MEETING AGENDA
DIVISIONAL SENATE ASSEMBLY
ACADEMIC SENATE, IRVINE DIVISION
Thursday, March 14, 2019, 3:30-5:00 p.m.
Senate Conference Room, 338 Aldrich Hall

STATUS  ITEM

1. Roll Call

INFORMATION  2. Announcements by Provost Lavernia

ACTION  3. Minutes
Approval of the Draft Minutes from the January 31, 2019 meeting

ACTION  4. Special Orders - Consent Calendar
a. Proposal to Modify Bylaw 40. Faculties
b. Proposal to Modify Bylaw 125. Rules and Jurisdiction, Committee on

INFORMATION  5. Proposed Memorial on Fossil Fuel Divestment
Issue: The San Francisco Division of the Academic Senate has proposed a Memorial on Fossil Fuel Divestment, which would petition 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 Assembly will plan to vote on the proposed Memorial on Fossil Fuel Divestment at the May 2, 2019 meeting and will forward the results of the vote to the Chair of the Assembly and Chairs of the other Divisions.

INFORMATION  6. EEE/Canvas Transition
Presented by: Erik Kelly, Instructional Technology Support Manager, Office of Information Technology, and Briandy Walden, Associate Director, OIT Student & Academic Services

INFORMATION  7. Outcome of UC Negotiations with Elsevier
Presented by: Lorelei Tanji, University Librarian and John Renaud, Associate University Librarian for Research Resources

8. Announcements by Chair Linda Cohen

9. Announcements by Other Administrative Officers

10. Reports of Special Committees

11. Reports of Standing Committees

12. Petitions of Students

13. Unfinished Business

14. University and Faculty Welfare

15. New Business

Linda Cohen, Chair
Academic Senate, Irvine Division
* Agenda items deemed noncontroversial by the Chair of the Divisional Senate Assembly, in consultation with the Senate Cabinet, may be placed on a Consent Calendar under Special Orders. Approval of all business on the Consent Calendar requires a single unanimous vote. At the request of any Divisional Assembly member, any Consent Calendar item may be extracted for consideration under “New Business” later in the agenda. (from Bylaw 158[D])

N.B. All members of the Academic Senate and of the University community shall have the privilege of attendance and the privilege of the floor at meetings of the Divisional Senate Assembly, but only members of the Divisional Senate Assembly may make or second motions or vote. However, the Chair (or designated representative) of a standing or special committee of the Division may move or second action on reports of that committee.

**Note:** For Senate updates, visit our home page: [www.senate.uci.edu](http://www.senate.uci.edu).

Representatives to the Divisional Senate Assembly may access the agenda materials by logging into the Senate Document Management System (DMS) using their UCnetID: [https://dms.senate.uci.edu/~councils.and.committees/?Assembly](https://dms.senate.uci.edu/~councils.and.committees/?Assembly).
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MEETING
As Chair Linda Cohen and Chair Elect-Secretary James Steintrager were unable to attend, the Chair of the Committee on Committees, Veronica Vieira, called to order the regular meeting of the Irvine Divisional Senate Assembly. The meeting was called to order at 3:30 p.m. on Thursday, March 14th, 2019, in the Academic Senate Conference Room in Aldrich Hall 338.

1. Roll Call
Quorum was met. Members of the Administration and the University community were present. No members of the press were present.

2. Announcements by Provost Lavernia
Provost Lavernia provided an update on principles for allocation of FTE over the next few years and answered questions about diversity and hiring. The Provost and Michael Dennin, Vice Provost for Teaching and Learning provided perspective on the extent to which the Administration sees the campus embracing online education and in what areas and answered questions about impacts of new online courses on in-person courses.

3. Draft Minutes
The Assembly unanimously voted to approve the minutes of January 31, 2019 as distributed.

4. Special Orders - Consent Calendar:
   a. Proposal to Modify Bylaw 40. Faculties
   b. Proposal to Modify Bylaw 125. Rules and Jurisdiction, Committee on

Action: The Assembly voted unanimously to approve items the consent calendar (28 to 0 with no abstentions). The modifications to Bylaw 40 clarify the parameters around Faculties’ authority in determining their own bylaws, regulations, and government. The modifications to Bylaw 125 clarify the Senate’s practice for reviewing Faculties’ bylaws and align Bylaw 125 with current practice.

5. Proposed Memorial on Fossil Fuel Divestment
David Brownstone, Professor Emeritus of Economics, presented on the San Francisco Division of the Academic Senate’s proposed Memorial on Fossil Fuel Divestment. The Memorial would petition 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. Dr. Brownstone expressed that in his opinion, this would not be an effective
way to go about achieving a laudable goal. He suggested that partnering with likeminded institutions and putting forward a shareholder proposal or urging the Office of the UC Chief Investment Officer to support a carbon tax might be more effective. Members of the Assembly raised questions about proposing revisions to the Memorial and the Memorial process.

