ORDER OF BUSINESS

1. Roll Call

2. Announcements by the Chancellor

3. Announcements by the Chair and Others

4. Special Orders – Consent Calendar
   Minutes of the meeting of January 10, 2019 (To be Distributed)

5. Reports of Special Committees

6. Reports of Standing Committees

   Committee on Rules, Jurisdiction, and Elections

   Action Item: Committee on Rules, Jurisdiction, and Elections – 2018-19 Elections Report
   (Attachment 1)

   Undergraduate Council

   Action Item: Proposal to Revise Appendix V of the Divisional Senate Manual – Student Appeals Procedure
   (Attachment 2)

   Council on Research and Instructional Resources (CRIR)

   Action Item: Proposal to Establish a Standing Committee on Information Technology within CRIR
   (Attachment 3)

7. Petitions of Students None

8. Unfinished Business

9. University and Faculty Welfare

10. New Business

   Action Item: Memorial to the Regents – Fossil Fuel Divestment, approved and submitted by the UC San Francisco Divisional Senate
   (Attachment 3)

   Each Division may vote to approve, to disapprove, or to decline to act, but may not amend the proposal as submitted. If at least three Divisions representing at least thirty-five percent of the membership of the Academic Senate have notified the Chair of the Assembly that the Memorial has been approved by their Divisions, the proposed Memorial shall be voted upon in accordance with the procedure set forth in Article E of systemwide Bylaw 90. Memorials.
March 11, 2019

To: Faculty Legislature

From: Ronald E. Rice, Chair

Re: 2019 Academic Senate Election Report

The Academic Senate Office has conducted its annual nomination process in an effort to seek candidates for this year’s election of three Senate Assembly Representatives, and three members of the Committee on Committees. The results are as follows:

Assembly Representatives

Seven candidates were nominated to fill the three Assembly Representative positions; three declined to accept and one was not eligible to serve. The following candidates accepted nomination and received the requisite five endorsements.

Charles A. Akemann (Mathematics)
Claudio Foug (French and Italian)
Nuha N. Khoury (History of Art and Architecture)

Because there were only three viable candidates for the three open positions, a ballot was not conducted following the nomination period.

Committee on Committees

Ten candidates were nominated for membership on the Committee on Committees; six candidates declined to accept.

A total of three candidates were nominated for Area C: College of Letters and Science Humanities and Fine Arts Division and College of Creative Studies. As there were three nominees for one available position, a ballot was conducted February 20 – March 6, with the following results:

Silvia Bermudez (Spanish and Portuguese) – 16.67% (14 votes)
Constance Penley (Film and Media Studies) – 30.95% (26 votes)
Ann Plane (History) – 50.00% (42 votes)
Abstain – 2.38% (2 votes)
Total Votes – 84 (22.22%) of 378 eligible voters

Ann Plane received the most votes for Area C: College of Letters and Science Humanities and Fine Arts Division and College of Creative Studies.
The following candidate accepted nomination and received the requisite number of endorsements.

<table>
<thead>
<tr>
<th>Lisa Hajjar</th>
<th>Area B: College of Letters and Science Social Sciences Division and Gevirtz Graduate School of Education</th>
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<tr>
<td>(Sociology)</td>
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Because there was only one nominee in Area B, a ballot was not conducted for this position. As there were no faculty nominations for the position in Area A (College of Letters and Science Mathematical, Life and Physical Sciences Division and Donald Bren School of Environmental Science and Management), this position will be filled by an appointment by the Committee on Committees according to Divisional Bylaw 90.C3.

Regarding all of the positions noted above for which there is only one nominee per vacancy, per Divisional Bylaw 195.E6, further nominations may be submitted from the floor. Such a nomination must be seconded by an elected member of the Faculty Legislature; further, the nominee must immediately accept the nomination, either in person or via a signed memo presented by the nominator. If a nomination is seconded and accepted, a ballot for that position will be distributed within the next ten days. If there are no new nominations for a position, acceptance of this election report by the Faculty Legislature concludes the election process for that position.
February 12, 2019

To: Amr El Abbadi, Chair, Graduate Council
   Trevor Hayton, Chair, Undergraduate Council
   Ralph Armbruster Sandoval, Chair, Letters and Science Faculty Executive Committee
   Irene Beyerlein, Chair, Engineering Faculty Executive Committee
   John Latto, Chair, Creative Studies Faculty Executive Committee
   Arturo Keller, Chair, Bren School Faculty Executive Committee
   Andrew Fedders, Chair, Education Faculty Executive Committee

From: Henning Bohn, Chair, Academic Senate

Re: Proposed Revision of UCSB’s Grade Appeal Procedures

In Fall Quarter 2017, General Counsel approached the Academic Senate with proposed modifications to Policy 4105, the Student Grievance Procedure for Alleged Discrimination. The revisions stemmed from earlier negotiations between the Office of Civil Rights (OCR) and the University regarding a complaint of age discrimination. Your councils and committees were invited to review the proposed changes and submit comments, and the responses that we received formed the basis for the Senate’s Divisional Response. The historical documentation for this issue is attached for your convenience.

