procedures, and practices in order to identify how best to promote transparency while simultaneously respecting an individual’s confidentiality rights and the University’s best interests.

4. Assess the pros and cons of the current three-year time limit in APM 015.III.A.3 and SBL 336.B.4 and, if deemed desirable, propose changes. Note that one Work Group participant does not agree with this recommendation.

5. Establish training requirements for faculty who conduct investigations as part of the Senate process on those campuses in which faculty participate in investigations.

6. If this Work Group report and/or campus responses to the Moreno Report lead to changes to current non-Senate policies and/or procedures, then examine the Academic Personnel
Manual and ask the Senate to examine its bylaws to determine whether either or both need to be changed in order to conform and if so, undertake that work.

Each recommendation will need to be taken up by others in order to establish what to do and how to do it. Formal review and approval processes will need to be followed.

2. An analysis of the Moreno Report’s recommendations and advice as to which of them should be implemented systemwide.

The Moreno Report presents six recommendations (A-F), each of which has multiple parts and some of which have many more parts than do others. As an overall summary statement as to whether the recommendations and advice should be implemented systemwide, the Work Group supported much of the substance of each recommendation, did not support part of many recommendations, and went beyond some recommendations. The Work Group will address each of the six recommendations in a separate section.

Moreno Report Recommendation A. Chancellor’s Policy Statement

The Moreno Report recommended “that the Chancellor issue a statement to the campus community acknowledging faculty concerns regarding the university’s policies, procedures, and mechanisms relating to incidents of alleged bias, discrimination, and intolerance on the UCLA campus in hiring and faculty advancement decisions, and reflecting the university’s commitment going forward to ‘zero tolerance’ for such incidents.”

The Work Group believed the recommendation should be amplified to include regular positive statements from the Chancellor. On all campuses, the Chancellor should clearly and consistently affirm his or her strong support for diversity, inclusion, and respect for all persons. An annual reaffirmation to the entire campus community is desirable. This is also a good opportunity to highlight some of the things the campus, or a particular campus unit or group, is doing to foster inclusiveness and diversity.

The Work Group supported the idea that when difficulties arise, such as those that prompted the Moreno Report, the Chancellor should at a minimum publicly acknowledge concerns, address what is acceptable behavior on the campus, and point to processes used, or available to use, to address these difficulties. The Moreno Report recommended this course of action, and the UCLA Chancellor followed it. One can expect that there will be some criticism of whatever statement a Chancellor makes; nonetheless, a strong statement from the Chancellor should be a routine practice on every campus when difficulties arise, whether they involve faculty, students, and/or staff.

The Work Group did not believe that the Chancellor should espouse a zero tolerance position. The Chancellor and all other campus leaders should be clear that harassment, discrimination, and bias are not acceptable, that allegations of such behavior will be taken seriously, and that appropriate consequences and corrective actions will be imposed should the allegations be found to have merit. Consequences and corrective actions
include, for example, education, remediation, redress, and punishment. However, a zero
tolerance policy, as “zero tolerance” is commonly understood, removes consideration of
context and suggests that there is a single appropriate response. Such policies overly
limit the range of options that should appropriately be available to the campus
community as it deals with the wide range of problematic behavior that occurs on every
campus.

Moreno Report Recommendation B. Discrimination Officer

The Moreno Report recommended “that the university institute a [full-time]
Discrimination Officer to address incidents of alleged bias, discrimination, and
intolerance.” The Officer would have responsibilities similar to the university’s Sexual
Harassment Officer, including (1) review and investigate complaints, advise
complainants of resolution options, notify accused individuals, have independent
authority to conduct investigations; (2) plan and manage education and training programs
about nondiscrimination policies, conduct that constitutes a violation of policy, and
reporting procedures and also leadership diversity training, particularly for department
chairs and deans; (3) maintain records of incidents of perceived bias and discrimination
experienced by faculty; and (4) be the primary referral for all faculty seeking to report
incidents as well as for advice regarding redress through the formal Academic Senate
processes.

The Work Group agreed that each campus should have at least one Discrimination
Officer who has responsibilities similar to those of the Sexual Harassment Officer and
that those responsibilities should be consolidated into one office. Notwithstanding that
agreement, some Work Group members wonder whether a wider range of options for
consulting/reporting would result in more faculty coming forward with concerns and
complaints.

The Work Group was explicit, as described earlier (see Overarching Perspectives), that
the Discrimination Officer’s responsibilities would address discrimination, harassment,
and bias issues for all protected categories for all members of the campus community and
for faculty from non-protected categories per the Faculty Code of Conduct. Provisions
must be made to ensure that the particularities of different constituencies (e.g., faculty,
students, staff, health sciences, general campus) and of different protected categories are
well understood and well represented in the work of the Discrimination Officer.

The Work Group had amplifications or qualifications to the first three recommended
responsibilities of the Discrimination Officer, as follows:

(1) The Discrimination Officer should have some means of compelling all members of
the campus community to cooperate in informal and formal investigations and should
have a mechanism to cooperate with P&T in any investigation of a complaint that is
likely to go to a P&T hearing.

(2) Leadership diversity training, as the Work Group understands it, would address
affirmative policies and processes for diversifying faculty. These trainings are
substantially different from those that focus on policy violation and complaints of discrimination. For this reason, some Work Group members believe that leadership diversity training should be developed and offered by a campus administrator other than the Discrimination Officer and in a location other than the Discrimination Office.

(3) The Discrimination Officer should be responsible for collecting and analyzing data on the nature and resolution of complaints from all sources every year and for distributing the findings to agreed upon recipients for review and, as needed, action. In addition, an annual public report at a level that maintains appropriate confidentiality should be prepared and posted on the website. An example of what such a report might look like is available at the following website: http://www.oecd.uci.edu/report/

Furthermore, the Discrimination Officer should be responsible for the gateway described in Moreno Report Recommendation D below.

Throughout this report the Work Group has written as though there were only one Discrimination Officer and recognized that that individual might also be the Sexual Harassment Officer. On large campuses, if not on all campuses, there would surely be more than one Discrimination Officer needed to handle the work load as envisioned by the Work Group. On each campus, regardless of the number of Discrimination Officers and Sexual Harassment Officers, there would be a single Discrimination Office.

Finally, the Work Group considered it essential that there always be a place where a campus community member, including faculty, could go to get expert advice that would be treated as entirely confidential unless the individual decided otherwise. Consultation there would not entail formally putting the University on notice and thus requiring that the issue be dealt with formally. The Ombuds Office on each campus (or the somewhat similar Conflict Resolution Office at one campus), with its uniquely neutral and confidential services, should be that place, and it should not be part of the Discrimination Office nor should the Ombuds report to the Discrimination Officer.

Moreno Report Recommendation C. UCLA Procedure for Responding to Reports of Incidents of Bias or Discrimination

The Moreno Report recommended “that UCLA issue a procedure for responding to incidents of perceived bias, discrimination or intolerance that: (1) provides for the creation of the Discrimination Officer and describes the responsibilities of that office; (2) encourages members of the campus community to contact the Discrimination Officer with reports of conduct that might be subject to the university’s policy on nondiscrimination; (3) provides for procedures for informal resolution of such reports and more formal investigations; (4) provides for remedies and referral to the appropriate local disciplinary proceedings; and (5) provides for privacy and confidentiality for complainants, and the retention of records.”

The Work Group agreed entirely with this recommendation and believes it is appropriate for all campuses.
The Work Group added that the identification and location of the Discrimination Officer and Office and portal should be widely known and disseminated on campus. The portal should have clear information about all available options for dealing with a possible complaint. All this information should be shared at the orientation for new faculty and in workshops for junior faculty. It should also be conveyed in newsletters, faculty handbooks, and various orientation packets. Also every person who is likely to be consulted about possible bias/discrimination (e.g., department chairs, Ombuds) should receive initial training and annual updates from the Discrimination Office regarding both changes to policy, process, and/or procedures, and also resources to provide to every individual who seeks advice about or reports a concern about or complaint of discrimination. The Discrimination Office should have a short form print handout that provides basic information and identifies online and other resources to which an individual can turn and provide a supply of the handout to all those who are likely to be consulted.

