

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

February 14, 2024

The Regents of the University of California met on the above date at the UCLA Luskin Conference Center, Los Angeles campus and by teleconference at 455 Golden Gate Avenue, San Francisco, 1130 K Street, Sacramento, and 2777 South Kihei Road, Kihei, Hawaii.

Members present: Regents Anguiano, Batchlor, Cohen, Drake, Elliott, Ellis, Kounalakis, Leib, Makarechian, Park, Pérez, Sures, and Tesfai

In attendance: Regent-designate Beharry, Faculty Representatives Cheung and Steintrager, Staff Advisor Emiru, Secretary and Chief of Staff Lyall, General Counsel Robinson, Provost Newman, Chancellor Gillman, and Recording Secretary Li

The meeting convened at 2:20 p.m. with Chair Leib presiding.

1. **CONSIDERATION OF SENATE REGULATION 630.E**

Pursuant to Regents Bylaw 40.1, the President of the University recommended that the Regents consider approving or declining to approve Academic Senate Regulation 630.E, a systemwide “campus experience” requirement to earn an undergraduate degree, as recommended by the Academic Senate and as shown in Attachment 1.

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

Chair Leib introduced the item. In February 2023, the Academic Senate adopted Senate Regulation (SR) 630.E, which would create a “campus experience” requirement in order to earn an undergraduate degree. This regulation prevented students from obtaining an undergraduate degree by enrolling only in online classes, which in effect precluded the creation of any fully online undergraduate degrees. After the Senate enacted SR 630.E, Regents Park and Anguiano consulted with the Office of the General Counsel and concluded that, pursuant to Regents Bylaws, such a regulation would necessitate Board approval to be effective. For the past several months, President Drake and Provost Newman have conferred with Senate leadership. As Chair and Vice Chair of the Academic and Student Affairs Committee, the Committee of jurisdiction in this matter, Regents Park and Anguiano, have also been consulted. The University sought to uphold the rights and responsibilities of the Board while respecting and maintaining the boundaries of shared governance, and the best path forward was to follow Regents’ Bylaws and take up the matter as a recommendation from the Senate. This was being presented before the full Board instead of the Academic and Student Affairs Committee because of the Board’s continued interest in the discussion of the value of online education.

Faculty Representative Steintrager explained that the Academic Senate was bringing this proposed modification of SR 630 to the Board as a recommendation per Regents Bylaw

22.2. SR 630.E entails the adoption of the “campus experience” requirement for graduation for all UC undergraduate students. If approved, SR 630.E would require the completion of a minimum of six units of course credits per quarter or semester for three quarters or two semesters through in-person instruction on any UC campus or at any affiliated physical location. This revision was motivated by the realization that, with more online offerings, undergraduate students could complete all their courses online without fully online degree programs being intentionally created by faculty and without an in-person campus experience. The Academic Senate’s University Committee on Educational Policy (UCEP) sought to mitigate possible negative consequences associated with online degrees without stifling faculty-driven instructional innovation and while still offering online learning opportunities. Such negative consequences were worse for for-profit universities, which should give the University pause if it is considering online undergraduate education as a revenue driver. Students would be less likely to complete their degrees and could take on debt without receiving a degree. According to existing data, these impacts would be greater on students whom UC is mission-bound to serve well: underrepresented racial groups, lower-income students, and first-generation students. Nonprofit universities also lagged on key metrics of importance to UC. How much it would cost to offer intentionally constructed online undergraduate degree programs that meet UC quality standards, which required long-term planning, was unknown. Mr. Steintrager characterized the possibility of unplanned online undergraduate degree programs as a recipe for disaster.

