

The Regents of the University of California

COMMITTEE ON EDUCATIONAL POLICY

July 18, 2013

The Committee on Educational Policy met on the above date at UCSF–Mission Bay Conference Center, San Francisco.

Members present: Regents Feingold, Flores, Gould, Island, Kieffer, Newsom, Reiss, and Ruiz; Ex officio members Lansing, Varner, and Yudof; Advisory member Jacob; Staff Advisors Barton and Coyne

In attendance: Regents Blum, De La Peña, Makarechian, Pattiz, Schultz, and Zettel, Regents-designate Engelhorn, Leong Clancy, and Saifuddin, Faculty Representative Powell, Secretary and Chief of Staff Kelman, Associate Secretary Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Vacca, Provost Dorr, Executive Vice President Brostrom, Chief Financial Officer Taylor, Senior Vice Presidents Dooley and Stobo, Vice Presidents Beckwith, Duckett, Lenz, and Sakaki, Chancellors Block, Blumenthal, Desmond-Hellmann, Dirks, Drake, Katehi, and Yang, Acting Chancellor Conoley, and Recording Secretary McCarthy

The meeting convened at 9:00 a.m. with Committee Chair Reiss presiding.

1. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion duly made and seconded, the minutes of the meeting of May 15-16, 2013 were approved.

2. PROGRESS REPORT ON ONLINE EDUCATION EFFORTS AT THE UNIVERSITY OF CALIFORNIA

[Background material was mailed to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Reiss stated that the Board understands the position of students who do not wish to see online education pursued merely as a means of saving costs or increasing revenue, but as a means of improving educational opportunities and quality. She expressed the hope that both goals could be achieved. There was no question that technology would transform how students are educated, and UC should be a leader in this new development.

Provost Dorr began the discussion by reporting that the University had offered about 1,000 more online courses in 2012-13 than in the previous year. Over 100,000 students were enrolled in these courses, about 25,000 more than in the previous year. Many of the 3,400 online courses offered in 2012-13 were in the University's Extension programs that

are open to the public. The number of online courses fulfilling undergraduate and graduate requirements had also increased to about 260.

In response to a question by Regent Lansing, Ms. Dorr explained that an online degree would be offered for completion of an online degree program. UC now has five such programs leading to professional degrees in areas such as information sciences, health sciences, and engineering. There is interest in these programs on a number of campuses, and this area can be expected to grow.

Ms. Dorr discussed a chart showing numbers of undergraduate for-credit online courses offered in 2012-13. These included lower-division gateway and non-gateway courses, upper-division courses, and UC Extension courses that carry UC credits equivalent to campus courses. She explained that gateway courses are usually prerequisites for a major program. Compared to the previous year, online for-credit courses offered during the academic year increased from 11 to 33, and in summer from 63 to 87. UC must work to increase these numbers.

Committee Chair Reiss expressed the general wish of the Board, President Yudof, and the Governor that UC lead in the field of online education. The number of courses offered was not the only important consideration; the potential for students to take classes offered online by other campuses would also be a significant benefit.

Regent Gould asked if UC's online courses were available to community college students, and if remedial mathematics or English courses were being offered online. Ms. Dorr responded that the University was currently focused on developing courses intended for enrolled UC students. The administration and the Academic Senate have had discussions about expanding these offerings to include community college students, particularly for those who intend to transfer to UC. The courses chosen for online development are fundamentally those that provide early preparation for UC students.

Regent Gould expressed his support for expanding online course offerings for community college students and for remedial courses. Some campuses allow concurrent enrollment of community college students; the development of online courses for this student population would be an opportunity for UC and a natural development.

President Yudof stated that UC's online education effort was reaching a positive turning point. He identified gateway courses as the most critical element. It was important UC offer courses that were currently over-enrolled, not available readily enough, and for these reasons delaying students' graduation. The raw number of such courses – 100 might be sufficient – was not as important as helping students to graduate, ensuring the quality of the courses, and keeping track of student response. The University should consult with students in developing its online education program. President Yudof cited the recently publicized experience of San Jose State University, where student success rates in an online course offered by Udacity were very low. If problems like this were widespread, it would be a reason to reconsider the University's plans for online education. He noted that UC faculty have created a common platform to facilitate course approval for students at

one campus for courses offered by another campus, either for general education or major requirements.

