



## Monthly Executive Committee Meeting - Open Session

University of California College of the Law, San Francisco  
198 McAllister St. Room 206 San Francisco, CA 94102  
2024-12-16 09:00 - 10:00 PST

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Director Albert Zecher, Chair Director Courtney Greene Power, Vice Chair Director Shashi Deb Director Andrew Houston Director Chip Robertson

#### 2. Public Comment

(10 minutes) This is an opportunity for members of the public to comment on agenda items. Public comment on any agenda item will be limited to no more than three minutes per speaker and 10 minutes total. Groups or organizations that wish to comment on a particular item are encouraged to have a single representative speak for no more than three minutes. These limits can be varied at the discretion of the Chair. Persons who wish to speak on matters not on the agenda should make their request in writing to the General Counsel and Secretary of the College.

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## 10. Adjournment



# Monthly Executive Committee Meeting - Open Session Minutes

University of California College of the Law, San Francisco  
October 21, 2024

University of California College of the Law, San Francisco, 198 McAllister St., Room 206, San Francisco, CA 94102. Participants and members of the public were also able to join the open session via the web link or dial-in numbers listed in the public notice of this meeting linked here:

<https://www.uclawsf.edu/our-story/board-of-directors/board-meeting-notices-agendas-and-materials/>.

## 1. Roll Call

The Chair called the open session to order at 9:01 a.m., and the Secretary called the roll.

### Committee Members Present

Director Albert Zecher, Chair  
Director Courtney Greene Power, Vice Chair  
Director Shashi Deb  
Director Andrew Houston  
Director Chip Robertson (joined at 9:11 a.m.)

### Staff Participating

Chancellor & Dean David Faigman  
Chief Operating Officer Rhiannon Bailard  
General Counsel & Secretary John DiPaolo  
Legal & Executive Assistant Yleana Escalante  
Chief Advancement Officer Julia Jordan  
Chief Communications Officer John Kepley  
Deputy Chief Financial Officer & Controller Sandra Plenski  
Provost & Academic Dean Morris Ratner  
Chief Financial Officer David Seward  
Deputy General Counsel Laura Wilson-Youngblood

## 2. Public Comment

The Chair invited public comment. No member of the public offered comment.

## 3. Approval of Prior Meeting Minutes

### **Motion:**

The Chair called for a motion to approve the open session minutes of the Committee's September 5, 2024 meeting.

Motion made and motion seconded. The motion carried.

4. Student Success Strategies

Dean Ratner introduced this item, noting that the faculty and Board retreat was held on September 13 to discuss various proposals. These proposals were part of the charge given to the Faculty Academic Standards Committee (FASC) on August 26, just prior to the retreat. Since then, the FASC, which is comprised of five faculty members, two student members, and several senior staff members, has been meeting weekly. Dean Ratner said that the FASC is actively reviewing the proposals and plans to present an initial set of reforms to the faculty before the end of the calendar year.

Vice Chair Power asked if the provisions under review, particularly those related to grading, would be implemented in the spring semester if they are presented near the end of the calendar year. Dean Ratner confirmed that grading reforms would not be implemented mid-year. Instead, any proposed changes would take effect starting July 1. He noted that a package of grading proposals was presented to the FASC, and they have already considered a significant reform for the grading curve in GPA courses, though it has not yet been adopted by the committee or the faculty. The FASC is also reviewing grading for non-GPA courses, but any changes on that topic would also involve a July 1 implementation date.

Chair Zecher asked about measures intended to help students succeed in both bar-required courses and on the bar exam itself. Dean Ratner said that, of the four categories of reforms discussed at the retreat, only grading has been the focus of FASC discussions so far. He anticipates that the other reforms will progress swiftly once grading is addressed. Chair Zecher asked whether the additional reforms would also be completed by the end of the calendar year, emphasizing the importance of implementing changes in the next semester to provide further support for students. Dean Ratner responded that the most impactful actions for this calendar year have already been taken, including hiring a new Bar support staff member to double the bar success team and introducing a new course, Critical Studies 4, offered this spring as an early-start bar course. This course is mandatory for all fourth-quartile students and available to others, aiming to help at-risk graduates get ahead in their bar study. Any faculty-related reforms will need to progress through the FASC, with grading reform being the only change likely to be completed by the end of the year. Other reforms should follow more quickly since they are less complicated, but their timeline ultimately depends on faculty approval.

Chair Zecher raised concerns about the bar pass rates, noting that the third quartile students had a lower pass rate (70 percent) compared to the fourth quartile (80 percent). He questioned whether simply making the increased bar review support voluntary for third quartile students would effectively address this gap. He asked Dean Ratner if he has the authority to make participation in the bar support program

mandatory for third quartile students, suggesting that this could help improve their outcomes. Dean Ratner explained that he does not currently have the administrative authority to mandate participation in the bar support program for third quartile students. He clarified that the existing mechanisms for supporting at-risk students are limited to the bottom 10 percent (academic supervision) and the 11th to 25th percentiles (academic counseling) of the class based on GPA. However, he mentioned that he has proposed creating a guided curriculum for third quartile students that would include Critical Studies 4, a one-credit intervention. He expressed optimism that there would be high participation in the Critical Studies 4 course among all students, as it offers them credit for starting bar study early. Chair Zecher asked who holds the authority to make the third quartile's participation in this program mandatory. Dean Ratner responded that the faculty has the authority to implement changes regarding the Critical Studies 4 course in two ways. They could either add the course as a requirement to the academic regulations or grant him or the Dean of Students the discretion to require students in a specific quartile to take the course. He noted that while there is support for these actions, neither has been executed yet, primarily because the course was approved only recently.

