

## ACADEMIC COUNCIL

**Minutes of Meeting**  
**Wednesday, September 28, 2011**

**I. Senate Officers' Announcements****▪ Robert Anderson, Academic Council Chair**

1. Chair Anderson reviewed the schedule for monthly Council iLinc follow-up meetings that will be convened only if necessary.
2. ICAS meeting. Chair Anderson reported on the recent meeting of the Intersegmental Committee of the Academic Senates. Students have expressed interest in being represented on ICAS. ICAS members discussed this and will suggest that the students form their own intersegmental organization and meet with ICAS once a year. In addition, the CCC Senate leaders reported that they are recommending a change in their applications to allow self-identification of LGBT applicants. Finally, Ralph Woff, the president of the Western Association of Schools and Colleges (WASC), which accredits UC and CSU, spoke about proposed revisions to the accreditation process, driven by Congressional interest in greater accountability from accreditation agencies.

**II. Approval of the Agenda**

**ACTION: The agenda was unanimously approved as noticed**

**III. Consent Calendar**

1. Approve revised charge to the Academic Council Task Force on Competitiveness in Academic Graduate Student Support
2. Approve MA in Development Practice at UC Berkeley

**ACTION: The consent calendar was unanimously approved.**

**IV. Context for Upcoming APM Reviews**

**ISSUE:** Council was provided background information for the systemwide reviews of APM 668 (proposed new provision for negotiated salary) and 670 (Health Science Compensation Plan).

**DISCUSSION:** APM 670. UCLA division chair Andy Leuchter and UCSF division chair Bob Newcomer discussed the proposed changes to APM 670. The changes do not substantially alter the Health Sciences Compensation Plan (HSCP), but there are changes in the governance of the plan. For instance, it would raise the compensation limit on occasional outside professional activity from \$20K to \$30 K, and limit such activities to 21 days per year. Chair Newcomer stated that while this is less permissive than the allowable limits available to faculty on other campuses and disciplines, and that UCSF faculty would prefer a limit of 48 days (1 day per week), his division will not challenge it. One issue that is controversial is the rule prohibiting employees from working at other hospitals for payment. While there are compelling reasons for this, in some fields such as dentistry and nursing, a large percentage of employees are part-time and need to supplement their income. Also, nurse practitioners must perform a certain number of clinical hours per year to maintain their

licenses, which is not always possible at UC. Deans regularly negotiate exceptions for such classes of employees.

UCFW Chair Bill Parker stated that his committee is concerned with the degree of discretion accorded the administration in the draft revision. He noted that the role of the Senate is not as clear as it should be. He critiqued the document for not addressing due process, equity, and faculty rights vis-à-vis administrative fiat. He noted that individual schools and even departments will make decisions, and that worries many faculty members. Chair Leuchter responded that the draft is purposely broad to allow interpretation. He opined that flexibility is important, but it would be better to have greater transparency about the various arrangements made at departmental levels. He urged the Senates on each campus to carefully review the implementation details. Chair Newcomer stated that such decisions are best made at the departmental level because all of the members of the APU (Academic Programmatic Unit that combines faculty with similar functions) must meet their salaries by raising sufficient revenue, or all APU members will take a salary cut. Implementing this system across schools would require setting the bar at the lowest common denominator. Chair Leuchter added that the draft provides that 50% of the members of the compensation oversight board are appointed by the dean and 50% are selected by some other mechanism, but the document does not specify the mechanism. It should be as broadly representative as possible.

APM 668. Vice Provost Susan Carlson stated that APM 668 arose out of the recommendations in the June 2010 [report](#) of the joint Senate-Administrative Compensation Plan Steering Committee. The policy was drafted in consultation with Senate representatives from UCAP, UCFW and UCPB, as well as with campus Vice Presidents for Academic Personnel and the Academic Personnel directors. A first draft was circulated for management review in April. Vice Provost Carlson said it attempts to allow flexibility for campus adaptation of the policy to meet its needs. It is a tool for those units that wish to use it. She noted that this is a departure from the way UC has implemented policy and acknowledged that it is a culture change. Three types of funding streams can be used to enhance salary—endowment funds, fees from self-supporting programs, and contracts and grants. She stated that the policy was written to be in compliance with federal policies about the use of contract and grant funds. Finally, she offered to attend Senate committee meetings to discuss the proposal.