6. **EEE/Canvas Transition**

Erik Kelly, Instructional Technology Support Manager, Office of Information Technology, and Briandy Walden, Associate Director, OIT Student & Academic Services presented on the campus transition from EEE to Canvas. Kelly shared information on multi-section course spaces, plans to consolidate TA management, Canvas integrations with third-party online homework tools, and submitting final grades to the Registrar. Kelly provided instructions on how to download historical grade records and upload syllabi to make them available to potential students. OIT is now offering individual Canvas appointments for faculty to ask questions. Kelly and Walden answered questions about Canvas course space creation and Gradebook. Members of the Assembly were encouraged to download their historical grades and to send in questions, concerns, and suggestions via email and to encourage their colleagues to do the same.

7. **Outcome of UC Negotiations with Elsevier**

Lorelei Tanji, University Librarian and John Renaud, Associate University Librarian for Research Resources provided an update on the outcome of UC negotiations with Elsevier. UC continues to have online access to all Elsevier articles licensed prior to January 1, 2019. Tanji assured faculty that the UCI Libraries stand ready to assist faculty in accessing the articles they need for their research and teaching. Members of the Assembly raised questions about the motivations of negotiations and negotiations with other publishers.

8. **Announcements by Chair Linda Cohen**

Chair Cohen was unable to attend. COC Chair Vieira shared Academic Council Chair Robert May and UC Provost Michael Brown’s memo asking campuses to review the UC Transfer Admissions Guarantee and campus transfer pathways.

9. **Announcements by Other Administrative Officers:** None

10. **Reports of Special Committees:** None

11. **Reports of Standing Committees:** None

12. **Petitions of Students:** None

13. **Unfinished Business:** None

14. **University and Faculty Welfare:** None

15. **New Business:** None
16. **Adjournment**: The meeting adjourned at 5:11 pm.

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Minutes prepared by Laura Gnesda and Kate Brigman
Attest: Veronica Vieira, Committee on Committees Chair
Academic Senate, Irvine Division
March 19, 2019

SCOTT BARTELL, CHAIR
COMMITTEE ON RULES & JURISDICTION

RE: PROPOSED MODIFICATIONS TO BYLAW 40. FACULTIES

At its meeting of March 14, 2019, the Irvine Divisional Senate Assembly voted unanimously (28 to 0 with 0 abstentions) to approve the proposal to modify Bylaw 40. Faculties. Both the Senate Cabinet and the Committee on Rules and Jurisdiction (CRJ) reviewed and approved the proposal, ensuring that the language is precise and conforms to the Code of the Senate. The modifications clarify the Senate’s practice for reviewing Faculties’ bylaws.

In accordance with Bylaw 175, Section A, the effective date of legislation will be Saturday, June 1, 2019 - 30 calendar days after the distribution of the minutes of the meeting. At that time, the Senate Manual will be updated to reflect these changes.

If you have any questions related to this action, please do not hesitate to contact me.

Sincerely,

Linda Cohen, Chair
Academic Senate, Irvine Division

C: Kate Brigman, Executive Director, Academic Senate
Laura Gnesda, Committee on Rules & Jurisdiction Analyst
DIVISIONAL SENATE ASSEMBLY

RE: Proposed Modifications to Bylaw 40. Faculties

At its meeting of February 19, 2019, the Senate Cabinet reviewed the proposal to modify Bylaw 40. Faculties. As stated in the communication from the Committee on Rules and Jurisdiction (CRJ), Bylaw 40 was recently modified at the December 6, 2018 Divisional Senate Assembly meeting. However, it was determined that additional modifications were needed to further clarify the parameters around Faculties’ authority in determining their own bylaws, regulations, and government.

The Cabinet unanimously voted to endorse the modifications to Bylaw 40.

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<td>SENATE CABINET</td>
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The complete proposal and relevant documents are enclosed for your review and consideration.

Sincerely,

Linda Cohen, Chair
Academic Senate, Irvine Division
LINDA COHEN, CHAIR
ACADEMIC SENATE

RE: PROPOSED MODIFICATIONS TO BYLAW 40. FACULTIES

The Committee on Rules and Jurisdiction (CRJ) is proposing modifications to Bylaw 40. Faculties. Although Bylaw 40 was just recently modified at the December 6, 2018 Divisional Senate Assembly meeting, the additional modifications are needed to clarify the parameters around Faculties’ authority in determining their own bylaws, regulations, and government.

The proposed modifications have been carefully drafted and reviewed by CRJ to ensure consistency with the Code of the Senate.

Respectfully,

Scott Bartell, Chair
Committee on Rules and Jurisdiction

C: James Steintrager, Chair Elect-Secretary, Academic Senate, Irvine Division
Kate Brigman, Executive Director
Laura Gnesda, Committee Analyst
REQUEST FOR REVIEW BY CRJ

The proposal must adhere to the following specifications. Failure to do so will result in the return of the proposal and a delay in the review process.