Committee Chair Reiss observed that there were still challenges and obstacles for students in navigating the process of seeking, enrolling in, and receiving credit for online courses offered at other campuses, and the University should expedite this.

Regent Ruiz stressed the importance of successful implementation of online education. The question of how many students are being served is more important and of more interest to the Regents than the number of courses. A long-term approach would be necessary, and Regent Ruiz requested that a three-year plan with expected goals be presented.

Regent Lansing requested regular updates on this topic. She underscored that the University is open-minded about online education and that the results remain to be seen. She concurred with earlier statements about the importance of focusing on undergraduate gateway courses, providing opportunity for transfer students, and improving time to degree for UC students. She described University Extension as a different arena where online approaches are already being successfully applied.

Ms. Dorr then discussed the Innovative Learning Technology Initiative (ILTI), to be supported by \$10 million in State funds. ILTI would be focused entirely on undergraduate education, on gateway courses that would remove impediments to graduation, and on early, remedial work in areas like mathematics needed by some students. ILTI is a collaborative effort that takes advantage of existing campus activities and keeps essential development and approval action at the campus level.

ILTI sent out a request for proposals in March 2013 and received more than 120 replies. Many undergraduate courses proposed for online delivery were perfectly suited for the purposes discussed. Ms. Dorr described the ILTI all-campus meetings and webinar. Now that funding has been secured, the Initiative is prepared to move forward. The University has a three-year plan for ILTI and would develop it in greater detail. Currently a second request, for full proposals, was being sent out. All proposals would be reviewed by committees including students, faculty, and individuals with online education experience. Ms. Dorr concluded by informing the Board that the University would showcase existing online courses on August 20 at an event in Sacramento.

Committee Chair Reiss asked that the Regents receive an ILTI blueprint. Ms. Dorr responded that details of the Initiative could be presented at an update in six months. She also referred the Regents to an online document describing ILTI. Online course development would begin in fall, and there would be a second time period for accepting proposals. She anticipated that at least 50 courses would be funded this year.

Committee Chair Reiss asked about the University's guidelines in its request for proposals and what it was seeking from the campuses. She noted that while ILTI is a pilot program, a number of UC campuses have already been offering online courses for years.

Regent Lansing observed that the University had received \$10 million in State funding to explore a range of possibilities in online education. Ms. Dorr responded that the University's guidelines address course quality. She stressed UC faculty's great concern that courses be up-to-date, thoughtful, well taught, and promote knowledge gain. The guidelines emphasize the development of an online strategy that will produce high-quality courses.

Committee Chair Reiss stated that the Regents are also concerned about course quality, but would like to know more about specific elements of the ILTI plan. She asked what other goals the University was pursuing, besides quality. Ms. Dorr responded that campuses have a range of goals for undergraduate online education: high-enrollment courses, increased enrollments, gateway courses, and access to over-enrolled courses required for graduation. These goals are consistent with the Governor's understanding of the purpose of the \$10 million in State funding. The campuses were not focused on transfer students or remedial courses. Campuses must agree that while they are developing courses to serve their own students, their courses will also be open to students from other campuses.

Faculty Representative Jacob noted that the University would develop hybrid courses as well as courses that are entirely online. This effort would engage faculty who wish to expand the enrollment of existing courses by making these courses available to students on other campuses. New courses would be created, and existing courses transformed for an online format, which requires significant effort. The work of online course development also draws on instructional designers, experts in online education who are not involved with course content, but with the effective interface of technology and learning. The ILTI plan is consistent with the Governor's proposal and the expressed wishes of the Legislature. Mr. Jacob noted that there are data showing that online education is less effective for remedial than for regular courses. The decision to focus on UC-matriculated students and gateway courses is compatible with the results of research.