The Senate divided negative outcomes associated with online undergraduate degrees into two categories: factors inherent to online course instruction and factors beyond the online environment. With regard to the first category, some weaknesses of online instruction were fixable with proper tools and resources. For example, insufficient faculty-student engagement opportunities with asynchronous instruction may be supplemented. However, it was faulty to assert that instruction by UC faculty is UC-quality by definition if the technical capacities to support online instruction were not supported. It was also faulty to point to student learning outcomes across different course modalities when UC does not currently have reliable comparative measurements. Beyond online instruction, the in-person campus experience offered access to faculty, research and creative opportunities, athletic and artistic facilities, libraries, career counseling, health services, networking opportunities, community, and a social safety net. Some of these could be reproduced online or at a distance, but it was not clear that UC could virtually replicate all the various campus services programs for students. The Senate did not think that every student would take advantage of every aspect of the in-person campus experience, but the Senate did think that most students would take advantage of many of these aspects, to the benefit of student success in the aggregate. These campus experience elements were vital to the success of underrepresented racial groups, lower-income students, and first-generation students, who seemed least well served in fully online degree programs based on the data. By inviting students to campus and encouraging them to interact with faculty and peers in face-to-face settings, the Senate believed that the proposed campus experience requirement would have pragmatic and intangible benefits. Mr. Steintrager described the requirement as minimalist. A student who begins a four-year education at the University must complete no less than ten percent of coursework in in-person courses, with “in-person” defined as no more than 50 percent of instruction being remote or asynchronous. UC’s accreditor required that

programs file for a substantive change review for online degree status so that students may take more than 50 percent of courses online. Regardless of whether SR 630.E is approved, departments would need to track online offerings for majors and all other coursework to ascertain whether they are in compliance with accreditation rules. SR 630.E allowed faculty to develop online majors, minors, and other programs but not fully online undergraduate degrees. Faculty could innovate and experiment with online instruction, and such experimentation should be intentional, data-driven, incremental, and with an eye to student success and meaningful access. The Senate looked to the Presidential Task Force on Instructional Modalities and UC Quality Undergraduate Degree Programs to better understand the elements of a UC-quality undergraduate education and identify appropriate success metrics and data sets. For these reasons, the Senate recommended approval of SR 630.E and was willing to revise the regulation following any Task Force recommendations.

Exceptions to SR 630.E included hybrid degrees and online majors that would be reviewed and approved at the campus level. A campus Division of the Academic Senate wishing to create a fully online undergraduate degree program could request a variance to the regulation. Several Divisions already had variances from SR 630, some of which were more restrictive than SR 630.E. Divisions would be in a better position to request variances once the Task Force has completed its work and made recommendations, likely providing guidance on campus experience equivalencies. SR 630.E was proposed by UCEP, underwent systemwide review, and was endorsed by the Academic Council. The Senate passed SR 630.E as a revision of an existing regulation and did not consider that it required Regental approval given precedent. However, the Senate recognized that the modification was effectively a change in degree requirements and fell under the reserved authority of the Board. At the same time, this was a regulation within the policymaking authority delegated to the Senate by the Board.

President Drake stated that the University has always been at the forefront of pedagogical excellence and innovation while being laser-focused on expanding opportunity. UC was deeply committed to preserving its academic excellence, protecting the UC educational experience, and working collaboratively to understand the full range of programs and modalities that would best serve students now and in the future. To help achieve this goal, President Drake had convened a joint administration-faculty Task Force to make recommendations on upholding UC quality and excellence regardless of instructional modality, on adapting pedagogy and student services to new modes of delivery, and on establishing metrics to track progress. The Task Force would assess the infrastructure and resource requirements for fully and partially online undergraduate degree programs to ensure that these programs comply with government and accreditor regulations. President Drake planned to share updates from the Task Force in the coming weeks, and he expressed gratitude to faculty members and others who have agreed to contribute their time, expertise, and creativity to this work. UC's approach to shared governance was a bedrock of its excellence, a mechanism by which UC has consistently explored, adapted, and navigated countless issues over the years. He expressed confidence that the University community's pioneering spirit and shared values would help UC chart a path forward that expands access to UC learning and further preserves UC excellence.

Regent Pérez moved to approve Academic Senate Regulation 630.E, but the motion was not seconded.