Please send electronic copies to CRJ Analyst Laura Gnesda, lgnesda@uci.edu, who will ensure the proposal meets guidelines and is ready to be forwarded to the Committee on Rules and Jurisdiction Chair.

Main Contact Information

Name: Laura Gnesda  Phone: x8340  Email: lgnesda@ad.uci.edu
Title/Capacity: CRJ Analyst  Date: 1/24/2019

The Proposal

☐ Title: Proposed Modifications to… or (if new) Proposed Bylaws for the…
  Proposed Modifications to Bylaw 40. Faculties

☐ Statement of rationale: Briefly explain why the proposed modifications are necessary to the existing legislation or organizational practice. It is also helpful to include when the executive committee or governing body approved these modifications.
  The Committee on Rules and Jurisdiction is proposing modifications to Bylaw 40 in an effort to clarify the parameters around Faculties’ authority in determining their own bylaws, regulations, and government. Modifications are also being proposed (separately) to Bylaw 125. Rules and Jurisdiction, Committee on to clarify the Senate’s practice for reviewing Faculties’ bylaws.

☐ Proposed Language (bylaws): Attached.
  Document format should be in Microsoft Word (Letter size with 1” margins), Times New Roman Font, Size 11 (please do not change font size within the document). If this a proposal for new bylaws, just include the original copy. Please submit all documents in Word Doc and not as a PDF.
  Please attach two copies:
    - One markup copy, indicating deletions by strikeout type and additions by underscore type.
    - One clean copy with the proposed modifications already in place (no mark ups).

SECTION BELOW IS FOR SENATE USE ONLY

Received by CRJ:  CRJ review:  Forward to Senate Chair:
Cabinet review:  Assembly review:  Effective date:
Manual upload date:  
DMS 10 - Item 1-4
Chapter III: Organization
Section 4: Faculties of the Division
Bylaw 40. Faculties
(Am 5 Jun 03) (CC Jun 04) (CC 15 May 06) (CC 20 Mar 14) (CC 6 Dec 18)

A. List of the Faculties of the Irvine Division (CC 1 June 2017)
   Claire Trevor School of the Arts
   School of Biological Sciences
   The Paul Merage School of Business
   School of Education
   The Henry Samueli School of Engineering
   Susan and Henry Samueli College of Health Sciences
   School of Humanities
   Donald Bren School of Information and Computer Sciences
   School of Law (CC 3 Dec 09)
   School of Physical Sciences
   School of Social Ecology
   School of Social Sciences
   Any other Faculties in conformity with Irvine Bylaw 41

B. The Faculties of the colleges and schools at Irvine consist of:
   1. the President of the University;
   2. the Chancellor at Irvine;
   3. the Dean of the college or school;
   4. All members of the Academic Senate who are members of departments assigned to the college or school and such members of the Academic Senate as may be specified by the bylaws of the college or school concerned.

C. Only voting members of the Academic Senate may vote in the Faculty of which they are members. (See Appendix I)

D. Authority
   The government of each college and school is vested in its Faculty, except as limited by the authority of the Divisional Graduate Council and the Coordinating Committee on Graduate Affairs subject to the provisions of the Code of the Academic Senate. Each Faculty is directly responsible to the Division of which it is a committee (see SBL 50), and is authorized to organize, to adopt bylaws and regulations, and to select its own officers and committees.

E. Curricular Authority
   No change in the curriculum of any college or school shall be made by any legislative agency of the
Academic Senate until the proposed change has been submitted to the formal consideration of the Faculty concerned (see SBL 51).
Chapter III: Organization
Section 4: Faculties of the Division
Bylaw 40. Faculties
(Am 5 Jun 03) (CC Jun 04) (CC Feb 06) (CC 15 May 06) (CC 20 Mar 14) (CC 6 Dec 18)

A. List of the Faculties of the Irvine Division (CC 1 June 2017)
   Claire Trevor School of the Arts
   School of Biological Sciences
   The Paul Merage School of Business
   School of Education
   The Henry Samueli School of Engineering
   Susan and Henry Samueli College of Health Sciences
   School of Humanities
   Donald Bren School of Information and Computer Sciences
   School of Law (CC 3 Dec 09)
   School of Physical Sciences
   School of Social Ecology
   School of Social Sciences
   Any other Faculties in conformity with Irvine Bylaw 41

B. The Faculties of the colleges and schools at Irvine consist of:
   1. the President of the University;
   2. the Chancellor at Irvine;
   3. the Dean of the college or school;
   4. All members of the Academic Senate who are members of departments assigned to the
      college or school and such members of the Academic Senate as may be specified by the
      bylaws of the college or school concerned.

C. Only voting members of the Academic Senate may vote in the Faculty of which they are
   members. (See Appendix I)

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   Code of the Academic Senate. Each Faculty is directly responsible to the Division of which it is a
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   its own officers and committees.