Chancellor Drake reported from personal experience that the work required to prepare and format a course for online delivery, even a course one has taught for a number of years, is significant. This is not a trivial effort, and Chancellor Drake estimated that it is equivalent to researching and writing a book. Unlike a lecture in a live class, a lecture online will be permanent, and it is especially important to ensure correctness and accuracy. The content of online courses must achieve the educational objectives UC has for its students. Chancellor Drake stated that the University is pleased with its progress in developing online education, but stressed again that this involves a significant effort.

Chairman Varner observed that the Governor wished to give the University flexibility in shaping its online courses. In order that the Governor be informed about this process, Chairman Varner requested a definitive progress report at the November meeting, or not later than December. The report would include information on how State funding is being used, to show that it is being spent appropriately to accomplish the goals intended.

Regent Makarechian asked why relatively few of the total number of online courses were courses for credit, about the difference in cost between an online versus a traditional course taken in person, and about how UC compares to other universities in this area. He suggested that reporting on UC's online education program be added to the Annual Accountability Report. Ms. Dorr responded that many of UC's online courses are offered by the University Extension program and are intended for the general public. UC Extension has used the online format for some time. She observed that most Extension courses were not very relevant to the goals for undergraduate education being discussed. Nevertheless, the administration has asked UC Extension to identify any existing course material that might be appropriate for an approved for-credit course for undergraduates. This might provide an efficient way of fulfilling some needs. She concurred with Chancellor Drake's earlier observation that creating a new online course requires a significant investment of time and effort.

Committee Chair Reiss recalled that of the 3,400 online courses, 200 fulfill undergraduate requirements and 60 fulfill graduate requirements.

Regent Makarechian asked about the reasons for a rather slow pace in developing online courses. Mr. Dorr invited Regent Makarechian to speak with faculty and instructional designers about the process. As is the case with a traditional course, developing an online course takes a significant amount of time and effort. Online courses must be designed so that they hold students' attention and engage them. The University is seeking to build opportunities for interaction between students and instructors and among students into its online courses. The cost of online course development depends on specific course content and needs. Ms. Dorr estimated the cost to range from \$15,000 to \$100,000, depending on how much interactivity would be built into a course and on how extensive the underlying recordkeeping and analytical tools would be. ILTI would gather data on cost structures, cost effectiveness, and savings.

Regent Makarechian asked if the cost to students would remain the same. Ms. Dorr responded that ILTI's main focus is on courses offered during the regular academic year, which includes the tasks of enrolling students for online courses and verifying that they are legitimate UC students. Online courses would be part of what is available to UC students, covered by their tuition, not by an extra fee. Online courses would be available throughout the UC system, on every campus.

Committee Chair Reiss asked that the next presentation to the Regents on the three-year plan include not only numbers but specific examples of online courses from the campuses, to be explored in more detail. She stressed the Regents' understanding that developing an online course is not simply a matter of taping a lecture and making it available online.

Regent Flores asked if students would be involved in the decisions about which courses would be made available online, and if this would be discussed at the ILTI meetings. Ms. Dorr responded that students would be involved in the ILTI review of all proposed courses and in recommending choices. The campuses have their own review processes

for determining which undergraduate courses should be online, including consideration of enrollment levels, wait lists, and which courses satisfy requirements. Ms. Dorr stressed that the University has no intention of eliminating traditional courses or moving required courses entirely online; instead, it seeks to offer online courses as an option for students who wish to enroll in them.

Committee Chair Reiss asked that the next report include more specific information by campus on over-enrolled courses, online course offerings, and enrollment.

Regent Kieffer stressed the importance of understanding not only developments at UC, but at other U.S. universities and outstanding universities in the rest of the world. He requested information about progress in online education at other universities and what has been written about it.

Regent Gould stated that the November meeting would be the best time for a definitive progress report. The Governor and the Legislature have a strong interest in this subject. In the State budget development process, key positions begin to be formed at this time of year. The University should have more information by November about its online program, such as cost per course.