A Council member clarified that the draft under review differs from the one discussed by the Steering Committee and stated that the early drafts did not contemplate giving individual units the choice to participate. This raises the question of whether UC is one university, or if compensation is a local feature. A member objected to the notion of one campus adopting it, while another does not. A member asked how many general campus faculty have joined the HSCP via dual appointments. Vice Provost Carlson stated that a small number have done so—391 systemwide. A member expressed concern that the plan excludes 80% of the faculty. Only those in the professional fields and those with NIH funds could participate (DOE and NSF do not allow grant funds to be used for salary). To what extent do we want compensation policies that are dependent on the fund source? Vice Provost Carlson said she believes that a greater percentage of faculty could take advantage of it, adding that many faculty members fund summer salary through contracts and grants and one-third of the faculty participated in the furlough exchange program, indicating that they had some sort of flexible funds available to them. A member commented that there were opportunity costs for using grant money to replace salary lost due to the furloughs; this

funding could have come from funds intended for graduate students or from delayed equipment purchases. As for using endowment funds, the University must be a good steward of these funds and ensure that the use for salary is consistent with the intent of the donors.

A member asked how the policy would be implemented at business and law schools, which are funded by high tuition. Is the policy intended to replace the higher salaries in law and business, which are now part of the base salary and are covered by UCRP, with an increment that is negotiated annually and is not part of UCRP? A member then asked how the policy would apply to faculty who teach in self-supporting programs. Vice Provost Carlson responded that the negotiated salary program is not intended to compensate for the normal duties of faculty; overload teaching is beyond the normal.

A member asked why Vice Provost Carlson stated earlier that she was reluctant to pursue this path. She replied that while she would prefer that the salary scales were closer to market, it is not reality, and noted that in order to meet retention offers, UC already is contorting its policies and practices. The policy is a pragmatic tool that the University needs in order to recruit and retain world-class faculty. She stated that the fact that a similar approach has worked in the health sciences is compelling. A major difference is that some faculty in a department may have access to external funds while others do not, but noted that in practice, these faculty already draw on external resources in ways that benefit them.

A member questioned whether a definition of “good standing” should be included in the policy, given that the faculty code of conduct does so. He opined that the policy contemplates good standing as varying by unit and empowers chairs and deans to trample on academic freedom. Vice Provost Carlson responded that the provision ensures that faculty are fulfilling their teaching service responsibilities and provides a brake on the dedication of faculty time to externally funded activities. She noted that similar language is incorporated in APM 670 (Health Sciences Compensation Plan).

A member stated that the Appendix suggests that campuses impose a 3% tax on individuals wishing to participate in the plan, making it attractive only to those who bring in a lot of extra funding. Vice Provost Carlson replied that the mechanism is not prescribed by the policy; it is simply an example of how it might work. She stated that the campus has to build in a contingency fund that could be drawn upon when something goes wrong, such as a six-month health-related leave of absence. Also, a college could decide to provide extra salary for faculty who do not raise external funds from the contingency fund, or equipment or funds for teaching assistantships.

A member opined that one consequence of this plan could be to remove the most active researchers from the classroom and eventually create two tiers of faculty. He stated there should be a provision requiring faculty to teach a certain amount of time regardless of how much salary they fund. Vice Provost Carlson replied that buy-out policies are not in her purview.

## **V. Salary Equity Study**

**ISSUE:** Under the auspices of UCAAD, Professor Emerita Pauline Yahr conducted a salary equity study. She provided background to the study, discussed its methodology, and answered questions

so that Council members can help their divisions and committees respond to the review.