OCR and General Counsel considered the Senate’s response, and earlier this fall, we received a new version of Policy 4105. OCR would like the attached version to serve as the final version, and requests that the University move forward with implementation of the policy. As the Student Grievance Procedures are intertwined with the Academic Senate’s Procedures for Grade Appeal (Appendix V of the Senate Manual), we must now update Appendix V to bring the two procedures in line.

We ask that you review the attached draft changes to Appendix V and submit your comments no later than Friday, March 8.

CC: Kelly Erland, Adviser, Graduate Council
    Shasta Delp, Adviser, Undergraduate Council
    Barbara Gilkes, Adviser, Letters and Science Faculty Executive Committee
    Tiffany Sabado, Adviser, Engineering Faculty Executive Committee
    Lynn Clark, Adviser, Creative Studies Faculty Executive Committee
    Satie Airame, Adviser, Bren School Faculty Executive Committee
    Aaron Ballett, Adviser, Education Faculty Executive Committee
Grades

The following procedure applies to grievances related to grades to the extent, and only to the extent, such grade contest is based in whole or in part, on claims of discrimination based on race, color, religion, national origin, sex, handicap, sexual orientation or age. Such grade contest grievances are simultaneously and separately subject to procedures established by the Academic Senate; please consult with the office of the Academic Senate or see "Contested Grades" section of the Appendix of U.C.S.B. General Catalog.

If the Vice Chancellor (or designee) receives a written grievance alleging discrimination that also, in part, involves a grade contest, the Vice Chancellor (or designee) will forward that portion of the grievance containing the grade contest to the appropriate official(s) as outlined in Contested Grades Regulation 25. The Vice Chancellor (or designee) shall notify the student in writing of such action. If the appropriate official(s) as outlined in Contested Grades Regulation 25 receives a written grievance alleging discrimination that also, in part, involves a grade contest, the appropriate official(s) as outlined in Contested Grades Regulation 25 will forward that portion of the grievance containing the discrimination allegation to the Vice Chancellor (or designee). The appropriate official(s) as outlined in Contested Grades Regulation 25 shall notify the student in writing of such action.

Where a student’s grievance (filed either with the Vice Chancellor (or designee) or the appropriate official(s) as outlined in Contested Grades Regulation 25) does not initially contain an allegation involving a grade contest, and the grieving student later clarifies the allegations to include an allegation of discrimination involving a grade contest, the clarified grievance shall be bifurcated into two claims (discrimination and grade contest) and handled simultaneously in accordance with the procedures set forth herein. The Vice-Chancellor (or designee) shall direct that portion of the clarified grievance that pertains to a grade contest to the appropriate official(s) as outlined in Contested Grades Regulation 25. Similarly, the appropriate official(s) as outlined in Contested Grades Regulation 25 shall direct that portion of the clarified grievance that pertains to discrimination to the Vice Chancellor (or designee). The respective offices shall confer with each other in accordance with their authority conferred by campus regulations.

For purposes of clarification, any part of a grievance involving claims of discrimination shall be analyzed and resolved separately by the Vice-Chancellor (or designee) in accordance with the procedures set forth herein. That portion of a grievance involving a grade contest shall be simultaneously and separately reviewed in accordance with the Contested Grades Regulation 25. To the extent that the Vice Chancellor (or designee) makes a decision that discrimination occurred, that decision by the Vice Chancellor (or designee) regarding discrimination shall be final. The Vice Chancellor (or designee) shall determine any appropriate remedies to address the discrimination in a timely manner consistent with 1.31 infra. To the extent that the remedy determination, in part or in whole, is to change a grade, then the Vice Chancellor (or designee) and the appropriate official(s) as outlined in
Contest Grades Regulation 25 shall confer with one another regarding the remedy that affects a grade before rendering their final decisions regarding discrimination and a grade modification to the student complainant. The final decision with respect to a grade change ultimately remains within the purview of the appropriate offices noted in Regulation 25.
APPENDIX V: STUDENT APPEALS PROCEDURES

