

Attending: Harry Green, Chair (UCR), Jeffrey Knapp, Vice Chair, (UCB), W. Martin Usrey (UCD), Brook Thomas (UCI), Lynn Pulliam (UCSF), Benjamin Hermalin (UCB), David Hovda (UCLA), Michael Pirrung (UCR), Andy Teel (UCSB), Christina Ravelo (UCSC), Myrl Hendershott (UCSD), David Kelley (UCM), Susan Carlson (Vice Provost, Academic Personnel), Janet Lockwood (Manager-Academic Policy and Compensation, Academic Personnel), Bob Powell (Academic Senate Chair), Bill Jacob (Academic Senate Vice Chair), Brenda Abrams (Policy Analyst)

I. Welcome, Announcements, and Update

Chair Green reported that UC has settled a lawsuit related to the death of a student at a UCLA lab and major changes are taking place to increase safety. At UCR, environmental health and safety is applying the changes to everyone, not just chemistry and biochemistry departments. The issue continues in the courts with the faculty member who has UC's support. A campus climate survey will be rolled out on October 29th through the end of February 15th. The survey includes a core set of questions and campus specific questions as well and more information can be found at: Campusclimate.ucop.edu. Aimee Dorr, the new provost, introduced herself at Council and she has been charged with reducing the academic affairs department. Provost Dorr is committed to reducing the student faculty ratios.

Implementation of the Robinson Edley report, which addressed protest activity at the campuses, is going forward. Council was not given much useful information about the implementation process. Council discussed Proposition 30. If it fails, tuition will have to be immediately increased and enrollment management will be a major focus. Cuts would come to the campus in 2013-14. UCOP is preparing for what will happen if Proposition 30 succeeds or fails. The president has asked the chancellors to evaluate pay equity at their campuses with a report due November 15th. The deadline for the campus responses may be postponed to January.

Chair Green sent the committee a message about APM 210 yesterday related to a memo from UCAAD. Last year, UCAP members had issues with the language in section APM 210 1.d. Campuses interpret this language differently. Immediate past Chair Anderson suggested language in May that UCAAD is now proposing to UCAP as an alternative. UCAP has two choices: to leave APM 210 as it is, accept the language from UCAAD, or to propose different language. Chair Green finds UCAAD's proposed revision to be redundant but the revision removes the ambiguity in the original language.

Discussion: The committee discussed whether the proposed language really addresses UCAP's concerns. Vice Chair Knapp suggested alternate language to add to the second sentence: "Teaching, research, professional and public service contributions that promote diversity and equal opportunity are to be recognized, encouraged and given equal weight in these areas." Members discussed how CAPs apply APM 210 and whether faculty get something extra when they report diversity activities. The current language implies that diversity activities are better than work in other areas. Members unanimously agreed to that the current language of APM 210 should be revised. The phrase "other areas" is problematic and should be changed to "teaching, research and service" for clarity. UCAP would like to propose a friendly amendment to UCAAD's language and members will send Chair Green proposed language which will be incorporated into something for the committee to consider. Chair Green will send the new language to the committee by this weekend.

II. Rebenching Budget Committee Report

Chair Green reported that dealing with the distribution of state funds to the campuses has two arms, funding streams and rebenching which deals with how the state money should be fairly distributed to the campuses. In terms of dollars per student the campuses are uneven and addressing this is the primary goal of rebenching. With

funding streams, non-state money generated by the campuses will stay at the campuses. Rebenching excludes UCSF and UCM is also excluded because it is treated differently as a new campus. Rebenching will result in having different kinds of students who are funded differently. The plan calls for money to be taken off the top for UCOP to fund certain programs.

The dollars per student is considerably lower at UCSB and the highest is at UCLA. The provisional decision has been made to not take funds from one campus to use at another campus. The change in funding per student will be phased in over six years. Unless there are continuing severe budget restrictions, all of the campuses should catch up to UCLA and be equal at the end of the six years. In the absence of new money, there may have to be a redistribution of the monies. The rebenching plan will be implemented with the five campuses under the average beginning this year but what will happen is dependent on the outcome of the vote in November. If Proposition 30 passes, there is \$100M in the budget for UC, 30% of which will be used for rebenching.