The Work Group also reiterated the importance of having a well functioning Ombuds Office where a faculty member can go for advice without making his or her concerns known and triggering official actions (in this regard, some campuses offer faculty additional options such as confidential grievance advisors through the Senate).

*Moreno Report Recommendation D. Creation of Gateway*

The Moreno Report recommended “that UCLA create a website that clearly communicates UC and UCLA’s policies and procedures regarding discrimination…. The site should also provide (1) a step by step resource guide outlining the options that a complainant may pursue…; (2) information on resources available to complainants…, and (3) contact information for the Discrimination Officer. We recommend that prominent links to this website be placed on [other] websites….”

The Work Group agreed with this recommendation and amplified or elaborated it to some extent. Each campus should have a website that serves as the one official source of information and services related to bias, discrimination, and harassment of all types and for all members of the campus community. It should be managed by the Discrimination Officer. There should be prominent links to this site from all other sites to which an individual might turn. Its metadata should be such that the site is consistently identified when a search for such a site is made using many different, relevant search terms. The site should include, but not be limited to, such features as all UC and campus policies and procedures, descriptions of what constitutes bias, discrimination, and harassment, options for someone who might want to make a complaint, easy entry points, a resource guide, relevant research, messages from the Chancellor, some meaningful information about the incidence of complaints and their resolution on the campus (see Recommendation 1 in Charge 1 section), and contact information for the Discrimination Officer.

Work Group participants discussed whether the website should have the functionality to accept a complaint on line and if so, whether the complaint could be submitted
anonymously. They agreed that the most desirable state of affairs is one in which all
those who might want to make a complaint will find a trustworthy person with whom
they can consult directly. Participants also all recognize that an online system that
permits anonymous complaints can be used to create great mischief, as is currently
happening at Occidental College. Nonetheless, the majority of the Work Group
participants, but not all, believe that there should be an online complaint submission
system managed in the Discrimination Office, that it should be set up so that the
complainant is identified, and that there should be an optional feature so that a complaint
can be submitted anonymously. They believe that every possible option for making a
complaint should be available even though some options are much more desirable than
others.

Moreno Report Recommendation E. Further Review of Diversity Efforts in Admissions
and Hiring

The Moreno Report recommended “further review of the effectiveness of the university’s
ongoing efforts to achieve diversity in its student population and faculty. This review
should include an examination of the efficacy of current university measures…, explore
whether UCLA has adequately communicated these diversity goals…, and how to pursue
such diversity goals within the legal requirements of Proposition 209. The review should
include a written report … and recommendations…. The Campus Counsel [should] take
a proactive and leading role in examining the university’s response to 209, designing and
implementing new strategies, if needed….”

The Work Group agreed that greater numerical diversity is desirable and that the
diversity of students and staff is important to the experiences that faculty have on campus.
They also agreed that no campus had yet achieved the degree of diversity to which it
aspired or which others believe it should have by whatever criteria employed. They
further agreed that many campuses likely have pockets of creative, strong, and successful
activity but no campus as a whole is doing all that it could to increase numerical diversity
within the legal requirements of Proposition 209. Nonetheless, the Work Group did not
recommend that every campus undertake the efforts the Moreno Report recommended for
UCLA.

Focusing just on faculty, as was its charge, the Work Group is aware of and endorses
many efforts underway to increase numerical diversity by recruiting, tenuring, and
retaining more diverse faculty and by attending to the campus climate within which
faculty work. At one or more campuses, for example, the Chancellor has funded cluster
hiring of diverse faculty, search committees are required to have diversity training before
they can proceed, statements of diversity-related activity are considered as part of the
merit and promotion process, awards are made for exceptional diversity service, one-time
salary increases are given for exceptional service to diversity, departmental program
reviews highlight climate issues and require a departmental plan of action to address
identified problems, equity advisors assess diversity efforts in recruitments, and Council
on Academic Personnel members are trained on diversity-related topics.
Systemwide, all campuses are participating in Advance PAID, “Meeting the California Challenge,” an NSF-funded initiative to bring the University’s faculty make-up into closer alignment with the diverse population of California and to lead national progress in such efforts among research universities (see http://www.ucop.edu/ucadvance/_files/advance-brochure.pdf). Similar programs are at six of the campuses (one partners with Hastings). The University is tracking faculty hiring data through the UC Recruit system to determine which disciplines and departments are finding ways to capitalize on the diversity of their applicant pools. In addition, all campuses are conducting faculty salary equity studies that will be reviewed at the system level and using the Campus Climate Survey to identify areas in which there are climate issues for faculty. Also there is a substantial financial incentive to all campuses to hire as ladder faculty diverse doctoral recipients who have participated in the President’s Postdoctoral Fellows Program.

Each campus has a Chancellor-led Campus Climate and Inclusion Committee and at least one designated diversity officer (the campus titles vary). These were components (either existing or created new) of the operation for former President Yudof’s Advisory Committee on Campus Climate and Inclusion (CCCI), an innovative combination of UC students, staff, faculty, and administrators and California citizens and civic leaders. As a direct result of this committee, the Office of the President is serving as the convener of the Chief Diversity Officers for all of the campuses and several systemwide reports have been generated and some, though not all, of their recommendations, adopted. In addition, each campus produces an annual Affirmative Action Plan that identifies areas of underutilization of minorities and women and describes action-oriented programs in place to remediate disparity.

There are also several places where diversity data are provided and used. The annual Chancellor review materials during Mark Yudof’s tenure included campus diversity data over time, and diversity efforts and achievements were always an important part of the annual performance evaluations. The Regents have a diversity report each year with an agreed upon rolling set of topics. In January 2013 the report was about faculty diversity. The annual UC Accountability report has a chapter with extensive data on diversity.

Moreno Report Recommendation F. Implementation of Recommendations

The Moreno Report recommended “the formation of an internal committee to oversee the implementation of our recommendations. All of the recommendations may be acted upon by the administration immediately, and we believe that the recommendations are practical, fiscally responsible, and realistic first steps toward addressing the faculty concerns discussed in this report. The internal committee may therefore set a timetable for implementation of the recommendations. We further recommend that the committee review the implementation of the recommendations themselves, including the drafting of university procedures for responding to incidents of perceived discrimination, and reviewing the reports of the envisioned Discrimination Officer regarding the reports received of such incidents and investigations, outcomes, and disciplinary actions taken.”
On all campuses, in the aftermath of a particularly difficult negative event and following an investigation of the incident, it is a good idea to establish a formal, independent oversight group to monitor how recommendations resulting from the investigation are being implemented and are making a difference. The oversight group should provide periodic reports that are publicly available. The Work Group supported this recommendation for all campuses. The Moreno Report recommended this course of action for UCLA, and the UCLA Chancellor followed that advice.

3. A longer-term strategy for addressing the root causes of discriminatory or harassing incidents that have occurred, as well as recommendations for ways the University can support diversity in all University endeavors at all of our campuses.

As described earlier (see Background), the Senate-Administration Work Group participants together represent considerable expertise and experience relevant to the Work Group’s charge. The recommendations that follow are drawn from this wellspring of knowledge.

Consistent with the President’s creation of a Senate-Administration Work Group to react to the Moreno Report that addressed faculty matters at UCLA, the recommendations below focus on Senate faculty. Work Group participants believe that most if not all the recommendations apply to all members of the University community, not only to Senate faculty. Most recommendations are offered without rationales, elaboration, or examples in order both to avoid creating a tome rather than an ad hoc work group report and also to meet the President’s deadline for submission of the report. In order to have a unique number for each recommendation in the Work Group’s report, recommendations in this section are numbered sequentially after the recommendations in response to Charge 1.

7. Increase numerical diversity in the faculty on each campus and in many other faculty areas including but not limited to the departments, academic leadership positions, and standing and ad hoc campus committees (e.g., budget committee, academic personnel, faculty welfare). The quality of the University depends on the participation of a faculty who are broadly diverse.

8. Increase numerical diversity in all other campus constituencies, all of which influence the experiences and wellbeing of faculty, including but not limited to undergraduate, graduate academic, and graduate professional students, postdoctoral fellows, non-Senate faculty academic appointees, staff, and non-academic administrators, including high-level administrators with responsibility for setting and carrying out the vision of diversity, equity, and inclusion on campus. This would allow UC to reflect more accurately our world, its issues, and its potential.