Procedures for Grade Appeal

A. If after speaking to the faculty member in charge of the course and department chair, a student wishes to contest a grade on grounds specified in Divisional Regulation 25, the/she student must present a written appeal to an official designated by the Faculty Executive Committee, usually the Dean of Undergraduate Studies-Education (or equivalent) of the appropriate school(s) or college(s) offering the undergraduate course, or the Graduate Dean in the case of a graduate course (hereinafter, "the dean(s)"). This appeal must be submitted before the end of the term following the term in which the grade was assigned. Upon receipt of this appeal, the dean(s) shall promptly seek to resolve the issue by consulting the parties involved and the chair of the instructor's department. If the Chair was the instructor involved he/she shall not participate in these deliberations in any way except as one of the parties. In such cases, the dean shall proceed to attempt to resolve the dispute independently. If the dean was the instructor involved, he/she shall not participate in these deliberations except as one of the parties. In such cases, the immediate supervisor of the dean(s) shall recommend to the Faculty Executive Committee or Graduate Council an appropriate alternate for the dean.

Where applicable the dean(s) may consult with the Faculty Executive Committee/Graduate Council and also may request reports or results of investigations made by other cognizant agencies on campus that bear on the credibility of the student’s complaint. If the written grievance alleges discrimination, the dean(s) will forward that portion of the grievance containing the discrimination allegation to the Vice Chancellor of Student Affairs (or designee) and shall notify the student in writing of such action. The vice chancellor (or designee) shall communicate to the dean(s) any decision or determination related to the discrimination allegation including any appropriate remedies determined to address the discrimination. This shall be communicated in a timely manner. The vice
chancellor (or designee) and the dean(s) shall confer with one another regarding any remedy that affects a grade before rendering their final decisions to the student complainant. It is understood that the vice chancellor has full authority to render the final decision regarding whether discrimination took place; the final decision over grades remains within the purview of the Faculty Executive Committee/Graduate Council (or their respective designees).

B. If the complaint is resolved or otherwise make a determination on the grade appeal, the dean(s) shall provide a letter describing the resolution to the student(s), instructor(s), and chair(s) involved, with a copy to the Faculty Executive Committee/Graduate Council.

A.C. If these efforts are unavailing within 30 days following receipt of the student's initial written complaint by the dean(s), the student may within the next 15 days present a final written appeal to the Faculty Executive Committee(s) of the respective college(s) or the Graduate Council, a copy of which shall also be given to the dean(s). If a member of the Faculty Executive Committee or Graduate Council was the instructor involved, that person shall not participate in the case in any way except as one of the parties. As soon as is feasible, the dean(s) shall prepare a report for the Faculty Executive Committee or Graduate Council providing the details of (i) the prior investigations, including information as to the allegations and the evidence produced by the student to establish the case; (ii) the instructor's response to the student's allegations; (iii) all other information the dean may have gathered in the course of the investigation that bears on the credibility of the student's complaint. Copies of the dean's report shall be sent to the instructor and the student, both of whom should submit written comments to the Faculty Executive Committee/Graduate Council within 30 days of receipt of the dean's report. Having granted both parties a reasonable opportunity, the Faculty Executive Committee/Graduate Council shall make a final determination within 60 days after the Committee/Council's receipt of the complaint. Should the dean's investigation tend to demonstrate a pattern of faculty misconduct extending beyond the particular
case, the dean shall inform the Executive Committee/Graduate Council which is then responsible for assuring that appropriate corrective actions are taken including but not limited to grade changes as specified in (D) below and referral of the case to other appropriate committees and agencies.

B.D. If the Faculty Executive Committee/Graduate Council or its designee decides that the grade (or units) assigned is (are) not reflective of the student's course performance, it shall authorize one of the actions stated below.

The Faculty Executive Committee/Graduate Council or its designee may act only as follows:

1. authorize retroactive withdrawal from the course;
2. authorize a change of contested grade;
3. for courses offered in the College of Creative Studies, the Faculty Executive Committee shall determine the number of units to be assigned.

The Committee/Council shall report its decision to the Registrar for recording.

E. Should the dean's investigation tend to demonstrate a pattern of faculty misconduct extending beyond the particular case, the dean will inform the Faculty Executive Committee/Graduate Council which is then responsible for assuring that appropriate corrective actions are taken including but not limited to grade changes as specified in (D) above and referral of the case to other appropriate committees and agencies.

(Am 6 Mar 97; Am 2 Nov 00)
March 11, 2019

To: Henning Bohn, Divisional Chair  
   Academic Senate

From: Ronald E. Rice, Chair  
   Committee on Rules, Jurisdiction & Elections

Re: Revision of Divisional Regulation 25 in response to concerns raised by the Office for Civil Rights

RJE supports the proposed revision of Divisional Regulation 25, Appendix V.