Regent Newsom asked about UC's engagement with the California State University (CSU) system in this area. Ms. Dorr responded that there are regular discussions with CSU about enrollments, transfer, online courses, and legislation related to using online courses for degree credit. There had not yet been any talks about collaboration on specific courses. At this point, UC and CSU agree that their systems have not focused much on online education and that working within their systems to provide the best possible online learning for students is a good first step.

Regent Newsom stated that UC should pursue the development of online courses in a deliberative and thoughtful manner, but criticized what he saw as an extraordinarily slow pace of development at a time when others were looking to the University for leadership. This slow pace would not be acceptable in a business environment, given the rapid nature of change in this field. He urged the University to move more quickly.

3. **REPORT OF ESTABLISHMENT OF THE WORLD FOOD CENTER, DAVIS CAMPUS**

[Background material was mailed to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Chancellor Katehi reported the establishment in June of the World Food Center at UC Davis. The campus has been recognized in various rankings as a foremost university in agriculture and sustainability, and it envisions the World Food Center as a place for collaborative efforts, generating technical and commercial breakthroughs in food science that will improve the health and well-being of people around the world. Critical to success will be a continuing close engagement with the UC Division of Agriculture and

Natural Resources (ANR). Chancellor Katehi recalled that 93 percent of UC Davis' 282 faculty in the College of Agricultural and Environmental Sciences have joint appointments with ANR.

One of the signature challenges of the current era is to feed and nourish a rapidly growing global population in an environmentally and economically sustainable manner. With more than a century of experience, UC and UC Davis have the expertise, partnerships, and deep engagement with California and its agricultural industry to help meet these challenges. With the establishment of the World Food Center, UC Davis hopes to lead the world in the development of new knowledge about food and to use this knowledge to inform public policy. The Center would be a resource for scholars, policy experts, government officials, news media, and others, and would be funded through private philanthropy.

Secretary of the California Department of Food and Agriculture Karen Ross expressed enthusiasm about the establishment of the World Food Center, noting that the success of agriculture in California represented a success of the University. UC's Cooperative Extension program has connected the generation of knowledge on campuses to application of that knowledge by farmers and ranchers, making California the most productive agricultural state in the U.S. and one of the primary food producing regions in the world. Even during the recent economic slowdown, the agricultural industry in California continued to grow, from \$38.5 billion in 2010 to \$43.5 billion in 2012. The founding of the World Food Center comes at a time of renewed interest in robust local and regional food systems and of rapid growth in the world's population, particularly the middle classes. The typical first use of additional discretionary income in a family is to better feed the family.

California grows more than 50 percent of U.S. fresh fruits and vegetables and is the nation's foremost dairy producer. Fresno County rivals Italy in the production of processing tomatoes and California is the world's fourth largest wine producer. California excels in the quality of its agricultural products and in its environmental stewardship and food safety expertise. California can help the world produce more food that is healthful and nutritious, in an environmentally sustainable way, using best practices. Ms. Ross observed that many people are not aware of the contributions to this field made by UC Davis and the UC system. For the food and agriculture industry, the World Food Center would serve as a single portal to access multidisciplinary work and work from across the UC system. The Center would serve a practical function and help economic development.

Regent-designate Leong Clancy asked about the reason for a possible future transition of the World Food Center to 501(c)(3) status. Chancellor Katehi responded that it would become clear over time how best to accomplish technology transfer as envisioned. She described the Center as an intellectual cooperative. It remained to be seen how to bundle intellectual property from UC Davis and other institutions, and if the existing technology transfer environment would allow this to be accomplished simply. UC Davis envisions the World Food Center as a place where it is easy to bring ideas together, share ideas openly, and generate income from them when appropriate.

Regent Ruiz stated that the World Food Center represented an outstanding opportunity for the state and that UC Davis was the ideal campus to host it. From his own experience in the food industry, he stated that food companies seek to work with UC Davis on research, new products, process engineering, and food safety. The Center would keep California in the forefront of providing products that feed the world and would provide economic benefit to every family in the state.

Regent Makarechian asked how the World Food Center would work with the campus' technology transfer office. Chancellor Katehi responded that the campus' technology transfer office would provide needed expertise. If, in the future, the World Food Center became a 501(c)(3) organization, it would continue to follow existing UC licensing policies and practices.