**DISCUSSION:** Chair Anderson stated that the study was initiated by Vice Provost Nick Jewell in 2008 to determine whether UC is in compliance with Title IX. The study employs an adaptation of a methodology recommended by the AAUP and used nationwide. The project was presented to the Council of Chancellors, who agreed it should be done. Vice Provost Jewell began tests, but once he resigned, the project stalled. UCAAD asked Professor Yahr, a former UCAAD chair, to complete the study using the recommended methodology.

Professor Yahr commented that UCAAD began discussing the value of doing a pay equity study after Congress stipulated that funding agencies begin monitoring compliance with Title IX. In 2004, a GAO report found that no agencies had monitored compliance since 1995, and most, including the NSF, had never done so. The University should determine whether its pay practices comply with the law, as failure to comply could put all federal funding for UC at risk. Professor Yahr stated that UCI has used this methodology for 13 years, and thus has rich longitudinal data, and that UCSB has also used it. The strength of the method lies in detecting group differences. It is user-friendly in that it reports salary differences in dollars. It computes an equation for a baseline group of faculty, white males, that predicts pay based on three variables: education, professional experience and time at UC. Some have asked if so few variables can predict pay. The method accurately predicted pay for white males in 80% of the units. This fit would occur by chance less than one in 10,000 times. An equation was computed for all units headed by deans (72 units total), but excluded the Health Sciences. This kept the analyses parallel to the career paths followed by faculty in academic personnel reviews.

Equity was analyzed within each unit and across the system. The study uses the equation for white men to predict pay for women and minority men. Then, predicted pay is subtracted from actual pay and the differences are averaged. Absent discrimination, the average difference would be close to zero. A positive difference would mean that women in the same unit with the same education, experience, and time at UC as white men would be paid more than men; a negative difference means that they would be paid less. Within-unit equity analyses were done for women plus white men, and done again after adding sex as a variable, which produced a statistically significant improvement in pay prediction in 12 units. Knowing who was white among men produced a statistically significant improvement in pay predication in 8 units. Combining the data for women and minority men obscured differences, which makes it difficult to solve equity problems. In business, law, and education and informational sciences there was no pattern between predicted and actual pay. But in the fields of engineering, physical sciences, life sciences, arts and humanities, and social sciences, statistically significant pay differences were found for women and minority men. In engineering, pay differences were very large and negative in all except for one unit for women and three for minority men. In the physical sciences and arts and humanities, negative pay differences were comparatively smaller than in engineering, but even in the arts and humanities, which have a greater proportion of women, pay differences were still negative for women. In 2009-10, alone, the 1,416 women in the social sciences (excluding economics, where large pay differences skew the average), arts and humanities, and life sciences and agriculture were underpaid by \$7.82 M (216 life sciences women lost \$2 M; 618 arts and humanities women lost \$2.42 M, and the 582 social sciences women lost \$3.3M). Professor Yahr noted that the equity requirements in Title IX do not distinguish by discipline; pay discrimination in any area could

jeopardize funding. Discrimination will be diagnosed based on composite data on the net results of pay practices. She noted that setting pay by individual negotiations may result in illegal inequities. A member countered that the proposed APM 668 could provide a channel to pursue greater compensation that women feel is legitimate. Professor Yahr also stated that it is important to note that differences are not necessarily the result of decisions made over many years. Some recently established units show significant negative averages for both women and minority men. Moreover, pay equity for women does not necessarily improve when they predominate, so hiring and pay equity are not related. Data for UCI, which has performed salary equity studies using this method for the past thirteen years, show both that equity patterns can change rapidly despite low turnover in academic personnel, and that stable patterns of inequity can persist despite high rates of turnover.

Finally, the systemwide salary equity study found that across the system, patterns of pay differences for minority men did not significantly differ from chance (19 in 100 cases). However, pay differences for women were statistically significant; the probability that the average negative differences would have occurred by chance was 26 in one million.