Provost Newman echoed President Drake's enthusiasm about the work of the Task Force. Most of the existing research on fully online programs came from for-profit institutions that did not resemble the University. UC was a highly selective institution while for-profit institutions tended to be open access, so the data were not comparable. The Task Force would compare available information about online and in-person classes, but UC did not have online programs to consider at the moment. Ms. Newman believed that this venture would likely open access to students who are not able to be on campus. Ms. Newman outlined the foundational principles guiding the work of the Task Force, which started meeting in early 2024. UC baccalaureate degrees should be conferred without qualifiers or distinctions. Online instruction should be delivered by regular UC faculty with interest in this modality. Admissions criteria for students selecting online degree programs should be substantially similar to criteria for students selecting in-person degree programs. Students enrolled in UC undergraduate degree programs delivered partially or wholly online should have access, to the maximum degree possible, to campus facilities, services, and opportunities. The in-person education experience, including a change to any on-campus degree program, should be open to students in remote degree programs subject to space and satisfied prerequisites. The Task Force would create four working groups. One would focus on instructional modalities, asking what forms of student engagement should be developed, altered, or augmented to ensure the most impactful educational experience from every modality of delivery. Another would focus on UC quality assurance, determining measurements and metrics such as student retention, course progression, graduation rates, and debt levels. A third working group would focus on how to build infrastructure for remote students that produces a substantially equivalent experience, and a fourth working group would focus on accreditation issues. A systemwide congress on online education was scheduled for May 1.

Chancellor Gillman noted the Senate's recognition that not all faculty shared the same point of view about online education; different faculty had different levels of enthusiasm for innovation. Faculty at the UC Irvine Paul Merage School of Business developed a fully online transfer business degree program and presented it to the UCI Division of the Academic Senate, which raised concerns that the faculty had not contemplated. These faculty acknowledged the concerns and continued to work on the program, but work stopped when the systemwide Senate approved the residency requirement. Chancellor Gillman wished that faculty could have a degree of freedom to explore this and that they could work in consultation with their Senate Divisions, which have had the judgment, authority, and expertise to decide on the quality of programs. He asked for some campus autonomy with respect to the development of online programs.

Regent Park stated that Regents had been contemplating this matter for the past year and wished to be respectful toward the Academic Senate. However, she did not support approval of the proposed Senate Regulation, because a categorical ban on online degrees would be too extreme, was not warranted, and would chill innovation in online education when UC should be improving it. While the Senate wanted to compromise and allow for

innovation in majors, a ban would not promote innovation. Regent Park did not believe that the Board should require or ban any degrees. She and Chair Leib had spent four years working on innovation and entrepreneurship in technology transfer at UC. Regent Park recalled that Mr. Steintrager cautioned against hubris in his remarks during the January meeting. While she believed that this was a caution UC should heed, she disagreed that the failure of others should lead UC to abandon hope. Rather, the University should rise to the challenge and do better. Regent Park agreed with Chancellor Gillman that this should be a campus decision. Campuses awarded degrees and had processes in place. She did not wish to uphold this ban and instead wished to affirm campus autonomy with regard to undergraduate degrees.

Regent Makarechian expressed agreement with Regent Park and Chancellor Gillman that this was a campus decision. The recommendation seemed to give the privilege of online education to an incarcerated individual but not to first-generation or low-income students who cannot afford to be on campus; this did not make sense to him. Regent Makarechian recalled that then Governor Brown gave the University \$20 million to develop an online program in response to the lack of funding for more student housing and classrooms. In his view, the Academic Senate should not decide who can take online courses.

Regent Makarechian asked Chancellor Gillman who at UCI advocated for the online business degree and how the request was made to him. Chancellor Gillman responded that the idea for an online degree program came from School of Business faculty who thought that in-person instruction might not accommodate as many students as they desired. A conversation between these faculty and the UCI Senate Division followed. Mr. Steintrager noted that this conversation did not happen initially. Chancellor Gillman remarked that the faculty's engagement with the Senate Division's questions was part of checks and balances to ensure that faculty have faith in the programs they develop and that the UCI Senate Division has a chance to review them.

Regent Makarechian noted that some do not want or cannot afford the campus experience. He expressed disagreement with the Academic Senate recommendation.