E. Curricular Authority
   No change in the curriculum of any college or school shall be made by any legislative agency of the
   Academic Senate until the proposed change has been submitted to the formal consideration of the
Faculty concerned (see SBL 51).
March 19, 2019

SCOTT BARTELL, CHAIR  
COMMITTEE ON RULES & JURISDICTION

RE: PROPOSED MODIFICATIONS TO BYLAW 125. RULES AND JURISDICTION, COMMITTEE ON

At its meeting of March 14, 2019, the Irvine Divisional Senate Assembly voted unanimously (28 to 0 with 0 abstentions) to approve the proposal to modify Bylaw 125. Rules and Jurisdiction, Committee on. Both the Senate Cabinet and the Committee on Rules and Jurisdiction (CRJ) reviewed and approved the proposal, ensuring that the language is precise and conforms to the Code of the Senate. The modifications clarify the Senate's practice for reviewing Faculties' bylaws.

In accordance with Bylaw 175, Section A, the effective date of legislation will be Saturday, June 1, 2019- 30 calendar days after the distribution of the minutes of the meeting. At that time, the Senate Manual will be updated to reflect these changes.

If you have any questions related to this action, please do not hesitate to contact me.

Sincerely,

Linda Cohen, Chair  
Academic Senate, Irvine Division

C: Kate Brigman, Executive Director, Academic Senate  
Laura Gnesda, Committee on Rules & Jurisdiction Analyst
February 26, 2019

DIVISIONAL SENATE ASSEMBLY

RE: Proposed Modifications to Bylaw 125. Rules and Jurisdiction, Committee on

At its meeting of February 19, 2019, the Senate Cabinet reviewed the proposal to modify Bylaw 125. Rules and Jurisdiction, Committee on. As stated in the communication from the Committee on Rules and Jurisdiction (CRJ), Bylaw 125 was recently modified at the December 6, 2018 Divisional Senate Assembly meeting. However, it was determined that additional modifications were needed in order to clarify the Senate’s practice for reviewing Faculties’ bylaws.

The Cabinet unanimously voted to endorse the modifications to Bylaw 125.

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The complete proposal and relevant documents are enclosed for your review and consideration.

Sincerely,

Linda Cohen, Chair
Academic Senate, Irvine Division
February 4, 2019

LINDA COHEN, CHAIR
ACADEMIC SENATE

RE: PROPOSED MODIFICATIONS TO BYLAW 125. RULES AND JURISDICTION, COMMITTEE ON

The Committee on Rules and Jurisdiction (CRJ) is proposing modifications to Bylaw 125. Rules and Jurisdiction, Committee on. Although Bylaw 125 was just recently modified at the December 6, 2018 Divisional Senate Assembly meeting, the additional modifications are needed to clarify the Senate’s practice for reviewing Faculties’ bylaws. The proposed modifications align Bylaw 125 with current practice.

The proposed modifications have been carefully drafted and reviewed by CRJ to ensure consistency with the Code of the Senate.

Respectfully,

[Signature]

Scott Bartell, Chair
Committee on Rules and Jurisdiction

C: James Steintrager, Chair Elect-Secretary, Academic Senate, Irvine Division
   Kate Brigman, Executive Director
   Laura Gnesda, Committee Analyst
REQUEST FOR REVIEW BY CRJ

The proposal must adhere to the following specifications.
Failure to do so will result in the return of the proposal and a delay in the review process.

Please send electronic copies to CRJ Analyst Laura Gnesda, lgnesda@uci.edu, who will ensure the proposal meets guidelines and is ready to be forwarded to the Committee on Rules and Jurisdiction Chair.

Main Contact Information

Name: Laura Gnesda            Phone: x8340            Email: lgnesda@ad.uci.edu

Title/Capacity: CRJ Analyst            Date: 1/24/2019

The Proposal

☐ Title: Proposed Modifications to… or (if new) Proposed Bylaws for the…
Proposed Modifications to Bylaw 125. Rules and Jurisdiction, Committee on

☐ Statement of rationale: Briefly explain why the proposed modifications are necessary to the existing legislation or organizational practice. It is also helpful to include when the executive committee or governing body approved these modifications.
The Committee on Rules and Jurisdiction is proposing modifications to Bylaw 125 in an effort to clarify the Senate’s practice for reviewing Faculties’ bylaws. Modifications are also being proposed (separately) to Bylaw 40. Faculties to clarify parameters around Faculties’ authority in determining their own bylaws, regulations, and government.

☐ Proposed Language (bylaws): Attached.
Document format should be in Microsoft Word (Letter size with 1” margins), Times New Roman Font, Size 11 (please do not change font size within the document). If this a proposal for new bylaws, just include the original copy. Please submit all documents in Word Doc and not as a PDF.

Please attach two copies:

- One markup copy, indicating deletions by **strikeout type** and additions by *underscore type*.

- One clean copy with the proposed modifications already in place (no mark ups).