A member stressed the need to include health sciences in systemwide studies and asked if it would be possible to replicate the study for the health sciences. Professor Yahr said she is willing to do so, and recommended that an analysis be done for all three components of salary. It is likely that as the X, Y and Z components are added, disparities would increase. A member commented that it would be interesting to see a comparison of data between Academic Programmatic Units. Are women and minority men in lower APUs?

Several members thanked Professor Yahr for her thoughtful, thorough study. A member asked what UC can do to rectify this situation. Professor Yahr replied that many campuses confuse hiring and pay, focusing their diversity efforts on increasing the number of women faculty, without taking into consideration actual pay. Equity advisors determine whether the pay is appropriate, but they look only at dollar amounts, not education or years of experience. A member stated that the response must be a systemwide response. One approach would be to fix the scales and use them. Professor Yahr stated that while some pay inequities existed prior to the trend of awarding off-scale salaries, the situation has worsened considerably in the last decade. Gender inequity probably has worsened along with the deterioration of the scales. A member commented that it would be interesting to examine on-scale salaries and off-scale increments. If differences were found mainly in the off-scale increment, it suggests that the negotiating process has to do with it, but if differences are found in the on-scale increment, it would mean that CAPs are not performing adequately. A member stated that there is a clear statistical indication of a loyalty penalty; after taking into account years since degree, each year at UC has a negative effect on pay. However, the loyalty penalty may be higher for women than for men. A member commented that the administration probably has data on retention increases and that analysis of the loyalty penalty should be based on the last retention case. A member asked if the equity advisor model has not been successful in reducing disparities, can it be improved or should it be thrown out? Is it that equity advisors do not have sufficient stature or influence and can the Senate influence that? Professor Yahr stated that the mechanisms and causes for disparities are probably different in different disciplines, on different campuses, and almost certainly have changed over the years. But the University does not need to identify the cause before treating the symptoms. UCAAD's chair

stated that it is within UCAAD's purview to suggest remedies and they plan to study the issue. For example, equity advisors systems at some campuses may be more effective than at others. She welcomed suggestions for how to remedy these inequities.

## **VI. Consultation with Office the President Senior Management**

President Yudof summarized the Regents' discussion of the proposed multi-year budget plan. While the University is pursuing the Regents' suggestions on raising additional revenue, such as corporate fundraising and more technology transfer, none of these sources can replace state funding and none of them are silver bullets for the University's budget problems. Ultimately, the University and the students need predictable budgets. He noted that he continues to advocate for the University with legislative leaders and recently met with the governor and with Speaker Perez. President Yudof stated that his staff is reviewing the pay equity study. He noted that if there is a policy issue, the University as an institution should address it, even if it is not legally actionable. The University should always strive for fairness.

Q: What are your thoughts on the rebenching project?

A: President Yudof said that rebenching is an important part of the University's budget reform process. His impression is that the faculty has produced a good initial proposal and he is waiting for the final report from the Rebenching Task Force. He noted that the final plan may have to be phased in or modified in the short-term so that campuses can rationally plan their budgets. He added that there must be consensus on the final plan.

Comment: The data in the pay equity study is very discouraging. Nothing has been done to rectify disparities in the past when they were discovered. I urge you to do something about it.

A: President Yudof stated that he takes it very seriously. He noted that he co-authored a book on the subject, "Gender Justice" with David Kirp. He then asked what the best approach should be. Should UCOP issue an edict with a deadline? Normally, the Office of the President is not involved in salary issues. He stated that while the University can not let inequities persist, he does not anticipate that the state will provide funds, so rectifying it may reduce compensation elsewhere. UCAAD's chair said that her committee plans to propose some solutions.

Q: To what extent is centralized support for research essential to the UC system?