Chair Zecher emphasized the urgency of providing support for third quartile students, suggesting that the necessary measures need to be implemented by the next semester in light of the upcoming bar exam in July. Dean Ratner said that he cannot control the timeline. Vice Chair Power emphasized the need for urgent support for third quartile students, advocating for mandatory participation in support programs to address their risk of failure. She noted that many may not recognize their struggles and stressed that making the program mandatory could be vital. Dean Ratner expressed practical concerns. He explained that spring semester registration starts soon, and students have already planned their courses with the knowledge that Critical Studies 4 would be required for fourth quartile students. Given this timeline, he doubts the faculty would vote to impose a new requirement at this late stage. However, he noted that the faculty is eager to take action to promote student success and emphasized the importance of advising to highlight the benefits of the new course. He anticipates having initial registration numbers for the course within three weeks to assess the effectiveness of their outreach.

Dean Faigman agreed that it is not timely to require a new class for third quartile students given the upcoming registration deadline. He emphasized that the key issue is not just providing bar review during law school but ensuring students complete their bar studies, which is crucial for their success. He cautioned that mandating the class could lead to students having to drop important courses like Remedies or Trusts and Estates, potentially disrupting their carefully planned schedules.

Vice Chair Power acknowledged the shared sense of urgency regarding the need to support students in the third quartile in bar passage. She recognized that academic timelines differ from other sectors but urged the group to explore any flexibility within

the existing framework to expedite assistance. She suggested that if the faculty could adopt a policy to require the third quartile to take the class for a trial period, it would send a strong message to students. While it may not be possible to mandate it this year, she encouraged emphasizing the importance of the course to students in the third quartile. Dean Ratner thanked the group for the insightful discussion and indicated that he would consider potential steps to enhance the messaging regarding support for third quartile students. He appreciated the Board's focus on this issue.

Chair Zecher asked about the plans to send another notice to all students about the program before registration starts. Dean Ratner confirmed that they will send out a class-wide advising message about the benefits of the program before registration starts, building on the earlier notice sent in July about the requirement for fourth-quartile students to take the class.

Director Deb asked about a letter submitted by Professor Rory Little regarding a potential change from letter grades to a grading system similar to that used at UC Berkeley. She asked whether this proposal is under consideration by the Faculty Committee, especially since it was not discussed during the faculty meeting. Dean Ratner explained that there have been several significant grading reform discussions at the faculty level since the early 21st century, including a similar proposal made by Professor Little in 2008, which was not acted upon. Dean Ratner stated that while Professor Little's letter is part of the record, the proposal is not being seriously considered by the FASC and he does not foresee majority support for it in the near future.

Director Houston asked Dean Ratner about the practice of faculty providing mid-semester reviews of students' work, which is currently optional. Director Houston asked about the success rates for the students who receive these reviews and whether making such reviews mandatory instead of optional is under consideration. He acknowledged that faculty typically resist mandatory practices but suggested it could be beneficial for student outcomes. Dean Ratner explained the concept of "formative assessment," which allows students to test their knowledge before final exams and receive individualized feedback. He mentioned that the ABA is considering changes to require formative assessments, particularly in 1L classes, and noted that there seems to be majority faculty support for extending this requirement to upper-division bar classes. He predicted that such a change would likely be adopted by the end of the academic year. He emphasized that discussions on this topic are encouraging faculty to reflect on their assessment methods and that previous requirements affecting pedagogy have been implemented through faculty votes, giving him the authority to impose similar requirements moving forward.

Director Houston suggested that if formative assessments were made mandatory and factored into faculty evaluations, it could benefit both students and faculty. He also highlighted the importance of peer-to-peer assessments and connections. Dean Ratner

thanked Director Houston for the feedback regarding faculty incentives for formative assessments. He noted that all faculty must submit an annual report, which includes questions about formative assessment and individualized feedback. This information is considered when making merit adjustments to faculty salaries, so the administration does currently track and reward faculty involvement in formative assessments.

Vice Chair Power raised concerns about the lack of transparency in grading practices among faculty, suggesting that it could lead to grade inflation and a lack of consistency. She compared this to performance reviews in corporate settings, where transparency helps ensure equitable assessments. Dean Ratner responded that modifications are in progress to increase transparency, including a report on grading curves and ongoing reviews of grades for outliers. He confirmed that annual reports from faculty are not currently publicized and he acknowledged the need for more transparency regarding formative assessments.

5. Minor By-Laws Edits

Mr. DiPaolo proposed several amendments to the Bylaws for the Board's consideration, emphasizing that changes must be presented in one full Board meeting and approved in the next. He noted that the current Bylaws state the immediate past chair of the Board is an ex officio member of the Executive Committee without counting towards quorum or voting, which seems inconsistent. He suggested clarifying that any Board member can attend closed sessions and he recommended updating notice provisions to specify that announcements should be made on the College website instead of outdated methods like newspapers. Additionally, he proposed adding language to clarify that the Board may hold closed sessions as permitted under California law, particularly regarding cybersecurity threats. Lastly, he recommended changing the quorum requirement from six directors to a majority of directors to better reflect the actual Board membership.

The Committee entered closed session at 9:44 a.m. pursuant to Education Code Section 92032(b)(3)&(5).

The Chair reconvened the open session at 9:58 a.m.

The Chair reported that in closed session the Executive Committee approved the closed session minutes of its September 5, 2024 meeting and the Deb Agreement.

6. Adjournment

The Chair adjourned the open session at 10:00 a.m.

Respectfully submitted,

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Laura M. Wilson-Younglood, Deputy General Counsel