However, we note one possible ambiguity, Section C. “If these efforts are unavailing within 30 days following receipt of the student's initial written complaint by the dean(s), the student may within the next 15 days present a final written appeal to the Executive Committee(s) of the respective college(s) or the Graduate Council, a copy of which shall also be given to the dean(s).”

RJE understands that Appendix V will undergo further clarification later this year. We hope at that time "unavailing" can be better defined.

Cc: Debra Blake, Executive Director, Academic Senate
March 8, 2019

To: Henning Bohn, Chair
   Academic Senate

From: Trevor Hayton, Chair
       Undergraduate Council

Re: Proposed Revision of UCSB’s Grade Appeal Procedures

The Undergraduate Council has considered the proposed changes to the Academic Senate Manual – Appendix V regarding the procedures for student grade appeals.

The Council voted to approve the proposed changes with one minor edit to the language in Section E, below. As these sections were switched in the text, the reference is now incorrect and should be edited.

E. Should the dean's investigation tend to demonstrate a pattern of faculty misconduct extending beyond the particular case, the dean will inform the Faculty Executive Committee/Graduate Council which is then responsible for assuring that appropriate corrective actions are taken including but not limited to grade changes as specified in (D) below above and referral of the case to other appropriate committees and agencies.

CC: Debra Blake, Executive Director
March 1, 2019

To: Henning Bohn, Divisional Chair  
    Academic Senate

From: Amr El Abbadi, Chair  
      Graduate Council

Re: Revision of Divisional Regulation 25 in response to concerns raised by the Office for Civil Rights

At its meeting of February 25, 2019, Graduate Council (GC) reviewed the revised changes to Divisional Regulation 25. GC would like to see a flow chart of the grade appeal process created in order for students to have better guidance on how to proceed with the various steps outlined in the policy.

CC: Debra Blake, Executive Director, Academic Senate
March 8, 2019

TO: Henning Bohn, Chair
Divisional Academic Senate

FROM: Ralph Armbruster-Sandoval, Chair
College of Letters and Science Faculty Executive Committee

RE: OCR-prompted revisions to Campus Policy 4105 and Senate Regulation 25

The College of Letters and Science Faculty Executive Committee (FEC) has reviewed the latest adjustments to Policy 4105 (Student Grievance Procedure) and SR 25, Appendix V (Contested Grades), as prompted by a US Office of Civil Rights age discrimination investigation in 2009-10.

1) Campus Regulation 4105

Admittedly the revised wording is clearer than the November 2017 version, and it clarifies the primacy of the Academic Senate in determining the outcome of grade appeals. However, the FEC still finds the language to be confusing and potentially frustrating to students. In the case of a bifurcated claim the timing of the two processes (determination of discrimination and determination of appropriateness of grade) may not align. In fact, the grade appeal may turn on the determination of discrimination. In this way, it would be difficult for the two parties (Vice Chancellor and SR 25 designee) to confer with regard to their final decisions. That said, the FEC is given to understand that the language of Policy 4105 is not open for additional revision.

Since training and outreach efforts are components of the university’s agreement with OCR, the FEC strongly suggests that a flowchart be included in the training materials.

2) Senate Regulation 25 and accompanying Appendix V

The FEC read these edits with a desire to endorse them. Nonetheless we are compelled to point out the need to clarify which Vice Chancellor is being invoked. In Policy 4105 it may be evident that those regulations refer to the Vice Chancellor for Student Affairs, but the Senate regulations need to specify Vice Chancellor for Student Affairs.

A small but meaningful suggestion in Section A, paragraph 2 is to replace "the" with "any", i.e.,

"The vice chancellor (or designee) and the dean(s) shall confer with one another regarding the any remedy that affects a grade before rendering their final decisions to the student complainant."

Thank you for the opportunity to comment.

cc: Pierre Wiltzius, Executive Dean of the College and Dean of Science
Jeffrey Stopple, Associate Vice Chancellor and Dean, Undergraduate Education
John Majewski, Dean of Humanities and Fine Arts
Charlie Hale, Dean of Social Sciences
February 22, 2019

TO: Henning Bohn, Chair
Academic Senate

FROM: Dan Blumenthal, Vice-Chair
College of Engineering, Faculty Executive Committee

RE: Revision of Divisional Regulation 25 in response to concerns raised by the Office for Civil Rights

The Engineering Faculty Executive Committee met on February 20, 2019 and reviewed the proposed modifications in Appendix V. The committee felt the changes did not seem unreasonable. However, the committee would like to make a couple of changes in Appendix V:

- In Section B, remove “, with a copy to the Executive Committee/Graduate Council.”

  The committee felt it was unnecessary to receive copies of reports unless it was escalated to the committee.