SECTION BELOW IS FOR SENATE USE ONLY

Received by CRJ: CRJ review: Forward to Senate Chair:

Cabinet review: Assembly review: Effective date:

Manual upload date:
Chapter III: Organization
Section 5: Standing Committees
Bylaw 125. Rules and Jurisdiction, Committee on
(Am 5 Jun 03) (Am 6 Dec 18)

A. Membership
The Committee on Rules and Jurisdiction shall consist of five Division members.

B. Duties
The duties of this Committee shall be:

1. Publish and edit the Manual of the Irvine Division of the Academic Senate when necessary, under the guidance of the University Committee on Rules and Jurisdiction.

2. Review legislation to be presented for action to the Divisional Senate Assembly by agencies or members of the Division to verify and to ensure the conformity of such proposed legislation with the format and content of the Code of the Academic Senate.

3. Review Faculties’ bylaws and regulations to verify and ensure conformity with the format and content of the Code of the Academic Senate, prior to their submission as informational items to the Division and adoption as appendices to the Irvine Senate Manual.

4. Advise the Chair of the Division as to whether proposed legislation is solely of Divisional concern.


6. Advise the Division, its Officers, Committees, Faculties, and members in all matters of organization, jurisdiction, and interpretation of legislation of the Academic Senate and its agencies.

7. Issue, upon a formal request from a member of the Division, legislative rulings interpreting the Code of the Irvine Division of the Academic Senate [defined in IBL 175]. Such rulings shall have the status of legislation until modified by legislative or Regental action. Rulings of the Committee in these matters must be published in the call for the first regular Divisional Senate Assembly meeting following the Committee’s decision, and all rulings of the Committee on Rules and Jurisdiction not superseded by legislative or Regental action shall appear in an Appendix of the Divisional Manual. (EC 17 Jul 06)

8. Instruct the University Registrar on behalf of the Division with respect to disposition of the University Registrar’s responsibilities in administering the Regulations of the Academic Senate and its agencies. (Am 13 Nov 75; renumbered Aug 1987)

9. Hear an appeal which contends that a committee has acted contrary to the Code of the Academic Senate [defined in SBL 80]. Such appeal shall be submitted in writing by no fewer than ten (10) initiators of the appeal (SBL 206B), without limitation of time, to the Divisional Committee on Rules and Jurisdiction, which shall hear both sides, orally or in writing or both, before reaching a decision. The Committee on Rules and Jurisdiction shall report its findings to a meeting of the Division and to the University Committee on Rules and Jurisdiction. Either the plaintiffs or the defendants may then ask the latter committee to consider the issue. A decision of the University Committee on Rules and Jurisdiction, if rendered, shall be final. If that Committee decides not to
hear the issue, the decision of the Divisional Committee on Rules and Jurisdiction shall stand. 
(Am 9 Jun 94) (EC 17 Jul 06)

9.10. Maintain liaison with the University Committee on Rules and Jurisdiction.
Chapter III: Organization
Section 5: Standing Committees
Bylaw 125. Rules and Jurisdiction, Committee on
(Am 5 Jun 03) (Am 6 Dec 18)

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hear the issue, the decision of the Divisional Committee on Rules and Jurisdiction shall stand. (Am 9 Jun 94) (EC 17 Jul 06)

10. Maintain liaison with the University Committee on Rules and Jurisdiction.
February 27, 2019

DIVISIONAL ACADEMIC SENATE CHAIRS

Re: Memorial to the Regents – Fossil Fuel Divestment

Dear Divisional Academic Senate Chairs:

On February 15, 2019, the San Francisco Division of the UC Academic Senate initiated and voted to approve a Memorial to the Regents pursuant to Senate Bylaw 90 and Regents Bylaw 40.1.

The Memorial 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.

Count of votes

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<td>Approved</td>
<td>238 (78.81%)</td>
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<tr>
<td>Rejected</td>
<td>58 (19.21%)</td>
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<tr>
<td>Abstained</td>
<td>6 (1.99%)</td>
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<td>302 (100%)</td>
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Enclosed, please find the Memorial to the Regents, a brief account of its history, an explanation of its provisions, and a succinct statement of the arguments for and against it.

We are including Bylaw 90 with the Memorial packet. Most relevant to you at this time is Bylaw 90.D., which provides:

- Each Division shall have ninety calendar days from receipt of the Memorial to vote upon it.
- [A] Division may vote to approve, to disapprove, or to decline to act, but may not amend the proposal as submitted.
- 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
- 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.

Thank you for your consideration of this Memorial to the Regents.

Sincerely,

David Teitel, MD, 2017-19 Chair
UCSF Academic Senate

Encl.
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.
Arguments in Favor of the Memorial to the Regents

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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1. Current scientific consensus regarding global warming from the US gov., IPCC and World Bank
Sustainable energy is economically and technically viable

https://link.springer.com/chapter/10.1007/978-3-319-38919-6_12
https://link.springer.com/chapter/10.1007/978-3-319-38919-6_11

The Paris Agreement:
http://unfccc.int/paris_agreement/items/9485.php
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.
University of California Academic Council Statement on the University’s Negotiations with Elsevier Publishing

The Academic Council of the Academic Senate of the University of California (UC), hereby signals its collective and resolute commitment to support UC’s negotiating position with Elsevier in order to advance UC’s mission as a public institution, make the products of our research and scholarship as freely and widely available as possible, and ensure that UC spends taxpayer money in the most ethically, morally, and socially-responsible way when entering into agreements with commercial publishers.