Regent Pérez stated that he did not find the Senate recommendation as restrictive as others did. In his view, the Senate was not closing the door; the pathway was just more cumbersome. There was room in the recommendation for a variety of approaches across campuses, programs, and majors. He agreed that this was not the Senate's decision to make and that the Board could decide to concur, modify, or substitute an alternative for the recommendation. He stated that an online program or a broader pathway should not be a "poor door," in that access to capital should not determine access to education. Nationally and historically, a disproportionate number of first-generation students were making college decisions based on proximity to home and perception of cost. Online education was very proximate to home and, if cost perception for online degree attainment differed substantially from that of on-campus, in-person degree attainment, Regent Pérez worried that UC would be signaling such a poor door, and that the University would not adequately prepare for the wraparound services necessary to help students thrive. He asked UC to ensure that it was not offering differential access to in-person education based on the

economic conditions of a student's family. Even without a fully online degree with which to make a comparison, the University should not disregard the different degree of success among students with an in-person, residential experience. He asked that UC consider equity more holistically.

Regent Kounalakis stated her understanding that the Senate recommendation requires the completion of at least ten percent of credits in person, pending the recommendations of the Task Force, after which the matter would be revisited. In the last five years, she had heard many stories of students sleeping in their cars. She believed that these students would prefer to complete their coursework at home to sleeping in their cars. More students questioning the worth of taking out loans and graduating with debt. Regent Kounalakis noted a natural divide between those on campus and those studying from home; this was an economic choice facing many students. She expressed deep concern that a decision on this matter could have a profound impact on the culture and experience at UC. She believed that the Regents should be involved in understanding the framework of such a decision.

Regent Park moved to decline approval of Academic Senate Regulation 630.E and to affirm campus autonomy to decide undergraduate degree program requirements. General Counsel Robinson clarified that an "aye" vote would disapprove the Senate's recommendation.

Regent Anguiano stated that this vote was not related to the quality of online degrees. Regents did not want to add a premature graduate requirement before work of the Task Force is completed. She expressed support for Regent Park's motion.

Upon motion duly made and seconded, Regent Park's motion was approved, Regents Anguiano, Cohen, Drake, Elliott, Ellis, Leib, Makarechian, Park, Sures, and Tesfai voting "aye," Regent Batchelor voting "no," and Regent Kounalakis abstaining.

2. **COMMITTEE REPORTS INCLUDING APPROVAL OF RECOMMENDATIONS FROM COMMITTEES**

Chair Leib stated that the Chair of the Academic and Student Affairs Committee, which met at the January meeting, would deliver a report on the recommended action and items discussed, providing an opportunity for Regents who did not attend the meeting to ask questions.

Report of the Academic and Student Affairs Committee

The Committee presented the following from its meeting of January 24, 2024:

A. ***Approval of Multi-Year Plans for Professional Degree Supplemental Tuition (PDST) for Nine Graduate Professional Degree Programs***

The Committee recommended that the Regents approve the multi-year plans for charging Professional Degree Supplemental Tuition (PDST) for nine graduate professional degree programs as shown in Display 1.

DISPLAY 1: Proposed Professional Degree Supplemental Tuition Levels¹ for Nine Programs