9. Ensure that each campus has in a high position in its organizational structure an academic administrator with significant responsibility for promoting diversity, inclusion, and positive climate among all campus faculty.

10. Establish a culture (including formal mechanisms) in which academic leaders (administratively, from the Chancellor to the department chair and perhaps below that and in the Senate, from the divisional Chair to standing committee chairs on down) have
the responsibility to serve as leaders on these issues, not only to understand them but also to exercise leadership and highlight their importance.

11. Increase consideration in appointment and promotion decisions and in performance reviews of those portions of the Academic Personnel Manual that specifically call out diversity goals that include and go beyond faculty. At a minimum, this includes the following:

a) APM 210-1d: The University of California is committed to excellence and equity in every facet of its mission. Teaching, research, professional and public service contributions that promote diversity and equal opportunity are to be encouraged and given recognition in the evaluation of the candidate’s qualifications. These contributions to diversity and equal opportunity can take a variety of forms…. [Note that this language is currently under review in order to strengthen it.]

b) APM 240-4a: An academic Dean is head of a Division, College, School, or other similar academic unit and has administrative responsibility for that unit. This assignment includes … responsibility for ensuring diversity of the faculty, students and staff, including maintaining an affirmative action recruitment and retention program consistent with University affirmative action policies, Regental policy and applicable law; and responsibility for ensuring that systemwide and local policies, including Academic Senate regulations, are observed.

c) APM 245 Appendix A 2 (in first numbered set of 3): …The appointee [department chair] is responsible for maintaining a departmental affirmative action program for faculty and staff personnel, consistent with University affirmative action goals.

d) APM 245 Appendix A 12 (in second numbered set of 12): To report annually [as department chair] on the department’s affirmative action program, including a description of good faith efforts undertaken to ensure equal opportunity in appointment, promotion, and merit activities, as well as a report on affirmative action goals and results in accordance with campus policy.

12. Teach all faculty about cognitive biases, micro-aggressions, and cultural/subcultural similarities and differences. Although all faculty will benefit from understanding these phenomena, the Work Group is divided in whether it should be required that all faculty participate in such learning experiences, however they are offered. The majority believe that faculty members of certain standing or ad hoc committees (e.g., search committees, Committee on Academic Personnel, Privilege & Tenure) should be required to be educated about these matters. Many would support including these concepts in the required online (or live theater on at least one campus) sexual harassment training and extending the total time for this training by up to 30 minutes if necessary.

13. Formulate a process for each campus through which past grievances of discrimination can be the subject of dialogue and discussion among faculty and campus leaders. The process could involve small groups, department meetings, public forums, town halls, committees, and other methods of outreach to faculty in various units. Care should be taken to design a process that encourages respectful dialogue and provides requisite sensitivity to the difficult issues that will be raised. The process needs to be undertaken
now and, no matter how much campus climate improves, will surely need to be undertaken again in the future.

14. Foster and sustain a campus climate in which faculty understand the strategic advantage of a diverse campus, are guided by a sense of ethical responsibility to actively and proactively support diversity, inclusion, and positive climate and address bias, discrimination, and harassment wherever and whenever they occur, and can and do use dialogue and education to explore, analyze, and address perceived bias, discrimination, and intolerance.

15. Use results of surveys (including Campus Climate Surveys completed over the last year) and other investigations to help identify issues involving the faculty and guide the development of strategies to address them. After an appropriate period of time, repeat surveys and other investigations to assess effectiveness of the strategies implemented after the last survey or other investigation.

16. Establish at multiple levels (e.g., department, school, college, campus) multiple formal and informal means of recognizing and rewarding faculty contributions to diversity, inclusion, campus climate, and/or the identification and resolution of complaints of bias, discrimination, and/or harassment.

Looking Forward

In her charge letter, the President directed that the Work Group report be shared with the President, Academic Council, and Chancellors. The report will have been submitted to the President by December 23, 2013. It will be shared with the Academic Council at one of the monthly meetings early in 2014 and distributed to the divisional chairs and a variety of systemwide Senate committees. The divisional Chairs may choose to distribute it further on their campuses. The Work Group recommends that the report be an agenda item for the January 8 or February 5, 2014 Council of Chancellors meeting and that the current Chair and Vice Chair of the Academic Council participate in the discussion at that meeting.

The Work Group recommends that the UC Office of the President post the Work Group Report on its website. The systemwide Academic Senate will post the Work Group Report on its website.

The UCLA discrimination issues analyzed in the Moreno Report represent some of the most pressing issues facing all University of California campuses – and, indeed, the entire nation. Improvement in campus climates will not come about without the development of an institutionalized process that includes discussion and dialogue that allow various grievances to be raised, resolved, and remedied and that also institute and enforce policies and practices that foster equity and inclusion more broadly as preventive measures. To successfully address the important issues at stake, the Moreno Report, as well as the recommendations here, must mark the beginning of remedial and forward facing processes. Given the predilection of the human species to create advantaged, respected in-groups and disadvantaged, disrespected out-groups, there will always need to be both proactive efforts to support diversity, inclusion, positive climate, and respect for all persons and retroactive efforts to address failures and learn from them.
Senate-Administration Work Group on the Moreno Report

Work Group Participants

Work Group Members

Susan Carlson
Vice Provost, Academic Personnel, UCOP
Professor of English, UCD
Principal Investigator on three NSF ADVANCE awards to increase the diversity of faculty in STEM disciplines and advisor at three other ADVANCE universities. Multi-campus experience with policy and practice in faculty hiring, review, grievances, and discipline. Former Interim Provost and Associate Provost, Iowa State University.

Aimée Dorr, Work Group Co-Chair
UC Provost & Executive Vice President, UCOP
Professor of Education, UCLA
Former UCLA Divisional Vice Chair, Chair, and Immediate Past Chair; former Vice Chair and Chair, Academic Council and Faculty Representative to the Board of Regents, and former Dean, UCLA’s Graduate School of Education and Information Studies. Expertise in racial attitudes, microaggressions, intergroup relations, attitude change, and education.

Harry Green
Chair, University Committee on Academic Personnel (UCAP)
Distinguished Professor of the Graduate Division; Research Geophysicist, UCR
Member of the Steering Committee, UC ADVANCE PAID program, and the Academic Planning Council (APC). Former Vice Chancellor for Research, UCR. Founding Chair, Outstanding Campus Service Award Committee, UCR.

William Jacob, Work Group Co-Chair
Chair, Academic Council, UCOP and Faculty Representative to the Board of Regents
Professor of Mathematics, UCSB
Former Chair, Board of Admissions and Relations with Schools (BOARS)

Kevin Johnson
Dean, School of Law, UC Davis
Mabie-Apallas Professor of Public Interest Law and Chicana/o Studies
Scholarship focuses on immigration law and policy, civil rights, critical race theory, racial identity, and diversity in higher education. Former Chair of the Appointments Committee and Member and Chair of the campus Committee on Privilege and Tenure. Investigated a number of complex academic grievances. Won a number of scholarly and other awards, including Professor of the Year by the Hispanic National Bar Association.
Jeffry Lansman  
Chair, University Committee on Privilege and Tenure, UCOP  
Associate Professor, Cellular & Molecular Pharmacology, UCSF  
Former Chair, Committee on Privilege and Tenure, UCSF; former Chair, Graduate Council, UCSF; and former Member, Board of Admissions and Relations with Schools (BOARS), UCOP.

Amani Nuru-Jeter  
Associate Professor, Public Health, UCB  
Member of the University Committee on Affirmative Action and Diversity (UCAAD), Status of Women and Ethnic Minorities (SWEM), UCB, and Chancellor’s Advisory Committee on the Operational Review of the Division of Equity & Inclusion, UCB. Areas of expertise include racial health disparities, racism stress and health, stress theory, race, place and health.

Kirsten Quanbeck  
Assistant Executive Vice Chancellor & Director, Title IX/Sexual Harassment Officer  
Office of Equal Opportunity and Diversity, UCI  
Coordinates UCI’s compliance with federal and state discrimination and sexual harassment laws and UCI’s equal employment opportunity programs; oversees the investigation of discrimination and harassment complaints and provides educational programs for faculty, staff, and students. Former staff attorney at Michigan State University.