Background
The University of California has been negotiating with Elsevier, the largest commercial publisher of scholarly journals. As part of the current negotiations, UC has been seeking sustainable cost controls as well as a novel transformative agreement in which our Elsevier authors would retain their copyrights, their articles would become completely and immediately open access, and the payments for open access publishing would offset our Elsevier subscription expenditures. By design, such a transformative agreement would be transitional and accelerate a shift to full open access for all our Elsevier authors within a very few years. Most significantly, a successful agreement would align closely with the mission of the University to provide “long-term societal benefits through transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge.”

At the present time, UC and Elsevier have reached an impasse in their negotiations and our contract has lapsed. Nonetheless, the Academic Council of the Academic Senate stands firm in its conviction that a comprehensive transformative agreement that covers all Elsevier titles is required to achieve the aspirations embodied in the Academic Senate’s Open Access Policy, and articulated by the University Committee on Library and Scholarly Communication (UCOLASC) in its Declaration of Rights and Principles, and by the Systemwide Library and Scholarly Information Committee (SLASIAC) in its Call to Action. We support the unified strategies of the UC libraries to ameliorate the negative effects of the impasse on faculty, researchers, and students, and applaud their efforts to closely monitor alternative access along with the impacts it may have on research and teaching.

We ask all publishers to work with UC in good faith to meet our short- and long-term goals for transforming scholarly communication, and we encourage our faculty to weigh these goals when deciding where to send their work for publication, when agreeing to review manuscripts, or when performing editorial duties. Moreover, we urge all UC authors to utilize our open access policies to make their final pre-publication manuscripts publicly and immediately accessible in our institutional repository.
Members of the 2018-19 Academic Council

Robert C. May, Chair
Academic Council

Kum-Kum Bhavnani, Vice Chair
Academic Council

Barbara Spackman, Chair
UC Berkeley Academic Senate

Kristin Lagattuta, Chair
UC Davis Academic Senate

Linda Cohen, Chair
UC Irvine Academic Senate

Joseph Bristow, Chair
UC Los Angeles Academic Senate

Kurt Schnier, Chair
UC Merced Academic Senate

Dylan Rodriguez, Chair
UC Riverside Academic Senate

Robert Horwitz, Chair
UC San Diego Academic Senate

David Teitel, Chair
UC San Francisco Academic Senate

Henning Bohn, Chair
UC Santa Barbara Academic Senate

Kimberly Lau, Chair
UC Santa Cruz Academic Senate

Eddie Comeaux, Chair
Board of Admissions and Relations with Schools

Onyebuchi A. Arah, Chair
Coordinating Committee on Graduate Affairs

Lok Siu, Chair
University Committee on Affirmative Action, Diversity, and Equity

Daniel Farber, Chair
University Committee on Academic Personnel

Anne Zanzucchi, Chair
University Committee on Educational Policy

Sean Malloy, Chair
University Committee on Faculty Welfare

Andrew Baird, Chair
University Committee on Research Policy

James Steintrager, Chair
University Committee on Planning and Budget

Chairs of Other Systemwide Academic Senate Committees

Richard Schneider, Chair
University Committee on Library and Scholarly Communication

Maryann Martone, Chair
University Committee on Academic Computing and Communications

Kevin Plaxco, Chair
University Committee on Committees
Darlene Francis, Chair
University Committee on Preparatory Education

Adebisi Agboola, Chair
University Committee on Privilege and Tenure

Eric Rauchway, Chair
University Committee on Academic Freedom

Michael Lazzara, Chair
University Committee on International Education

Jonathan Glater, Chair
University Committee on Rules and Jurisdiction

Margaret Chowning, Chair
Editorial Committee

Michael Todd, Chair
Special Committee on Lab Issues
I am writing to share the outcome of the University of California's negotiations to renew its systemwide license with scholarly journal publisher Elsevier, which have been underway for many months.

What's happening
While we did make progress, particularly in the past few weeks, toward defining a model for open access publishing of UC research, Elsevier was ultimately unwilling to meet UC's key goal: securing universal open access to UC research, as stated in the faculty driven principles on scholarly communication, while integrating open access publishing fees and subscription fees into a single cost-controlled contract.

The Academic Senate today also expressed its support for UC's position with regard to the Elsevier negotiations.

In the end, cost, in particular, proved to be an insurmountable challenge. For example, Elsevier's most recent proposal did not include any cap on the total amount UC faculty could end up paying in article publishing fees. Their model also would not have allowed us to fully subsidize article fees for authors who lack the funds themselves. To meet UC's goal of open access publication for all UC authors, Elsevier would have charged authors over $10 million per year in addition to the libraries' current multi-million dollar subscription. The university is not willing to accept a deal that increases Elsevier’s profits at the expense of our faculty. As a result, UC has announced that it will not be signing a new contract with Elsevier at this time.