	Current Level		Proposed Level			
	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Public Policy, Berkeley						
Resident PDST Level	\$12,442	\$13,064	\$13,716	\$14,402	\$15,122	\$15,878
Nonresident PDST Level	\$13,444	\$14,116	\$14,822	\$15,562	\$16,340	\$17,156
Social Welfare, Berkeley						
Resident PDST Level	\$6,186	\$6,804	\$7,416	\$8,010	\$8,572	\$9,084
Nonresident PDST Level	\$6,186	\$6,804	\$7,416	\$8,010	\$8,572	\$9,084
Law, Davis						
Resident PDST Level	\$40,390	\$42,310	\$44,320	\$46,424	\$48,630	\$50,940
Nonresident PDST Level	\$40,390	\$42,310	\$44,320	\$46,424	\$48,630	\$50,940
Law, Irvine						
Resident PDST Level	\$41,670	\$43,750	\$45,940	\$48,240	\$50,650	\$53,180
Nonresident PDST Level	\$41,670	\$43,750	\$45,940	\$48,240	\$50,650	\$53,180
Public Policy, Irvine						
Resident PDST Level	\$9,234	\$9,510	\$9,795	\$10,089	\$10,392	\$10,704
Nonresident PDST Level	\$9,234	\$9,510	\$9,795	\$10,089	\$10,392	\$10,704
Public Policy, Los Angeles						
Resident PDST Level	\$11,307	\$11,871	\$12,465	\$13,086	\$13,740	\$14,427
Nonresident PDST Level	\$12,060	\$12,663	\$13,296	\$13,959	\$14,655	\$15,387
Social Welfare, Los Angeles						
Resident PDST Level	\$8,286	\$8,532	\$8,787	\$9,051	\$9,321	\$9,597
Nonresident PDST Level	\$8,910	\$9,177	\$9,450	\$9,732	\$10,023	\$10,323
International Affairs, San Diego						
Resident PDST Level	\$10,704	\$11,241	\$11,805	\$12,396	\$13,017	\$13,668
Nonresident PDST Level	\$10,704	\$11,241	\$11,805	\$12,396	\$13,017	\$13,668
Public Policy, San Diego						
Resident PDST Level	\$10,704	\$11,241	\$11,805	\$12,396	\$13,017	\$13,668
Nonresident PDST Level	\$10,704	\$11,241	\$11,805	\$12,396	\$13,017	\$13,668

¹ The amounts reflect the maximum PDST levels to be assessed, effective as of the academic year indicated. Assessing PDST levels less than the level indicated requires approval by the President with the concurrence of the Chancellor. PDST levels may be assessed beyond the period covering the program's approved multi-year plan but not in excess of the maximum levels specified in the final year.

Regent Park reported that all programs proposed PDST increases within five percent except the UC Berkeley Social Welfare program, whose tuition rates were far below other social welfare programs.

B. *Final Report of the Systemwide Advisory Workgroup on Students with Disabilities*

Regent Park stated that she has asked that this report be presented to the full Board. The report made many positive recommendations for students with disabilities.

C. *UC Online and the Ecosystem of Online Education in the University of California System*

Regent Park reported that the Committee heard a presentation about UC Online, a program within the Office of the President that has received State funding for more than a decade. In light of forthcoming recommendations from the Presidential Task Force on Instructional Modalities and UC Quality Undergraduate Degree Programs, there was an opportunity to improve the quality of online instruction through the UC Online strategic plan and funding.

Upon motion of Regent Park, duly seconded, the recommendation of the Academic and Student Affairs Committee was approved, Regents Anguiano, Batchlor, Cohen, Drake, Elliott, Ellis, Leib, Makarechian, Park, and Tesfai voting “aye” and Regent Kounalakis voting “no.”

The meeting adjourned at 3:10 p.m.

Attest:

Secretary and Chief of Staff

Chapter 2. Requirements for the Bachelor's Degree

Article 1. General Requirements

630.E

Each undergraduate student must complete a campus experience requirement. A minimum of six units of course credits per quarter (or semester) for three quarters (or two semesters) completed by each candidate for the bachelor's degree must be earned in courses designed to deliver to any enrolled student at least 50 percent of in-person instructional hours on any campus of the University of California or physical locations affiliated with programs listed in SR 630.D or in prison environments. To satisfy this requirement, at least two quarters or one semester must be completed during the regular academic year, with no more than one quarter or semester completed during the summer. "In-person" means instructors and students are in the same physical location. "Instructional hours" refer to time when instructors are presenting to or interacting with students during designated class times (e.g., lecture, laboratory, discussion, field work, problem sessions). For the purposes of this regulation, instructional hours do not include office hours, or recorded lectures provided as a supplement to designated hours interacting with students. Individual Divisions may maintain a higher threshold for required in-person course credits per term or for the number of terms in which a threshold applies.