Work Group Consultants

Mary Gilly  
Vice-Chair, Academic Council, UCOP  
Professor of Management, UCI  
Former Vice Dean, Graduate School of Management, UCI; former Associate Dean, Graduate Studies, UCI; former Member, UCI Special Senate Committee on Diversity, and former Member, UCI Council on Academic Personnel. Recipient of the Williams-Qualls-Spratlen Multicultural Mentoring Award.

William Kidder  
Assistant Executive Vice Chancellor, UCR  
Locally Designated Official (LDO) Whistleblower/Whistleblower Protection Complaints, UCR  
Board Member, Asian Pacific Americans in Higher Education and former Special Assistant to the Vice President of Student Affairs, UCOP.

Cynthia Vroom  
Senior Counsel, Office of the General Counsel  
As a litigator in the Office of the General Counsel, has experience with discrimination and harassment complaints at UC. As OGC Advisor to the Divisional and System-wide Privilege and Tenure Committees, and as a consultant to the Academic Senate, advises on these issues from an academic perspective.
Martha Winnacker  
Executive Director, Systemwide Academic Senate, UCOP  
As Executive Director for the systemwide Academic Senate, interacts extensively with Senate leaders and their staff on every campus and also staffs the systemwide University Committee on Privilege and Tenure. An attorney with previous policy experience in academic and administrative units at UCOP. Former public defender and legal aid attorney.

Staff to the Work Group

Amy K. Lee  
Diversity, Labor, & Employee Relations Director, Academic Personnel, UCOP  
Board Member, Asian Pacific American Family Support Services  
As a former employment law attorney in private practice, represented clients in discrimination/harassment lawsuits and provided advice and counsel on compliance with discrimination/harassment laws.

Beverly Lee  
Administrative Officer II, UCOP
Senate-Administration Work Group on the Moreno Report

Resources Used by Work Group

1. Moreno Report
2. Systemwide and Campus P&T Bylaws and Implementation Procedures
3. Supplemental Briefing on Harassment and Discrimination – Law and Policy
4. UCB, UCI, and UCSD gateway for reporting harassment/discrimination
5. Sexual harassment policy review
6. APM 015, APM 016, APM 210, APM 240, APM 245
7. University of California Affirmative Action Guidelines for Recruitment and Retention of Faculty
8. President’s Advisory Council on Campus Climate, Culture, and Inclusion Briefing Paper on Promising Practices for Faculty Diversity, Academic Council endorsement, and President’s August 7, 2013 Letter
9. UCAAD 2011-2012 Annual Report
10. UC Riverside Confidential Briefing for the Council of Chancellors’ Meeting
11. Campus websites for reporting incidents of racial bias and sexual harassment
12. Campus investigation procedures
13. Declaration of Best Practices for University of California Ombuds Offices
15. Privilege and Tenure Committee Activity Surveys
16. Federal and state laws regarding discrimination and harassment
Re: Independent Investigative Report on Acts of Bias and Discrimination Involving Faculty at the University of California, Los Angeles (Moreno Report)

Dear Chair Jacobs:

On November 19, 2013, the Irvine Divisional Academic Senate reviewed the UCLA Moreno Report. The Irvine Division observes that just describing existing processes is helpful in response to the report (for instance, pointing not just to the existing CPT, Ombudsman, and OEOD mechanisms, but also emphasizing the role of the UCI ADVANCE Institute, which places equity advisors in each School and collects systematic data on diversity), but such a response must not risk the perception of complacency or defensive posture. By the same token, it was observed that the UCI campus response should avoid diluting the focus on racial bias in the Moreno Report by admixing sexual harassment or whistle blower cases, although they may generally fall in the purview of similar campus processes and mechanisms. The Irvine Division further observes that if the issue is putting more teeth into our processes, the University should avoid undermining its existing Senate process as carried by the Committee on Privilege and Tenure. - The following Committee and Council comments were made on the process for investigating discrimination and harassment complaints at UC Irvine.

Council on Faculty Welfare, Diversity, and Academic Freedom (CFW)

CFW reviewed the Moreno Report regarding acts of bias and discrimination involving faculty at UC Los Angeles. Members found the report to be an appropriate first step but lacking in strong recommendations. The Council felt further steps should be considered outside of creating an officer to streamline the investigative process and a statement of intent to hire additional minorities to diversify the campus. On the UC Irvine campus, issues and complaints relating to discrimination, bias, and harassment are handled through the Office of Equal Opportunity and Diversity (OEOD). The office handles discrimination complaints from all UCI constituents including faculty, staff, students, and patients. Additionally, any complaints directed to other departments are redirected to OEOD for processing. OEOD has three professionally trained full-time investigators on staff, offering both an early resolution and formal investigation process.
The timeline for formal investigations is 60 business days. Details regarding the complaint procedures can be found at:

http://www.oecd.uci.edu/discrimination.html

OEOD consults the Academic Senate as appropriate whenever there are policy updates or new policies are implemented. Annual reports are posted to the OEOD website as well as more detailed record keeping to monitor for occurrences such as names repeatedly submitted for complaints. The Council has found the UC Irvine process for handling complaints to be highly effective and suggests that campuses looking to adopt a change create a similar system.

Committee on Privilege & Tenure (CPT)

CPT was unable to conduct a formal review of the Moreno Report but wanted to note that CPT is a good channel for considering personnel review matters. Per the Committee’s charge in grievance cases, CPT can review grievances that allege personnel review decisions were "reached on the basis of impermissible criteria, including (but not limited to) race, sex, sexual orientation... (335.A.2.). In these cases, the grievant must show proof that impermissible criteria were considered. However, it is also true that CPT is not in a position to review charges of discrimination that require an investigation. In other words, a process that puts the burden of proof on the grievant may not be the best way to approach discrimination complaints that call for the university to review situations at the school or departmental level in a timely manner.

Information for potential grievant is available at:

http://www.senate.uci.edu/Committees/CPT/InfoForPotentialGrievants.asp

The Irvine Division appreciates the opportunity to comment.

Peter Krapp
Chair, 2013-2014
UC Irvine Academic Senate

CC: Systemwide Senate Executive Director Martha Winnacker
December 10, 2013

William Jacob, Chair, Academic Council

RE: Moreno Report

The standing and executive committees of the Merced Division and members of the Division Council were invited to review the Moreno Report. The Division Council reviewed the committee response and discussed the report at the December 3, 2013 meeting and the Faculty Welfare, Diversity, & Academic Freedom committee (FWDAF) were the lead reviewers and provided the following comments:

While wholly unfortunate, the Moreno Report provides further evidence of the need for UC as an institution to re-evaluate and/or implement more robust measures to insure a secure and collegial workplace environment for all employees. Of note, the Report mentions “widespread concern among faculty members that the racial climate at UCLA had deteriorated over time, and that the university’s policies and procedures are inadequate to respond to reports of incidents of bias and discrimination.” Furthermore, the Report mentions that “[t]here was clear consensus among faculty members who reported to the Review Team that the administration has demonstrated a lack of leadership on these issues.” The committee felt these comments in the Report were especially disturbing. Nonetheless, FWDAF supports the six recommendations (Appendix A) provided in the Report, and requests that these recommendations be implemented at UC Merced as well. The committee was especially supportive of Recommendations D, E, and F, and urges the Chancellor and Provost to implement these as soon as reasonably possible. Furthermore, we would recommend that the Chancellor and Provost, in consultation with DivCo, establish a special, short-term committee to: (1) more robustly assess and review the findings, paying particular attention to the findings in SectionII.D.2 to determine if UC Merced is adequately prepared to prevent the noted failures, (2) develop the appropriate policies and procedures to circumvent these potential failures from befalling our campus in the event similar complaints are made here, and (3) ensure these policies and procedures are appropriately vetted among the faculty and implemented in a timely manner. This could be done by having this special committee review
the grievance process (*Moreno Report Appendix A.*) and discrimination officer’s roles (*Moreno Report Appendix B.*) and ensuring these can be maintained at UC Merced.