While we do not know exactly when, Elsevier is expected to begin limiting UC’s access to new articles through its online platform, ScienceDirect, possibly very soon. This will mean some changes to how UC scholars access certain Elsevier journal articles.

What content will — and won’t — be affected
If you use Elsevier articles in your research, here are the most important things to know:

- **Most Elsevier articles published in 2018 or earlier** will still be accessible via ScienceDirect. Because UC’s prior contracts included permanent access to previously published content, you will still be able to get immediate access to the full text of most articles via Elsevier’s ScienceDirect backfiles, just as you have in the past.

- **Open access articles** in Elsevier journals are also unaffected. Many authors choose to pay an open access fee (called an article processing charge, or APC) when they publish, so it's always worth checking to see if the article you're seeking is available open access.
from the journal’s website or elsewhere online click here for tips on how to search for open access versions).

- Elsevier e-books and other products licensed by UC (e.g., Compendex, Reaxys) or by UC Irvine (e.g., Scopus, ClinicalKey, SciVal) are covered under separate contracts and remain available as before.

- What is affected: At some point, Elsevier may begin to turn off UC’s direct access to articles with a 2019 publish date and the backfiles of certain journals (download list). However, open access versions of many of these articles are available. For advice on where to look, click here. You can also submit a request and the UCI Libraries will help you get a copy of the final, published version of an article.

If you are in doubt about why you can’t reach a particular article, please contact John Renaud, Associate University Librarian for Research Resources, irenaud@uci.edu

Interested in updates?
Find the latest information on the Office of Scholarly Communication’s website

If you have any questions or need help accessing an article, please don’t hesitate email John Renaud, Associate University Librarian for Research Resources.

Lorelei Tanji, University Librarian
UCI Libraries
UC terminates subscriptions with world’s largest scientific publisher in push for open access to publicly funded research

UC Office of the President
Thursday, February 28, 2019

As a leader in the global movement toward open access to publicly funded research, the University of California is taking a firm stand by deciding not to renew its subscriptions with Elsevier. Despite months of contract negotiations, Elsevier was unwilling to meet UC’s key goal: securing universal open access to UC research while containing the rapidly escalating costs associated with for-profit journals.

In negotiating with Elsevier, UC aimed to accelerate the pace of scientific discovery by ensuring that research produced by UC’s 10 campuses — which accounts for nearly 10 percent of all U.S. publishing output — would be immediately available to the world, without cost to the reader. Under Elsevier’s proposed terms, the publisher would have charged UC authors large publishing fees on top of the university’s multi-million dollar subscription, resulting in much greater cost to the university and much higher profits for Elsevier.

“Knowledge should not be accessible only to those who can pay,” said Robert May, chair of UC’s faculty Academic Senate. “The quest for full open access is essential if we are to truly uphold the mission of this university.” The Academic Senate issued a statement [https://senate.universityofcalifornia.edu/_files/reports/academic-council-statement-elsevier-feb28.pdf] today endorsing UC’s position.

Open access publishing, which makes research freely available to anyone, anywhere in the world, fulfills UC’s mission by transmitting knowledge more broadly and facilitating new discoveries that build on the university’s research and scholarly work. This follows UC’s faculty-driven principles [https://senate.universityofcalifornia.edu/_files/committees/ucolasc/scholcommprinciples-20180425.pdf] on scholarly communication.

“I fully support our faculty, staff and students in breaking down paywalls that hinder the sharing of groundbreaking research,” said UC President Janet Napolitano. “This issue does not just impact UC, but also countless scholars, researchers and scientists across the globe — and we stand with them in their push for full, unfettered access.”

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Elsevier is the largest scholarly publisher in the world, disseminating about 18 percent of journal articles produced by UC faculty. The transformative model that UC faculty and libraries are championing would make it easier and more affordable for UC authors to publish in an open access environment.

“Make no mistake: The prices of scientific journals now are so high that not a single university in the U.S. — not the University of California, not Harvard, no institution — can afford to subscribe to them all,” said Jeffrey MacKie-Mason, university librarian and economics professor at UC Berkeley, and co-chair of UC’s negotiation team. “Publishing our scholarship behind a paywall deprives people of the access to and benefits of publicly funded research. That is terrible for society.”

Elsevier was unwilling to meet UC’s reasonable contract terms, which would integrate subscription charges and open access publishing fees, making open access the default for any article by a UC scholar and stabilizing journal costs for the university.

“The university's, and the world's, move toward open access has been a long time in the making. Many institutions and countries agree that the current system is both financially unsustainable and ill-suited to the needs of today's global research enterprise,” said Ivy Anderson, associate executive director of UC's California Digital Library and co-chair of UC’s negotiation team.

“Open access will spur faster and better research — and greater global equity of access to new knowledge.”