- To be more specific and accurate, change “Executive Committee” to Faculty Executive Committee

Cc: Shasta Delp, Academic Senate
February 26, 2019

To: Henning Bohn, Chair
    Academic Senate

From: Jianwen Su, Chair
        Council on Research and Instructional Resources

Re: Proposal to Establish a Committee on Information Technology

Based on the rationale provided below, the Council on Research and Instructional Resources (CRIR) proposes the establishment of a Committee on Information Technology (CIT).

- The committee would consist of a chair and at least 5 members – 2 members would serve on IT Council, 1 member would serve on the Cyber-infrastructure committee, and 1 would serve as the Division’s representative on the University Committee on Academic Computing and Communications (UCACC).
- CIT would be a standing committee of CRIR and would meet bi-weekly.
- Along with the Committee on Research Policy and Procedures (CRPP) and the Committee on Library, Information and Instructional Resources (CLIIR), CIT members would attend quarterly CRIR meetings, rotating use of the bi-weekly meeting slots of CRPP, CLIIR, and the newly created CIT.
- The chair of CIT would be a member of CRIR’s Executive Committee, which facilitates communication between the standing committees and delegates specific agenda items as needed.

Information technology has become an essential and foundational component of University operations, many of which involve faculty. In research, aside from traditional computing, many issues concerning data management are of growing importance. In particular, the campus is facing the need to manage data of rapidly growing size in research projects. In teaching and instruction, there is increasing use of computing hardware and software for managing courses, delivering lectures, and coordinating both face-to-face and online classroom activities. Many computing processes that are overseen by administrative services (HR, registrar, etc.) are also of concern to the faculty. For example, the recent migration to UC Path has impacted procedures for faculty hiring and managing research assistants and postdocs. In addition, cyber security is a critical concern within all university operations. More importantly, there is a serious lack of IT support for the faculty. For example, when a new faculty member joins the University, no clear IT service agreement is provided; it is often left to the faculty to explore and navigate the mostly unknown terrain of the IT landscape. Academic visitors and students face the same situation. CRIR therefore believes that the participation of Senate faculty is essential to University IT governance. It is worth noting that almost all other UC campuses have a Senate IT committee.

The current structure of the Academic Senate lacks a home for holistic oversight of IT governance issues. IT issues related to research, teaching, and library usage are within the charge of the Council on Research and Instructional Resources; however, its two existing standing committees, CRPP and CLIIR, focus on research issues and on instructional and library issues, mostly in isolation. The Cyber Security Working Group, which has resided within the
Council on Faculty Welfare, Academic Freedom & Awards, has interacted with CRIR only minimally, and this group is expected to be discharged by the end of this academic year.

Several important aspects of IT governance are not within the charge of any Senate committee, including administrative services, cyber infrastructure, data management for research, IT service agreement for new faculty and academic visitors, etc. While there are campuswide administrative councils/committees that do include Senate representatives, these representatives are not appointed members of relevant Senate committees. The information flow has thus been quite limited. The following are three such groups:

- IT Board for decisions on IT strategy. Senate Chair Henning Bohn is a member.
- IT Council for major decisions concerning IT acquisition, implementation, and maintenance – the Senate has 2 representatives, but they do not report back to any committees.
- Cyber-infrastructure Committee within the Office of Research (no Senate representation).

In view of the proposed restructuring, members of CRIR have endorsed the attached proposed revisions to Divisional Bylaw 65. Council on Research and Instructional Resources. Establishment of CIT would require Faculty Legislature approval of these bylaw changes.

Cc: Debra Blake, Executive Director, Academic Senate
65. Council on Research and Instructional Resources

A. Purpose.

To promote an optimal research and educational environment, to manage Senate resources and provide advice in a manner that fosters quality and diversity of research and instructional programs.

B. Membership.

Members are selected to ensure appropriate representation of the diversity of research, the apportionment within the faculty legislature, and instructional efforts at Santa Barbara. The Council consists of at least fifteen-eighteen (15-18) Senate members. In addition, there is one non-Senate academic representative appointed by the Committee on Committees from each group as follows: lecturers, professional researchers, and librarians. There is one graduate and one undergraduate student representative, appointed by the Graduate Student Association and Associated Students, respectively. Additional student representatives may be appointed to the standing committees. The Council Chair and Vice Chairs are appointed by the Committee on Committees. One member is appointed each to the Universitywide Committees on Research Policy, on Information Technology and Telecommunications Policy, Academic Computing and Communications, and on Library and Scholarly Communication. The Chair is a member of the Executive Council.