**Appendix A. The six recommendations provided in the Moreno Report**

<table>
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<tr>
<th>Recommendation</th>
<th>Description</th>
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<tr>
<td>A.</td>
<td>Chancellor’s Policy Statement [issue]</td>
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<td>B.</td>
<td>Discrimination Officer [establish]</td>
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<td>C.</td>
<td>UCLA procedure for responding to reports on incidents of bias or discrimination</td>
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<tr>
<td>D.</td>
<td>Creation of gateway [of information on a website]</td>
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<td>E.</td>
<td>Further review of diversity efforts in admissions and hiring</td>
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<td>F.</td>
<td>Implementation of recommendations [via an internal oversight committee]</td>
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We thank you for the opportunity to opine on such an important issue and look forward to the outcome of the task force working to address the report.

Sincerely,

Ignacio López-Calvo, Chair
Division Council

CC: Division Council
Senate Office
November 12, 2013

CHANCELLORS
ACADEMIC COUNCIL CHAIR JACOB

Dear Colleagues:

Enclosed please find the proposed revised Self-Supporting Graduate Professional Degree Programs (SSGPDP) Policy that includes implementation information. This draft policy is a revision to the 2011 Policy on Self-Supporting Graduate Degree Programs and its associated implementation guidelines. The proposed policy was developed and endorsed by the 2012-13 Academic Planning Council (APC), the joint Academic Senate/Administration Committee tasked with working on policies of this nature. A roster of the 2012-13 APC members is enclosed.

This transmittal is a request to the Academic Council for formal review of the policy and its implementation by the Academic Senate and to the Chancellors for review by the campus administrations. For campus review, this request is being sent directly to Chancellors, with copies to the Executive Vice Chancellors (EVCs), per the request of the Chancellors that major communications and requests for information from UCOP are addressed to them. In addition, the proposed policy and implementation is being shared with other campus constituent groups convened by UCOP -- the Graduate Deans, the Vice Chancellors for Planning and Budget, and the Extension Deans.

The University now has approximately 60 self-supporting graduate professional degree programs, enrolling over 4,500 students and generating over $130 million annually in revenue from student charges. By policy, this revenue supports all costs of the programs and also the costs incurred by the departments/schools and campuses on behalf of the programs.

The enclosed new proposed policy builds on the 2011 revision to the policy and explicitly recognizes that self-supporting graduate professional degree programs are a necessary educational strategy to allow the University to serve a greater number of students above and beyond that which state resources will support. The proposed policy provides that only graduate professional degrees can be self-supporting – self-supporting Ph.D. programs, graduate master’s degree programs primarily leading to a Ph.D., and all undergraduate degree programs would not be eligible for self-supporting status.

Among other things, the new policy addresses the very limited circumstances under which a state-supported graduate professional degree program can convert to self-supporting status. The policy also revises the existing implementation guidelines (now included as Section V. of the enclosed draft policy) to help departments and campuses facilitate the establishment of self-
supporting programs and to clarify the process for receiving Presidential approval for setting and increasing student charges for each of the approved programs.

The members of the 2012-13 Academic Planning Council and I believe this policy strikes the appropriate balance between encouraging the development of self-supporting graduate professional degree programs to serve additional students and diversify University revenues and ensuring that these programs do not detract from the core state-supported mission of the University.

Please submit your written responses on the proposed policy by February 7, 2014 via email to Aimee.Dorr@ucop.edu with a copy to Todd.Greenspan@ucop.edu. All feedback received by February 7th will be considered by the Academic Planning Council as it works to complete the policy proposal that will be sent to President Napolitano for her approval. We hope to present it to her before the end of March 2014.

I look forward to receiving your responses.

Cordially,

Aimée Dorr
Provost and Executive Vice President

Enclosures

cc: Academic Council Vice Chair Gilly
    Executive Vice Chancellors
    Vice President Lenz
    Vice Chancellors for Planning and Budget
    Council of Graduate Deans
    Deans of University Extension
    2012-13 Academic Planning Council Members
    Executive Director Winnacker
    Director Jennings
    Director Greenspan
Self-Supporting Graduate Professional Degree Programs Policy

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<th>Academic Officer:</th>
<th>President of the University of California</th>
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<td>Responsible Office:</td>
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<tr>
<td>Scope:</td>
<td>This Policy applies to all UC campuses and academic units.</td>
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I. POLICY SUMMARY

This Policy governs Self-Supporting Graduate Professional Degree Programs (SSGPDPs) at the University of California, including, but not limited to, establishment, discontinuance, setting student charges, and requirements for converting a state-supported graduate professional degree program to a SSGPDP.¹

¹ Nothing in this Policy constitutes a contract, an offer of a contract, or a promise that any student charges ultimately authorized by the University will be limited by any term or provision of this Policy. The University expressly reserves the right and option, in its absolute discretion, to establish student charges at any level it deems appropriate based on a full consideration of the circumstances, and nothing in this Policy shall be a basis for any party to rely on student charges of a specified level or based on a specified formula.
II. DEFINITIONS

a. **Self-supporting** – Self-supporting means that all program costs, both direct and indirect, are covered by revenues generated by the program such as student charges or from alternative revenues that are not disallowed funds as defined in Section II(g) below.

b. **Program costs** – Program costs include both direct and indirect costs.

c. **Direct costs** – Direct costs for SSGPDPs include, but are not limited to, costs related to instruction, program support, student services, financial aid, faculty and staff salaries and benefits, supplies, and equipment.

d. **Indirect costs** – Indirect costs are costs that cannot be charged to a particular project or activity but are incurred by the University or an organizational unit of the University as a result of undertaking the project or activity. Indirect costs for SSGPDPs include but are not limited to the charges levied by school, college, campus, and systemwide entities for a program’s share of academic and administrative support, libraries, building use, and operation and maintenance of physical facilities.

e. **Charges (SSGPDPs)** – Charges are funds paid by students to attend SSGPDPs which may include approved Compulsory Campus-Based Student Fees and Course Materials and Services Fees. Although students in SSGPDPs may be required to pay Compulsory Campus-based Student Fees, they are disallowed funds as defined in g. below.

f. **Tuition and fees (state-supported programs)** – Tuition and fees are funds paid by students to attend state-supported programs and include but are not limited to Tuition, Student Services Fee, Professional Degree Supplemental Tuition (PDST), and Compulsory Campus-based Student Fees.

g. **Disallowed funds** – Disallowed funds are funds the SSGPDP may not rely on for program costs. Disallowed funds include State General Funds and tuition and fees as defined in f. above. Although students in SSGPDPs may be required to pay Compulsory Campus-based Student Fees, revenue from these fees may not be used to support the SSGPDP.

h. **Compendium** – The Compendium is the [Compendium of Universitywide Review Processes for Academic Programs, Academic Units, & Research Units](http://www.ucop.edu/academic-planning-programs-coordination/files/documents/compendium_jan2011.pdf). The Compendium draws on current University policies to articulate systemwide review processes for proposals to establish, transfer, consolidate, change the name of, and discontinue or disestablish undergraduate degree programs (in certain cases), graduate degree programs, schools, colleges, and research units.
III. POLICY TEXT

A. Introduction. Self-supporting graduate professional degree programs (SSGPDPs) allow the University of California (UC or University) to serve additional students above and beyond the resources provided by the State while fulfilling demonstrated higher education and workforce needs. Models of self-supporting graduate professional degree programs include, but are not limited to, those that serve non-traditional populations, such as full-time employees, mid-career professionals, international students, and/or students whose education is supported by their employers. Many SSGPDPs are (1) offered through an alternative mode of delivery, such as online or hybrid instruction; (2) alternatively-scheduled (e.g., during evenings, weekends, and/or summers); and/or (3) offered in alternative locations (e.g., off-campus).

This Policy facilitates the establishment and operation of SSGPDPs at the University and its campuses while ensuring that these programs do not use disallowed funds.

When the University received adequate State support to honor its commitment to the California Master Plan and to expand graduate academic and professional programs in response to State and societal needs, UC directed self-supporting programs towards working adults and other non-traditional student populations. These programs currently provide alternative venues and opportunities for access to quality programs leading to graduate professional degrees (e.g., Master’s of Advanced Studies). Given the decline in State support, this Policy now recognizes that self-supporting graduate professional degree programs are also a necessary educational strategy to allow the University to serve a greater number of students above and beyond that which State resources will support.