To learn more about UC’s efforts to establish open access, visit the UC Office of Scholarly Communication’s website [https://osc.universityofcalifornia.edu/open-access-at-uc/publisher-negotiations/uc-and-elsevier/].
SENATE DIVISION CHAIRS
EXECUTIVE VICE CHANCELLORS AND PROVOSTS

Dear Colleagues:

On January 18, 2019, Academic Senate Chair Robert May initiated Senate review of a proposal to extend a guarantee of admission to all qualified California Community College (CCC) students (https://senate.universityofcalifornia.edu/_files/underreview/rm-senate-review-transfer-guarantee.pdf). This guarantee builds on and links two existing aspects of the transfer process—namely, major preparation coursework in UC Transfer Pathways and campus-based Transfer Admission Guarantees (TAGs). The proposal was crafted as part of a Memorandum of Understanding (MOU) between UC Office of the President and the CCC Chancellor’s Office. At this juncture, two critically important undertakings related to the guarantee proposal must commence: 1) confirming and articulating Transfer Pathways across the UC system; and 2) reviewing the current TAG requirements.

Advancing Systemwide Articulation of UC Transfer Pathways
Created by UC faculty in 2015, Transfer Pathways specify courses students should take to prepare for admission to all campuses offering any of the 21 most popular majors for transfer applicants. They provide potential transfer students clear guidance about preparing for study at UC. Availability of CCC courses articulated consistently across the UC system to fulfill courses specified in these Pathways is a complementary imperative. Accordingly, University staff have worked diligently to present CCC courses to UC faculty to achieve course articulation and have made significant progress. It is important now to consult faculty in the departments offering the Pathway majors on issues where CCC articulation gaps persist. Such consultation will be valuable generally to revisit Pathways after four years and is all the more pressing given that they provide the foundation for the new guarantee proposal.

Review of Transfer Admission Guarantees
Likewise, because TAGs provide the mechanism for securing a spot within the UC system, faculty review of current TAG requirements, policies, and practices is vital. Six campuses—Davis, Irvine, Merced, Riverside, Santa Barbara, and Santa Cruz—offer Transfer Admission Guarantees. A CCC student may initiate a TAG agreement for one of these six, securing the guarantee through completion of required coursework at or above a minimum specified GPA.

The aim of the TAG reviews is for campuses to ensure TAG policies are optimal for their local objectives and circumstances. Reviews should also strengthen the existing efforts to examine TAG requirements periodically by prompting greater faculty engagement. The MOU with the Community Colleges calls for the University’s Academic Senate to review TAGs, considering modifications or enhancements as well as possible expansion. The systemwide Board of
March 7, 2019
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Admissions and Relations with Schools (BOARS) has expressed an interest in promoting all TAGs within the systemwide guarantee currently under Academic Senate review.

Call to Action & Key Contacts
Collaboration of Senate and administration staff at UCOP, and of both faculty and staff on the campuses, is critical for the success of these efforts. This letter is to set the stage for those in the Senate chain and those in the administration chain. The Transfer Pathways work will be guided by the Transfer Pathways & Articulation Workgroup, co-chaired by Senate Vice Chair Kum-Kum Bhavnani and Jim Chalfant, Faculty Advisor to the Systemwide Provost. Based on the workgroup’s recommendations, the UCOP Transfer Pathways project team aims to consult faculty by major, as needed, across campuses this spring. On a parallel track, TAG work will be done on respective campuses within each TAG program. In sum, all nine undergraduate campuses will be called upon to participate in this opportunity to review their transfer admissions requirements.

Streams of work connected by the guarantee proposal will most certainly involve degrees of overlap and systemwide coordination that primarily will be handled by UCOP Undergraduate Admissions. Deeper background information for those who will be involved in Transfer Pathways articulation and/or TAG reviews shall be distributed under separate cover. The required work should proceed apace, as the University must have the structure of the transfer guarantee in place—and thereby its component parts—by fall 2019 to accommodate students entering community colleges and applying for transfer admission to UC as early as fall 2021.

Please direct questions to UCOP Undergraduate Admissions:

- For inquiries about UC Transfer Pathways articulation: Monica Lin, Director of Academic Preparation and Relations with Schools & Colleges, Monica.Lin@ucop.edu
- For inquiries about TAG reviews: Han Mi Yoon-Wu, Interim AVC of Undergraduate Admissions and Director of Undergraduate Admissions, HanMi.Yoon-Wu@ucop.edu

Thank you in advance for your support of this important work on behalf of future UC transfer students.

Sincerely,

Robert C. May
Chair, Academic Council

Michael T. Brown, Ph.D.
Provost and
Executive Vice President for Academic Affairs

cc: Academic Council Vice Chair Bhavnani
Vice Provost Gullatt
Vice Provosts and Deans of Undergraduate Education
Faculty Advisor Chalfant
Chief Policy Advisory Kao
Executive Director Baxter
Director Lin
Director Yoon-Wu
Chief of Staff Peterson