C. Organization.

The Council on Research and Instructional Resources consists of four-five standing committees, and any number of ad hoc committees. In addition, the Council Chair, in consultation with the membership, shall appoint any number of individuals or ad hoc committees in response to Administrative or joint Administrative/Senate Committee needs, and within the Council's purview. In so doing, the Chair may consult with the Committee on Committees. Individuals may be appointed from the
general Senate membership as necessary. Members so appointed report to the Council. Membership of the standing committees is selected by the Chair. The Chairs of the standing committees are appointed from the Council members by the Council Chair in consultation with the Council Vice Chair. The Council and its standing committees may invite consultants and guests to meetings as deemed appropriate. The standing committees are as follows:

1. Executive Committee, consisting of the Council Chair, Vice Chair, the subcommittee chairs, and the representatives to systemwide committees, if different;

2. Committee on Research Policy & Procedures consisting of a Chair and at least five (5) Council members. The Vice Chancellor of Research serves ex-officio;

3. Committee on Library, Information & Instructional Resources consisting of a Chair and at least five (5) Council members. The University Librarian and Associate Vice Chancellor of Academic Programs/Director of Instructional Development serve ex-officio;

4. Committee on Information Technology, consisting of a Chair and at least five (5) Council members, two of whom are appointed members of the UCSB Information Technology Council; the Chief Information Officer serves ex-officio;

D. Duties.

The Council:

1. formulates a Senate position on all matters pertaining to research, and teaching, and information technology in the Division.
2. determines policy pertaining to research funds allocated to the Council; administers and allocates its funds according to established policy; determines recipients of faculty research grants and recommends the recipients of major instructional improvement/assessment grants.

3. advises the Chancellor and informs the Division of budgetary need for support of research and research travel and of the development, budgetary needs and management of instruction and information technology for instruction and research in the Division.

4. makes recommendations on the regularly scheduled reviews of organized research units; reviews and makes recommendations on proposals regarding organized research units.

5. acts for the Division in all matters of Library policy and administration and advises the Chancellor and the Division accordingly; reviews and makes recommendations concerning the print, electronic, space and growth needs of the Library; participates in administrative reviews of the Library and formulates recommendations to the Chancellor, the Division and the Council on Planning and Budget as appropriate.

6. participates in reviews of units administering computing and instructional resources and makes recommendations accordingly; maintains liaison with the Office of Information Technology.

7. maintains liaison with the Universitywide Committees on Information Technology and Telecommunications Policy, Library, and Research Policy; coordinates with the Council on Planning and Budget where annual budgetary and resource allocation issues are concerned. (En 30 May 02) (Am xxx)
March 13, 2019

To:        Henning Bohn, Divisional Chair  
           Academic Senate

From:      Ronald E. Rice, Chair  
           Committee on Rules, Jurisdiction & Elections

Re:  Proposal to Establish a Committee on Information Technology within CRIR

RJ&E supports the proposal to create a Committee on Information Technology within the Council on Research and Instructional Resources.

RJE found one error in the proposed Bylaws:

B. Membership.
   “The Council consists of at least fifteen (18) Senate members”. This is inconsistent and appears the wording should be “eighteen (18) Senate members”.

Cc:        Debra Blake, Executive Director, Academic Senate
From: U.C. Academic Senate
To: President of the University of California, for transmission to the Regents
Re: Memorial to the Regents

The U.C. Academic Senate petitions the Regents to divest the University’s endowment portfolio of all investments in the 200 publicly traded fossil fuel companies with the largest carbon reserves.
History of the Memorial to the Regents

On January 17, 2019 the UCSF Academic Senate Ad-hoc Committee on Sustainability held a vote to approve the Memorial to the Regents. The Memorial was approved.

On January 24, 2019 the UCSF Academic Senate Executive Council held a vote to approve the Memorial. The vote passed.

On February 15, 2019 the UCSF Academic Senate voted to approve the Memorial. 238 voted to approve, 58 voted to reject, and 6 abstained. The Memorial was approved.
Explanation of the Provisions of the Memorial to the Regents

The Memorial states: “The U.C. Academic Senate petitions the Regents to divest the University’s endowment portfolio of all investments in the 200 publicly traded fossil fuel companies with the largest carbon reserves.”

The Carbon Underground 200 list identifies the largest owners of carbon reserves. Fossil Free Indexes identifies the top 100 coal and the top 100 oil and gas publicly-traded reserve holders worldwide.

The Memorial petitions the Regents to divest UC’s endowment portfolio of all investments in companies on the Carbon Underground 200 list. UC currently owns shares in companies on the Carbon Underground 200 list. UC’s holdings of securities in oil and gas drilling and refining firms is approximately three percent of UC’s public equity holdings. In contrast, oil and gas drilling and refining firms represent six to seven percent of the global economy. The Memorial would have the Regents divest entirely from all companies currently on that list.
Ensuring that our planet does not undergo catastrophic climate change requires that fossil fuels be phased out in the near future. Thus, being co-owners of corporations devoted to producing fossil fuels is both morally and financially unwise.