This Policy governs Self-Supporting Graduate Professional Degree Programs (SSGPDPs) at the University of California, including, but not limited to, establishment, discontinuance, setting student charges, and requirements for converting a state-supported graduate professional degree program to a SSGPDP. However, nothing in this Policy is intended to prescribe campus policy or pre-empt a campus’s discretion with respect to how it distributes resources with the exception that disallowed fund sources may not be used to fund SSGPDPs.

B. Description of self-supporting graduate professional degree programs. SSGPDPs are graduate programs that provide education and skills that correspond to anticipated professional careers. They provide expanded educational opportunities and can be directed towards those students with anticipated capacity to pay higher fees (for example, because the fees are paid by the employer). All direct and indirect costs shall be covered by charges
Self-Supporting Graduate Professional Degree Programs Policy

paid by SSGPDP students or by other funds that the sponsoring academic unit allocates to the SSGPDP. SSGPDPs may not use disallowed funds.

SSGPDPs are an alternate mechanism to enable the establishment of new graduate professional degree programs and, in some circumstances, the maintenance of existing graduate professional degree programs. This Policy governs both circumstances. With the exception of the source of funds and the costs the funds must cover, all SSGPDPs must adhere to the same policies as state-supported programs. Both state-supported programs and SSGPDPs require Academic Senate oversight and review to ensure that all degree programs meet UC standards of academic rigor and quality. Also, all faculty (both ladder and non-ladder) in both state-supported programs and SSGPDPs operate under UC academic personnel policies and practices.

C. Programs ineligible for self-supporting status. Programs ineligible for self-supporting status include: all undergraduate degree programs, all academic master’s degree programs primarily leading to a Doctor of Philosophy (Ph.D.) degree, and all Ph.D. programs.

D. Location of offerings. SSGPDP courses and other program requirements may be offered on-campus, at appropriate off-campus locations, or online, using distance technologies as appropriate (consistent with Academic Senate Reg. 694).

E. Comparable quality to regular state-supported graduate programs. SSGPDPs are held to the same standards of quality as any other UC graduate professional degree programs. Student admission and performance standards for SSGPDPs are governed by the Academic Senate.

F. Comparable faculty. As for all UC degree programs, ladder faculty are responsible for SSGPDPs. Ladder faculty who teach in SSGPDPs are appointed, evaluated, and advanced under the same processes and criteria as other ladder faculty regardless of whether a portion of their regular compensation comes from SSGPDPs. The nature of certain practice-oriented degree programs may warrant a higher proportion than usual of non-ladder rank faculty (e.g., clinical faculty, adjunct faculty, lecturers, and visitors).

G. Faculty workload and compensation. SSGPDPs shall comply with the Academic Personnel Manual (APM) with respect to how faculty, both ladder rank and non-ladder rank, are compensated. Faculty are expected to comply with all relevant reporting requirements. Teaching in a self-supporting program does not constitute workload for purposes of State reporting. Faculty teaching in SSGPDPs shall be handled either through a buy-out or through
additional compensation depending on whether the teaching replaces part of the faculty member’s expected full-time load (a buy-out) or is in addition to the full-time load (additional compensation). SSGPDPs shall not in any way diminish a school’s or department’s responsibilities to the full complement of state-supported programs.

H. Initiation and approval of SSGPDPs.

1. **Initiation.** Departments, groups of departments, or schools may propose a new SSGPDP or a conversion of an existing state-supported program to a SSGPDP. Proposals shall originate with an academic unit that is already authorized to conduct graduate work.

2. **New Program.** The establishment of a new SSGPDP must be approved according to procedures and requirements specified in the Compendium.

3. **Conversion.** Conversion of a state-supported graduate professional degree program to self-supporting status is possible, but the expectation is that conversion will be infrequent and uncommon. Graduate professional degree programs converting to self-supporting status must meet the same criteria and are subject to the same review criteria as are new SSGPDPs. This includes criteria related to financial sustainability, financial accessibility, faculty appointments, and course approvals.
   
   i. **Conversion when changing academic requirements.** Programs that are changing academic requirements shall be reviewed through the same processes as required of a newly-created graduate professional degree programs.
   
   ii. **Conversion when not changing academic requirements.** A proposal to convert a state-supported program that includes no change to the program’s academic requirements shall be reviewed through Academic Senate processes at the campus and at the systemwide level to evaluate context and justification for the conversion and to assure meritorious status of the program proposed for conversion. In order for a conversion proposal to be reviewed at the systemwide level, the program must have undergone and received a meritorious academic review within the previous five years. At the discretion of systemwide review bodies, systemwide review may be expedited.

I. **Phase-in period.** All SSGPDPs shall be fully self-supporting within three years of inception. The sponsors of each proposed self-supporting program shall submit to UCOP a cost analysis and fiscal phase-in plan for review and approval.
J. Failure to become or remain self-supporting. If a new or converting self-supporting program is not successful (i.e., does not reach financial sustainability within the required three years), the campus shall be responsible for all costs of continuing or phasing out the program and shall not use disallowed funds for those purposes. Similarly, if an existing SSGPDP is no longer financially self-supporting, the campus shall be responsible for all costs of continuing or phasing out the program and shall not use disallowed funds for those purposes.

Any SSGPDP (existing, new, or converted) seeking to become a state-supported graduate professional degree program shall be subject to the same campus approvals required to establish new state-supported graduate academic or professional degree programs and enrollments. Consistent with the requirements for the discontinuation of any UC academic program, a discontinued SSGPDP must ensure that students have the opportunity to complete their degrees or transfer to other programs.

K. Review of SSGPDPs. Graduate Councils or other campus review bodies appointed by the Academic Senate shall review SSGPDPs as part of regularly-scheduled campus program reviews on the same basis as state-supported academic programs are reviewed. Once established, the SSGPDP shall be under the purview of the campus Graduate Council and Graduate Division to ensure adequate progress of students according to campus criteria. Courses for SSGPDP are subject to normal campus procedures for approval, revision, and termination.

L. Admission and enrollment. Admission standards for SSGPDPs shall be comparable to those in effect for analogous state-supported programs, if such programs are available. Admissions criteria may specify some type or period of work experience in the field, as applicable to the specific graduate professional degree offered. Students must be admitted through the Graduate Division through the regular admissions process.

Enrollments in SSGPDPs do not count for purposes of calculating the number of students supported by the State. SSGPDP enrollments will be reported separately from enrollment of students in state-supported programs. During the approved phase-in period, the distribution of enrollments between state-supported and self-supporting will conform to the specifications of the approved plan.

M. Approval by President of student charges and phase-in plans. In addition to the program approval requirements above, proposed student charges and the phase-in plan for each SSGPDP shall be submitted to the President for approval.
N. Student charges. The President will review and approve proposed student charges for each SSGPDP upon establishment or conversion, as well as subsequent proposed annual increases or decreases in such charges. The President will report annually to The Regents on the level of student charges for each approved program.

Student charges for SSGPDPs will cover all program costs within the required three-year period unless the campus chooses to use other non-disallowed funds to assist in meeting program costs.

The level of student charges shall be based on a full and accurate assessment of all program costs as defined in the Policy and further detailed in the Implementation Guidelines.

University employees enrolled in SSGPDPs are not eligible for reduced course charges. This does not preclude a department from subsidizing a portion of the program charges from non-disallowed funds. Program deficits, including deficits during the approved phase-in period, are the responsibility of the campus; disallowed funds cannot be used to cover any deficit.

State-supported degree programs and SSGPDPs must separately account for their use of resources. Campuses shall not charge a blended tuition/fee level for any course or program.

O. Financial accessibility. SSGPDPs must have a financial accessibility goal for their student population and a student financial support plan for achieving this goal. It is expected that the plan will address access for students from a wide range of income levels. Examples of possible student financial support include scholarships or grants from the program’s own resources (i.e., return-to-aid from student charges), privately raised funds, waivers of student charges, participation in federal and/or private loan programs, or other external support. For the purposes of state and federal student financial aid programs, “student charges” has the same meaning as “tuition.”