A: President Yudof stated that a hallmark of UC is that it has invested in research. UCOP continues to allocate a fair amount of money to seed new research programs. He prefers this approach to providing on-going grants to a small number of research projects because it helps to foster new ideas and programs. For example, the University is investing money in "proof of concept" projects to help take ideas to the marketplace. The University also invested in a new 30 meter telescope, as well as the Keck telescope and the CalISIs. He noted that he would like to double or triple the amount invested in research, but as long as core academic programs are in jeopardy, he can not do that; he must protect the University's core mission.

Q: I understand that the site selection of a second campus for Lawrence Berkeley National Laboratory will be made in November by the Regents, prior to approval of the funding mechanism. Will funding the new campus be a general obligation of the Regents, or will it be a burden that will jeopardize the lab's science programs five years from now?

A: The Regents need to decide whether it should be a systemwide priority. If so, UCOP would socialize the cost across the campuses, and it would be a contingent liability. He noted that he is waiting to see the financing plan, and agreed that it would be a mistake to separate the two approval processes.

Comment: BOARS recently met with the admissions directors, whose are concerned that they will not have the resources to do admissions properly this year, since they can not estimate the number of applications they will receive as a result of the new admissions policy. I encourage you to make sure that BOARS' funding metric guidelines are taken seriously by the campuses.

A: President Yudof replied that he will put this item on the agenda for the next meeting of the Council of Chancellors. He noted that while he has raised this issue a few times, he is not willing to issue an edict to the chancellors on how to allocate their budgets.

Q: Is it possible to provide tuition assistance for faculty and staff dependents?

A: President Yudof replied that it would be unwise to do so in this budgetary environment. Also, it has a differential impact across employee groups.

Comment: The proposed revisions to the WASC handbook include provisions that are not appropriate for a top-tier University, such as requiring us to send sample student work to outside evaluators to ensure that the faculty is doing an adequate job. The University needs to speak up about these changes as an institution.

A: President Yudof stated that he had not heard of this, but will look into it and will intervene, if necessary.

## **VII. General Discussion**

*Minutes were not taken for this portion of the meeting.*

## **VIII. Systemwide Review of APM 530 and 710-11**

**ISSUE:** In June, Academic Personnel requested review of proposed "technical" revisions to APM 530 on non-citizens, and APMs 710-11, on paid medical leave for academic appointees who do not accrue sick leave. Five divisions (UCI, UCLA, UCR, UCSB and UCSD) and UCFW submitted comments. While none objected to the revision of APMs 710-11, most found the proposed changes to APM 530 to be substantive and raised concerns. Council discussed its response.

**DISCUSSION:** A member stated that the intent of the proposed language was to make it easier for foreign scholar advisors to reject an inappropriate visa request. However, the language seems overly restrictive and recruiting committees may be discouraged from considering foreign applicants. Members strongly concurred that the proposed changes were not acceptable and that the current standards of distinguished merit and superior ability are appropriate.

**ACTION:** Council unanimously endorsed a draft response.

## **IX. Online Instruction Pilot Project Progress Report**

**ISSUE:** In May, Council sent a critique of the Online Education Project Plan to President Yudof. In June, Council endorsed UCEP's recommendation that it appoint an independent "blue-ribbon panel" of experts to review and report periodically to the Senate on the progress and results of the evaluation of the OIPP. Council considered a draft charge for the blue-ribbon panel.

**DISCUSSION:** Council discussed whether to broaden the charge, and whether to review the design methodology of the program. A member advocated focusing on the results of the project, rather than evaluating the decisions that have already been made. A member pointed out that the charge should not be broadened so much that the blue ribbon task force impinges on the purview of standing committees or Committees on Courses. Another member advocated evaluating the content gains of specific courses. A member replied that this is not done in regular courses. Council agreed on certain revisions to the charge.

**ACTION:** Council agreed that UCEP's chair would make revisions to the charge and circulate it to Council via email for a vote.

**X. New Business**

*Council did not discuss any new business.*

Meeting adjourned at 3:00 p.m.

Attest: Robert Anderson, Academic Council Chair

Minutes prepared by Clare Sheridan, Senior Policy Analyst