Discussion: Cost of living was not taken into account according to Chair Powell. Chair Powell shared that a third piece of the funding distribution is enrollment management. If campuses take over a specified number of students, no rebenching funds will be available for these additional students but these funds can be used for growth at other campuses. The exact number of unfunded students is unclear. Each campus will be assigned a number of California resident undergraduate students that will be funded and will be penalized if it does not reach that number. Chair Powell would like UCAP to express any concerns members have about rebenching. If Proposition 30 fails, UC has to respond in 48 hours. According to Chair Powell, a tuition increase would be instituted in January. The administration has a plan but the details have not been shared. Chair Powell advised Chair Green that there is not a need for UCAP to respond before the election and the committee agreed to postpone this discussion.

III. Consultation with the Office of the President

- *Susan Carlson, Vice Provost, Academic Personnel*
- *Janet Lockwood, Manager-Academic Policy and Compensation, Academic Personnel*

Vice Provost Carlson would be happy to discuss some of the topics that will be discussed by UCAP today. Academic Personnel is working on a number of policies including APM 600 and faculty compensation policies. The work includes reexamining some of the long standing policies and is also driven by the UC Path project. The policies need to be clearer than they are now and more consistent across the campuses although there will still be flexibility. There is a proposal for a trial of the negotiated salary plan at three campuses to test whether this policy would add value and attract faculty. A subcommittee on faculty diversity will present a report to the President's Council. UCAP reviewed this report last year. For ADVANCE, the NSF project, Academic Personnel is collecting systemwide data on faculty recruitment by gender and race and ethnicity with the hopes that UC can see where it is having successes recruiting a diverse hiring pool. The second part of the project is to bring faculty and administrators together in roundtables to discuss diversity. One hundred people attended a roundtable held recently at UCI. The Board of Regents is increasingly talking about diversity and will discuss faculty diversity in November and a public report will be given to the Regents in January.

Vice Provost Carlson indicated that APM 210 has come up in many conversations, and a question is whether there should be a discussion about applied translational research. There is already language in APM 210 that says that a wide range of research should be valued.

Discussion: Chair Green reported that UCAP has officially taken the position that the language of APM 210 1.d needs to be revised and will send a proposal to UCAAD. Vice Provost Carlson indicated that the roundtable in the fall at UCSD will focus on personnel reviews. Chair Green hopes that UCAP and UCAAD can agree on language by the end of this calendar year. Vice Provost Carlson stated that people have indicated that language in APM 210 may or may not encourage translational or applied research. It may be important for recruitment of more diverse faculty to focus on a broader way of thinking about a variety of research.

A member remarked that the responses to the negotiated salary plan seemed to all be negative and the Vice

Provost indicated that the responses from the administrators and the UCSD Senate were favorable. The Senate worked hard to ensure the program would be done on a trial basis so the trial will involve collecting data to determine whether the program works. Biological sciences faculty had a proposed compensation plan that was closer to the health sciences compensation. Thirty percent of the faculty member's current salary can be negotiated. The chair has to agree to the importance of keeping the faculty member and has to ensure that the risk to the department is minimized if the financing is not protected. Members commented that at some campuses, department chairs and deans have no control over the budgets and the central campus would have to assume any risk.

The UCI CAP believes that the title of the program is false advertising and that the real agenda is to create self-supporting programs in some disciplines that would free up money to cover the salaries. This CAP was also concerned that faculty will spend less time on research. Some members of the UCD CAP think the plan will create two tiers of faculty while others felt that existing inequality could be reduced. Faculty in the Humanities could be hurt by the plan down the road. The inequality that exists between a faculty member in a medical school and a faculty member in a college is very obvious to faculty. It is not clear how the success of the plan will actually be assessed since it will be difficult to collect some of the data. Graduate students and faculty could be surveyed about trends in research. Vice Provost Carlson stated that there is an administrative burden for faculty who want to participate in the program. UC probably would not have a program like this if the budget situation were different. The program does not exclude humanists or artists but faculty in these disciplines will not benefit from it.

The Vice Chair of UCFW provided suggestions about which data should be collected but it is unclear whether enough data can be collected to reliably determine the success of the program after three years. CAPs that currently look at salaries will look at participation in the plan across disciplines. The program calls for the annual review of faculty participating in the plan and Chair Green indicated that it is not clear how this workload will be added to the CAPs which review cases every three years. The UCLA CAP does not look at salaries and the deans will be responsible for dealing with this. If the money supporting the extra salary does not include full overhead, UC will be subsidizing the people who receive the special salaries. The negotiated salary plan moves UC towards a corporate model and away from an academic one. The proposal does not increase the base salary. Academic Personnel found that there is a small number of faculty who have enough funds for three months of summer, and the trial will help identify all of the faculty who could profit from the program. Unlike what was proposed last year with APM 668, there is currently no proposed policy associated with this plan.