P. Consultation. Input on program characteristics and the level of student charges must be regularly sought from program stakeholders and must cover a multi-year period. Stakeholders must include students in and faculty from the program.

IV. COMPLIANCE / RESPONSIBILITIES

All UC campuses and academic units are required to comply with this Presidential Policy. The President has full authority over implementation and may delegate that authority to other
officials in the Office of the President. The Academic Planning Council (or its successor committee) is designated as the joint Administration/Academic Senate body authorized to recommend Policy revisions to the President.

V. IMPLEMENTATION OF SELF-SUPPORTING GRADUATE PROFESSIONAL DEGREE PROGRAMS (SSGPDP) POLICY

The President issues the following Policy implementation procedures for the SSGPDP Policy:

A. Program approvals. Prior to operation, all SSGPDPs must obtain necessary program approvals pursuant to this Policy and the processes detailed in the Compendium. Similarly, all SSGPDPs that are being discontinued or converted back to state-supported status must adhere to the requirements of this Policy and the Compendium. New SSGPDPs, and state-supported programs seeking to convert to SSGPDP status, may apply for review of proposed student charges [see B.] prior to completion of program approval processes. However, no student charges will be approved in advance of final program approval.

B. Annual process for certification of self-supporting status and Presidential approval of self-supporting program charges. The President will annually approve student charges for each SSGPDP. In order to receive Presidential approval for student charges, each SSGPDP and each campus with one or more SSGPDPs shall follow the following procedures:

1. Annual program templates.
   For each SSGPDP, a UCOP template shall be filled out that covers the following elements:

   a. Program approval status. The completed template shall indicate the program approval status for the SSGPDP, the date and results of its most recent academic program review, and/or the dates the next academic program review will begin and be completed.

   b. Current and proposed student charges. The completed template shall include, at a minimum, the current level of student charges and the projected student charges for the next year. Approved Compulsory Campus-based Student Fees may be charged to SSGPDP students when it can be shown that SSGPDP students benefit from the services funded by those fees.
c. **Financial accessibility.** The completed template shall include a description of the SSGPDP’s student financial support plan and the extent to which it is attaining its financial accessibility goal. For programs that have converted or are proposing to convert from state-supported status, the description shall compare the program’s student financial accessibility with that of other UC programs offering similar degrees, whether self-supporting or not.

d. **Cost analysis.** The completed template shall include an annual cost analysis that demonstrates that the proposed student charges cover full direct and indirect costs, or (to the extent that student charges are insufficient to cover these costs) that no disallowed funds will be used to subsidize the program. The required elements and format of the cost analysis shall be specified in the UCOP template.

New SSGPDPs are subject to the same cost analysis. Programs are expected to become fully self-supporting within three years, though campuses may continue to subsidize programs with non-disallowed funds at their discretion. Program deficits, including any deficits during the phase-in period, must be covered by the campuses; disallowed funds may not be used to cover any deficit. The template shall require campuses to identify in advance fund sources that will be used to cover any projected deficits and to identify fund sources being used to cover any current deficits.

e. **Consultation.** The completed template shall include a section identifying the stakeholders who were consulted and when and how the consultation took place, and providing a short summary of the feedback received from each category of stakeholders. Input on program characteristics and the level of student charges must be regularly sought from program stakeholders and must cover a multi-year period. Stakeholders must include students in and faculty from the program. Prior to establishing a new program, student input shall be sought from students likely to apply to such a program.

2. **Annual campus submittals.**

Each campus with one or more SSGPDPs must provide an annual submittal consisting of (1) a cover letter from campus leadership to the Vice President—Budget and Capital Resources requesting approval of student charges for the upcoming year and (2) the annual program templates for each of the existing or proposed SSGPDPs on that campus. Specifically, the cover letter shall include:
University of California – Policy

Self-Supporting Graduate Professional Degree Programs Policy

a. A statement that appropriate campus leadership has reviewed and approved the attached templates for each SSGPDP on that campus. The statement must certify that each program is operating on a self-supporting basis (or is using non-disallowed funds to cover any deficit) and is in compliance with this Policy.

b. A request to approve the proposed level of student charges for each existing or proposed SSGPDP for the upcoming year.

c. A table showing, for each SSGPDP, the current level of student charges, the proposed level of student charges, and the percentage increase or decrease, if any. UCOP will provide a template for this table to ensure that student charges can be compared across programs.

d. A statement that the campus Chancellor approves the student charges request (if the letter is not from the Chancellor).

3. Timeline for submittals.

a. November preceding the next academic year – Campuses receive templates from UCOP together with instructions on the process for the required annual submittals.

b. February 1 – Budget and Capital Resources (BCR) at UCOP receives completed campus annual submittals with the attached templates for each SSGPDP. Staff designated by the Vice President-BCR and the Provost begin to review proposals.

c. March 1 – Provost and Vice President-BCR receive the results of UCOP staff review, including campus annual submittals with the attached templates for each SSGPDP.

d. April 1 – President makes decisions and campuses are notified of approved program student charges for the upcoming academic year.

e. The President reports this information to The Regents annually.
C. Miscellaneous implementation guidelines:

1. Reporting of enrollments.
   SSGPDPs should be identified in the Corporate Student System with a separate major
code from state-supported programs and with an attribute code flagging enrollments in
each SSGPDP as self-supporting.

2. Faculty workload.
   All faculty participation in the SSGPDP must be funded directly from SSGPDP revenue in
proportion to the faculty member’s workload commitment to the program. If the
faculty member’s participation is in lieu of some of his or her responsibilities as a full-
time UC employee, then the SSGPDP must reimburse the faculty member’s department
an amount equivalent to the cost of that particular faculty member’s time. Consistent
with the requirement that the SSGPDP must cover all program costs, the total cost of
faculty salary, benefits, and retirement must be funded by SSGPDP-generated or other
non-disallowed funds. If the faculty member’s participation is in addition to his or her
responsibilities as a full-time UC employee, then he or she should receive additional
compensation which must be calculated and recorded in accordance with relevant
Academic Personnel Manual policies and reporting requirements.

VI. RELATED INFORMATION

Regents’ Delegation of Authority to the President to Set Fees for Self-Supporting Degree
Programs
http://www.ucop.edu/academic-planning-programs-coordination/_files/documents/ssp_delegtopres.pdf

UCOP Self-Supporting Degree Programs Information
http://www.ucop.edu/academic-planning-programs-coordination/academic-planning/planning-policies-and-
other-activities/self-supporting-programs.html

VII. FREQUENTLY ASKED QUESTIONS

To be developed
VIII. REVISION HISTORY

July 30, 1979 – Policy on Part-Time, Off-Campus Professional Graduate Degree Programs

June 24, 1996 – Policy on Self-Supporting Part-Time Graduate Professional Degree Programs
http://www.ucop.edu/academic-planning-programs-coordination/_files/documents/96_ssp_pol_implmntn.pdf

September 23, 2011 – Policy on Self-Supporting Graduate Degree Programs

______. 2013 – Self-Supporting Graduate Professional Degree Programs Policy
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*Academic Planning Council 2012-13 rev*
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December 23, 2013

To: Jose Wudka, Chair
   Riverside Division

From: Lynda Bell, Chair
       Graduate Council

RE: Proposed Revised Self-Supporting Graduate Professional Degree Programs Policy

Graduate Council discussed the Proposed Revised Self-Supporting Graduate Professional Degree Programs Policy at their December 12th meeting.

Graduate Council agreed that current academic programs should not be allowed to convert to a self-supporting program (SSP); instead SSPs should be reserved for new graduate programs only.

Graduate Council also suggests that a joint Senate/Administrative committee be instituted to oversee the coordination of new SSPs. This committee should consist of a member(s) from the college Dean’s office staff – CFAO; representation from the Graduate Division Dean’s office; as well as representation from the following Academic Senate committees: members of the College Executive Committee and the Graduate Council, as well as the Chair of Planning and Budget.
January 9, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate

Fr: Kenneth Barish  
Chair, Committee on Planning and Budget

Re: Proposed Revised Proposal for Self-Supporting Graduate Professional Degree Programs

The Committee of Planning and Budget has reviewed UCOP’s proposed revisions to the 2011 policy for Self-Supporting Graduate Professional Degree Programs (SSPs). We support the efforts to revise and clarify the policy and believe it is timely. However, we have some concerns and are not able to support the revisions at this time.