Global warming will have catastrophic consequences. If current trends continue, major cities will be destroyed, and trillions of dollars in assets will be lost due to sea level rise and extreme weather events. Droughts, floods, and climate changes will cause crops to fail resulting in mass starvation. Ecosystems will be devastated, which combined with other anthropogenic disruptions, will drive millions of species extinct.

Prudence requires that we secure ‘planet insurance.’ A rapid evolution to a largely carbon-free energy system is essential within the next 15 to 30 years. This is technically possible and affordable.

The greatest impact of climate change will be on those least responsible for it, and with the least power to affect it. The effects of climate change will be greatest on the youth, and future generations for hundreds of years; on poorer countries who contributed the least atmospheric pollution; and on other species. We who benefited most from the last 300 years of cheap energy, and who control the most resources, must act for them as well as ourselves.

Fossil fuel companies are a primary cause for insufficient action countering global warming. Fossil fuel companies continue to spend billions of dollars to extract fossil fuels that should never be burned based on a business model assuming continued high fossil fuel use. They have hidden their research predicting global warming due to atmospheric carbon dioxide for decades. They have donated millions of dollars to think tanks which spread misinformation. Their direct and indirect support has helped elect climate denying senators, representatives, governors and presidents.

Fossil fuel stocks will experience volatility if international agreements such as the Paris Agreement are followed. In the Paris Agreement, 197 countries committed to taking the action necessary to limit global temperature rise this century to <2°C, and aim for a rise of <1.5°C. This requires that <20% of existing fossil fuel reserves can be burned. However, the value of fossil fuel companies is heavily dependent on the value of these proven reserves. If these reserves cannot be burned then those companies may undergo significant devaluation. Increased volatility of fossil fuel investments means we cannot assume that the historic returns from fossil fuel stocks will continue into the future.

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i Current scientific consensus regarding global warming from the US gov., IPCC and World Bank
https://science2017.globalchange.gov/
Sustainable energy is economically and technically viable

The Paris Agreement:
Arguments in Opposition to the Memorial to the Regents

The University of California is taking meaningful steps to minimize the risk and reduce the impact of climate change. While the UC Office of Chief Investment Officer has adopted a Framework for Sustainable Investing, it must also fulfill its fiduciary duty to current and former employees. The Memorial would impose an extreme and one-sided solution to a complex problem while simultaneously threatening the financial health of UC’s investments portfolio.

Solutions to global warming will require a variety of strategies and tactics if they are not to drastically disrupt global economic systems. While climate change threatens widespread catastrophe to cities and ecosystems, the solutions to address climate change must not threaten to upend economic systems upon which communities depend. Fossil fuels are still a viable source of energy on which economies rely. Thus, solutions to global warming must utilize a variety of strategies and tactics including but not limited to investment in carbon reducing technologies and carbon alternatives. However, until those technologies and alternatives are fully developed and sufficient substitutes to fossil fuel, we cannot completely abandon the use of fossil fuel.

University of California has already taken action against climate change.
UC has made a commitment to be carbon neutral by 2025 on its ten campuses, five medical centers, and three national labs. UC joined Mission Innovation, a global initiative, to increase investment in energy research and development. UC entered into an agreement to purchase 80 megawatts of solar power.

The UC Office of Chief Investment Officer has a fiduciary duty to over 500,000 current and former employees.
The UC Office of Chief Investment Officer has a fiduciary duty to protect and increase UC’s investment assets. Maintaining the financial health of UC’s endowment is a moral and legal responsibility of UC.

UC currently considers the impact of climate change when making investment decisions.
Based on feedback from the UC Board of Regents, UC students, faculty, staff, and stakeholders, UC established a Framework for Sustainable Investing. The Framework for Sustainable Investing sets out a process for evaluating environmental sustainability, social responsibility, and governance into investment decisions.

Divestment from fossil fuel companies would result in a forfeiture of UC’s influence over those companies as an institutional investor.
UC currently can exercise its rights as a shareholder of fossil fuel companies to advocate for solutions to global climate change including investments in alternatives to fossil fuel. Divestment would mean forfeiting UC’s right to influence corporate governance of those fossil fuel companies.
90. Memorials (Am 13 May 97; Am 12 May 2004)

A. Definitions
   1. The term "Memorial to the Regents" means a declaration or petition addressed
to the President for transmission to The Regents, as provided for in Standing
Order of the Regents 105.2.e.
   2. The term "Memorial to the President" means a declaration or petition to the
President not intended for transmission to The Regents.
   3. Memorials are not legislation within the meaning of Bylaw 311.A.