The Vice Provost reported that many of the changes to APM 600 consist of simply moving some things around. The management consultation has a short time line. UCAP is encouraged to contact Manager Lockwood if there are questions about APM 600 later this afternoon.

IV. Proposed Open Access Policy

UCAP reviewed the draft proposal last year and provided informal feedback and now the policy is out for systemwide review. The policy has already been adopted by UCSF. The National Institutes of Health have promoted publication of research in open access formats. UC would retain a repository of all work to which faculty will submit their work.

Discussion: A member noted that it is not clear how publishers will make a profit with open access publishing. The open access policy should address how the work by UC faculty can be preserved. One member asserted that the main goal of the policy is not to increase access to research but to squeeze the commercial publishers. There is concern about the policy shifting costs from the publishers to the researchers. Members agreed that it is not clear who will enforce the policy. Academic Personnel offices compile the files that go to CAPs and should be responsible for documenting that articles have been deposited. Some members expressed concern that the CAPs will be asked to enforce the policy. It was suggested that a funding mechanism should be available to faculty who incur costs as a result of publishing in open access. Chair Green proposed continuing the discussion by email given the January deadline.

Action: The chair will ask the committee to comment by email.

V. UC Online Education Copyright Issues

Chair Green indicated that the copyright issues related to UCOE are somewhat beyond the purview of UCAP and better suited to review by UCFW, UCAF and UCEP.

Discussion: The document suggests that employees will be hired and it is not clear that this refers to faculty.

Action: Chair Green will draft a response for the committee's review and comment.

VI. Proposed Revisions to APM 600

Chair Green proposes going through the chart that Academic Personnel provided outlining the changes to APM 600.

Discussion: The chair went through each item on the list of proposed changes and requested comments.

290: changes are straightforward.

510: #1 is a straightforward change. #2, section 510.18, adds a number of scenarios that specify the responses campuses can give when recruiting and retaining people intercampus. 510-16: The change to 510-16.b is problematic because it does not address the stipends for administrative appointments. Deans should not be put into a special category as if they are only administration and have nothing to do with Senate faculty.

600: changes are straightforward.

610: changes are straightforward.

615: changes are straightforward.

620: changes are straightforward.

632: changes are straightforward.

633: changes are straightforward.

640: changes are straightforward.

650: changes are straightforward.

660: changes are straightforward.

661: this may be a concern to UCWF but it is not a UCAP concern.

662: #1-4 may have issues for UCAP to address and #5-6 deal with online courses.

663: changes are straightforward and online courses are added.

664: this may be a concern to UCFW or some other committees but it is not problematic for UCAP.

665: changes are straightforward.

666: changes are straightforward. There are CAPs that deal with lecturers of all sorts.

667: 667-18 refers to the total negotiated salary (also mentioned in 664). UCAP will insist that the term "negotiated salary" should be taken out of this part of the APM.

Chair Green indicated that UCAP can comment on the changes related to online education. A member indicated that the faculty most likely to teach online courses are junior faculty who want additional compensation, and their research will suffer. APM 662-24 creates a real possibility of shifting labor to the work that receives extra compensation. UCAP could include a caution that chairs should advise junior faculty about the importance of research and that the level of mentoring to these faculty members should be increased. CAPs do not have to do anything differently for the evaluation of faculty teaching online courses. The UCB representative reported that the campus has struggled with the evaluation of online courses when one faculty member develops the course and another faculty member is responsible for another activity for the course. APM 662-2 does not provide sufficient protection to ensure that faculty are able to fulfill their responsibilities in teaching, research and service. Chair Green will draft a memo addressing the concerns related to 662, 510-16.b, and the use of "negotiated salary."

Action: The chair will draft a memo outlining the committee's concerns.

VII. Negotiated Salary Plan

Chair Green asked committee members to share their specific concerns with the plan. Chair Green would like a specific statement about what kind of money is or is not satisfactory for the plan.

Discussion: There was a discussion about how overhead should be paid. A member suggested that if a faculty member actively seeks funds that will not cover overhead, the campus could potentially be harmed. It could be problematic for a campus if faculty pursue certain types of grants instead of others. Faculty are able to attract grants in part because of the infrastructure that UC already has in place and the overhead is important to maintaining this infrastructure. Faculty need incentives to pursue grants that have overhead because UC needs this money.