The impetus for the revisions are the recognition that more programs are considering the self-supporting model as a way to support a greater number of state-supported students in lean budget times and concerns that profit was placed ahead of students and quality (e.g., in UCLA’s recent effort to convert its self-supported MBA program). The revised policy continues to make clear that SSPs help UC serve additional students than would otherwise be supported and that such programs are limited to graduate professional degree programs that cater to non-traditional populations, e.g. working adults (and usually via non-traditional delivery). The main new addition is a protocol for the initiation and approval of existing self-supporting programs that wish to convert to self-supporting status. It emphasizes that conversions should be rare and includes additional language about using only allowed funds to support SSPs after a three-year initiation period. It also enhances the language requiring SSPs to be treated identically to state-supported programs in terms of faculty approval and oversight. Details about the annual reporting requirement including financially accessibility are also added. We find the clarifications, additions, and new details to be an improvement.

While we appreciate the improvements, we have one major concern on the policy as well as local concerns. The major concern is the lack of a clear basis for identifying a proposal as a SSP distinct from other graduate degree programs. The current policy lists a set of criteria. The proposed revised policy, on the other hand, states “many” SSPs tend to have
certain characteristics. The revised policy is a step backward in this regard and provide little guidance when considering to approve a program as self-supporting. While considering SSPs as a panacea to budget ills is attractive, it raises inherent conflict-of-interest concerns in that the primary oversight is by entities that financially benefit. It is also hard to believe that SSP don't divert some resources (e.g. faculty time and talent) away from UC's primary mission and once a program is established, there are intrinsic pressures to continue (diverting other non-UC resources). For all of these reasons, a clear definition of SSPs which are used in the approval process is essential. The revised should take a step forward in this definition rather than backward. Many of the other concerns may need to be addressed by a campus specific approval and review policies.

Given that is a longstanding concern in the senate (particularly on campuses that have a number of these programs) that these programs are purely "cash cows", that they inherently take away from our resources from state supported programs, and that there are inherent conflict-of-interests in the proposal and a review process. Therefore, it may useful to summarize how the finances of SSPs differ from Professional Degree Programs (PDPs), as understood from Matt Hull: (1) SSPs. All the fees to go to the department or program and the program repays campus entities (however, the methodology for this has not been yet developed at UCR as none of our SSPs are fully self-supporting). There is no financial aid set-asides, although a financial aid program is allowable and SSPs must have an articulated financial accessibility goal for their students and a student financial support plan for achieving their goal. (2) PDPs. One-third of tuition is mandated to go back to financial aid (but is allocated to the grad division and does not necessarily go back to the program). At least one-third of the Professional Fee Supplemental Tuition must be spent by the program for Grad Student support, the remainder goes to the program (at least at UCR).

We recommend some local actions on our campus. While SSPs have successful been implemented by other UC schools and are proliferating, we only have a few SSPs at UCR and none are truly self-supporting. Since the number of SSPs are likely to increase at UCR and the UCOP policy may not provide sufficient guidance, the Senate should proactively carefully consider the role they should play on our campus. The Senate should also consider issues in regards to the resources needed to review these programs. We additionally recommend that a Senate-administrative task force be set-up to develop a campus implementation policy to complement the UCOP policy. The task force should, at a minimum, consist of the Graduate Dean, AVC or VC for Planning and Budget, and representation from the Senate committees on Graduate Education and Planning and Budget. An attempt to start this was made a couple years ago, but it did not get off the ground. We feel it should now be formalized and given priority.
January 9, 2014

TO: Jose Wudka, Chair  
   Riverside Division 

FR: Akula Venkatram, Chair  
   Executive Committee, Bourns College of Engineering 

RE: Review of Revised Self Supporting Graduate Professional Degree Program Policy 

The BCOE Executive Committee has reviewed the Revised Self Supporting Graduate Professional Degree Program Policy and finds that the proposed revisions to the 2011 UCOP Policy include guidelines and details that are helpful in developing programs. However, the new policy raises the following questions and concerns:

1. UC already has developed 60 self-supporting graduate degree programs generating more than $130 million dollars annually. Clearly, these programs are in demand and thriving as a collective. What is the reason for revising a policy that is only two years old? 
2. What are the substantive changes in this draft policy versus the existing policy? A comparative chart would enlighten reviewers. 
3. What are the specific shortcomings/concerns of the previous policy and how does this draft policy seek to address them? 
4. One of the added components being proposed is the requirement for a “financial accessibility goal”. While it is stated that there is an expectation to address access for students across a wide range of incomes, it does not provide any specifics. 
5. The requirements for financial accessibility could become a significant roadblock to the initiation of a new program if some committee or administrative body imposes onerous requirements for acceptability. Is there an expected measurable goal and timeframe? Who will approve this goal or deem it acceptable?
January 8, 2014

TO: José Wudka, Chair
    Academic Senate

FROM: Leonora Saavedra, Vice Chair
      CHASS Executive Committee

RE: Proposed Revised Self-Supporting Graduate Professional Degree Programs

The CHASS Executive Committee discussed the proposed revisions to the self-supporting graduate professional degree programs at the regular meeting on January 8, 2014. The committee would like more information about the rationale and motivation behind these revisions.

The committee would like clarification of the following sentence as well: “self-supporting Ph.D. programs, graduate master's degree programs primarily leading to a Ph.D., and all undergraduate degree programs would not be eligible for self-supporting status.”

Leonora Saavedra, Vice Chair
UCR CHASS Executive Committee
TO: Jose Wudka, Chair, Riverside Division

FROM: Gillian Wilson, Chair, Executive Committee
College of Natural and Agricultural Sciences

DATE: Jan 8th 2014

RE: Proposed Revised Self-Supporting Graduate Professional Degree Programs

Dear Jose,

The CNAS Executive Committee discussed the proposed revised Self-Supporting Graduate Professional Degree Programs (SSGPDP) at its meeting on January 7th 2014. While the committee accepts that there is a place for SSGPDPs, it did not feel that the proposal under review contained sufficient details to enable a comprehensive assessment. In particular, the committee did not feel that sufficient guarantees were in place to ensure that the high standards of UC instruction offered under state-supported programs would be maintained under self-supporting programs.

Some questions raised during the course of the committee’s discussion were:

1) What are the academic differences between self- and state-funded programs?
2) Will the self-supporting programs be accredited university programs?
3) How does a student move from a self- to a state-funded program?

Yours sincerely,

Gillian Wilson
Chair, Executive Committee
College of Natural and Agricultural Sciences
January 9, 2014

To: Jose Wudka, Chair  
    Riverside Division

From: Barry Mishra, Faculty Chair  
       School of Business Administrations

RE: Proposed Revised Self-Supporting Graduate Professional Degree Programs

The SOBA EC reviewed the proposed policy changes and think they seem fine. However, given that the focus of the revisions seem to be on clarifying the degrees eligible to become self-supporting programs and the establishment/conversion process for self-supporting programs, we do not know to what extent the policy should also clarify what happens when a program fails. One of our self-supporting program at Palm desert campus did fail. But should a program fail, the revised policy seemed less clear as to the process for dissolution. It might help to have this information as well. Besides that the EC had no other comments.
To: Jose Wudka, Chair of the Senate
From: Ameae Walker, Chair SOM executive committee
Re: self-supporting graduate professional degree programs

At its meeting, 12/10/2013, the SOM executive committee discussed the proposed revision to policies on self-supporting graduate professional degree programs. There was unanimous support for the revision and no concerns were raised.

SOM Executive Committee
Ameae Walker, Chair
Paul Lyons, Vice Chair
Monica Carson
Iryna Ethell
David Lo
Christian Lytle
Ilhem Messaoudi
Neal Schiller
Emma Wilson
Mahendr Kochar (clinical)
Emma Simmons (clinical)
Richard Olds (ex officio)
Phyllis Guze (ex officio)