B. Memorials to the Regents on matters of Universitywide concern to be submitted to The
Regents through the President may be initiated by the Assembly or by a Division.
Written arguments in favor of and against a proposed Memorial to the Regents shall be
submitted to the Assembly or the Division at least seven calendar days prior to the time
that either body votes on the proposal.

C. Memorials to the Regents that have been approved by the Assembly shall be voted
upon in accordance with the procedure set forth in Article E of this Bylaw.

D. Memorials to the Regents that have been approved by a Division shall be submitted
within thirty calendar days to the Chair of the Assembly and the Chairs of all other
Divisions.
   1. The Memorial shall be accompanied by the count of votes, a brief account of its
history, an explanation of its provisions, and a succinct statement of the
arguments for and against it specified in Article B of this Bylaw.
   2. Each Division shall have ninety calendar days from receipt of the Memorial to
vote upon it. The time required to submit the proposal to a mail ballot, if such
balloting is required, shall be included within ninety days.
   3. Upon receipt of the Memorial the Chair of the Division shall promptly submit it
to a vote of the division. The Division may vote to approve, to disapprove, or to
decline to act, but may not amend the proposal as submitted. The vote may
proceed according to any method authorized by the Bylaws of the Division,
including town meetings, representative assembly, or mail ballot. Except as may
otherwise be provided in the Divisional Bylaws, the choice of the method of
voting shall be determined by the Chair of the Division, in the light of the
circumstances, and of advice from any duly constituted advisory bodies the Chair
may consult. In no event shall the Chair submit the Memorial at a time that is too
late for the division to comply with the ninety-day limitation set forth in
paragraph 2 of this Article.
   4. The Chair of the division shall within seven calendar days forward to the Chair of
the Assembly and to the Chairs of all other Division the results of the Divisional
vote on the proposed Memorial.
   5. As soon as the ninety-day period set forth in Paragraph 2 of this Article has
ended, or as soon as all Divisions have reported the results of their divisional
votes, whichever comes first, the Chair of the Assembly shall notify all Divisions
of the results. **If at least three Divisions representing at least thirty-five percent of the membership of the Academic Senate** have notified the Chair of the Assembly that the Memorial has been approved by their Divisions, **the proposed Memorial shall be voted** upon in accordance with the procedure set forth in Article E of this Bylaw.

6. A Division that has voted upon a proposed Memorial in accordance with the provisions of Paragraph 3 of the Article, may subsequently vote to reconsider its action, provided that any such reconsideration must be completed within the ninety calendar days specified in Paragraph 2 of this Article.

7. If the number of approvals received within the time prescribed by Article D.2 of this Bylaw does not satisfy the requirement set forth in Article D.5 of this Bylaw, the proposed Memorial shall be deemed disapproved and no further action can be taken upon it.

E. **Memorials that have been approved in accordance with either Articles C or D of this Bylaw shall, within sixty calendar days** of such approval, be submitted by the Secretary/Parliamentarian of the Senate to mail ballot of all voting member of the Senate.

1. The ballot shall be accompanied by a brief account of its history, an explanation of its provisions, and a succinct statement of the arguments in its favor and against it. The materials shall be compiled by the Chair of the Assembly, who may rely in whole or in part upon the materials originally submitted by the initiating Division.

2. The Chair of the Assembly may appoint an ad hoc committee of Senate members who support the proposed Memorial and an ad hoc committee of Senate members who oppose it to draft arguments for and against the proposal, respectively. Arguments drafted by such committees shall be based on the materials specified in Article B of this Bylaw. Each set of arguments shall consist of no more than 1,000 words. The Chair of the Assembly may direct each ad hoc committee to draft rebuttals to the arguments of its counterpart committee; such rebuttals shall consist of no more than 500 words. Arguments and rebuttals drafted by ad hoc committees shall be submitted to the Chair of the Assembly within 45 calendar days following approval of the proposed Memorial as provided in Article C or in Paragraph 5 of Article D of this Bylaw.

3. The Chair of the Assembly, with the concurrence of the Academic Council, shall retain final authority to make judgments as to the appropriateness of arguments and rebuttals and to revise them accordingly. (Am 5 May 88)

F. **A Memorial that has received a majority of the valid ballots cast in the election described in Article E of this Bylaw shall be sent by the Chair of the Assembly to the President for submission to The Regents.** A tabulation of the votes cast in this election shall accompany the Memorial. (Am 9 May 84)

G. Either the Assembly or any division may submit Memorials not intended for transmission to the Regents directly to the President.