A short video about the World Food Center was shown, highlighting global food challenges, the goal of improving nutrition of low-income people in developing countries, the role of genomics in detecting bacteria and ensuring a safer food supply, the use of technology that will help protect the planet, and how UC Davis is situated to meet these goals.

4. **AMENDMENT OF REGENTS POLICY 7401: THE FACULTY CODE OF CONDUCT AND THE POLICY ON FACULTY CONDUCT AND THE ADMINISTRATION OF DISCIPLINE**

The President recommended that Regents Policy 7401: The Faculty Code of Conduct and the Policy on Faculty Conduct and the Administration of Discipline be amended as shown in Attachments 1 and 2.

[Background material was mailed to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Vice Provost – Academic Personnel Susan Carlson explained that this item proposed amendments to Regents Policy 7401 and to the Academic Personnel Manual (APM). Through Regents Policy 7401, the Regents review and approve any changes in the Faculty Code of Conduct and the Policy on Faculty Conduct and the Administration of Discipline, although the policy itself lives in the APM. APM – 015, the Faculty Code of Conduct, is one of a handful of APM policies approved by the Regents.

Some technical changes were being proposed, and one substantive change, to add a phrase to APM – 015 that specifies that among the conditions essential for faculty is “freedom to address any matter of institutional policy or action when acting as a member of the faculty whether or not as a member of an agency of institutional governance.” In 2006, the U.S. Supreme Court ruling in *Garcetti v. Ceballos* created ambiguity about faculty rights to participate actively in the shared governance of the University. In a case involving a public employee, a deputy district attorney, the Court ruled that when employees make statements pursuant to their official duties, the Constitution does not insulate the employee's communications from the employer's discipline. More relevant

for UC, the case left open how the ruling might or might not apply to speech related to scholarship and teaching. The Court chose not to comment on whether its findings would apply to those involved in standard faculty work.

Following the Supreme Court ruling, in a case filed by a UC faculty member against the University, *Hong v. Grant, et al.*, the University relied on the *Garcetti* ruling, arguing that a faculty member could not make a claim under the First Amendment by alleging that his merit increase had been denied based on comments he made in a department meeting. The case was subsequently dismissed, but the University's defense raised concern among faculty and resulted in a recommendation for policy changes in the APM. There was a sustained process of review of possible revisions that would preserve faculty rights to critique institutional matters. The proposed changes were initiated in the Academic Senate's University Committee on Academic Freedom and underwent three rounds of review, including review by the Provost and the President.

In response to the *Garcetti* case, other public research universities have revised their policies over the past few years. These revisions have made explicit the faculty members' rights to criticize institutional decisions and are designed to preserve faculty members' ability to participate freely in shared governance. Among the universities that have made such changes are Pennsylvania State University and the Universities of Florida, Illinois, Michigan, Minnesota, Wisconsin, and North Carolina.

Ms. Carlson stated that the revised APM policy would strengthen shared governance and would now explicitly allow faculty the freedom to do their work. One technical change being proposed would more accurately explain the relationship between Regental policies 7401 and APM – 015 and APM – 016. Other technical changes would bring APM – 015 in alignment with federal and State law; an identical change would be made in three places.

Regent Pattiz asked about what objections could be made against the proposed amendment. President Yudof stated that the University did not invoke the *Garcetti* case in the argument referred to earlier. He summarized the Supreme Court decision in that case as involving matters that are not of public concern, the Court finding that an employer does not have to tolerate certain internal statements by an employee that damage the employer-employee relationship. He stated his view that this ruling would likely not apply in an academic environment and expressed support for the proposed amendment.

Regent Kieffer requested a review of the concept of shared governance, and of the parameters of the UC administration's authority, at a future meeting. Regent Pattiz seconded Regent Kieffer's suggestion, noting that such a review would clarify academic responsibilities as well as freedoms.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

The meeting adjourned at 10:25 a.m.

Attest:

Secretary and Chief of Staff