UCAP has not collected data to determine if there is a pressing recruitment and retention issue. How the success or failure of this program will be judged is not clear. For faculty who receive the extra funds, there should be a measure of productivity before the program as well as after. There is no planned collection of data about the impact on teaching load. What CAP will review, beyond salary, needs to be clarified and the timing of the review (with a two week turnaround) is problematic. The annual review was raised as an issue by UCAP last year.

If the eligibility of faculty to engage in this program is the only issue for CAP, CAPs should consider this in the faculty member's next normal review. The only faculty who will be eligible for the program are those whose last review was positive. Faculty may routinely appeal their eligibility for the program which will create work for CAPs. Members considered ways to avoid the annual reviews and the potential annual eligibility appeals. What is meant by a successful review should be defined by each CAP. The eligibility requirement should be CAP policy, and not negotiated and the only negotiated feature should be the amount of salary. The UCSB CAP does not review merits. Members whose CAPs look at salaries indicated that they do not want to stop this practice. The UCSD CAP wanted the program and members of that CAP understand that there will be additional work.

UCAP could define a satisfactory merit. Negotiation between CAPs and the Vice Provost for Academic Personnel will be needed so there is a common position to present to deans when cases come forward. Language is needed so in the event of an appeal, CAPs understand how eligibility is met. Chair Green reminded the committee that after the Senate objected to APM 668, Provost Pitts devised a pilot program that he was just going to implement. Four major objections from last year continue. The Senate's response was overwhelmingly negative, not mixed. Second, UCOP has not collected data to support the need for the program and has instead relied on anecdotal evidence. It introduces negotiation as a principle for faculty remuneration. And third, the workload, timing, and inequity (off-cycle) issue of the annual reviews. The concerns UCAP documented last year should be specifically reiterated. Chair Green indicated that the trial program has not been implemented. Chair Green also indicated that the committee that worked on the plan for the trial program was never told by the administration that there is a pressing issue related to recruitment and retention. A member predicted that faculty who receive the 30% increase will use that to negotiate a higher salary. A letter from immediate past Senate Chair Anderson includes a long list of concerns that do not all appear to be addressed in the trial program.

Chair Powell stated that after APM 668 was rejected, Provost Pitts proposed implementation of a pilot program on five campuses. Work was done behind the scenes to develop the trial program that is now under consideration. Chair Powell also reported that the idea of a program like this for faculty at the general campuses has been around since before the last provost's time. Eight members voted in favor of stating that the trial should address the objections previously raised by UCAP. UCAP could respond that the trial is expected to address all of the objections the committee has raised otherwise the trial should not go forward. Eleven members voted in favor of this proposed response and one member voted against.

Action: The chair will draft a memo outlining the committee's concerns.

VIII. Proposed Revisions to APM 700

The policy creates work for any faculty member going on leave.

Discussion: The problem of faculty not returning is not a frequent one. A member commented that a faculty member might have mental health issues he or she does not want to acknowledge and believes that this policy is well intentioned and generous.

Action: The chair will draft a memo expressing UCAP's concerns.

IX. APM 430

Chair Green reported that a new visiting scholar position is being created.

Discussion: The new title saves time according to one member. In 430 8.b, the policy seems to create a burden with the requirement for evidence to show they are self-supporting or have other adequate funding. A member reported the objections raised by a UCLA faculty member. Members agreed to report to Council that UCAP supports this as long as it is not a means to eliminating other titles.

Action: The chair will draft a memo outlining the committee's concerns.

X. Consultation with the Academic Senate Leadership

Chair Powell reported that a new poll has shown that Proposition 30 will not pass. Self-supporting programs will continue to be front and center, and how they will be evaluated needs to be determined. The Academic Planning Council is being reinvigorated and will look at the evaluation of these programs as well. A proposal related to UC Path is being reviewed which is similar to something implemented at UCD. When a faculty member has a grant, instead of paying benefits for a particular employee, there will be a flat benefits rate that will be charged. More details on this plan are being gathered and there should be a report to Council on October 24th. The plan is integral to the implementation of UC Path. UCAP may be asked for input with a short deadline.

XI. Campus Reports/Member Items

This item was not discussed.

Meeting adjourned at: 3:55

Minutes prepared by: Brenda Abrams

Attest: Harry Green