

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL

MINUTES OF MEETING

FRIDAY, NOVEMBER 7, 2014

Attending: Jeffrey Knapp, Chair (UCB), Christina Ravelo, Vice Chair, (UCSC), David Redmiles (UCI), Jacqueline Leung (UCSF), Bradley Chmelka (UCSB), Myrl Hendershott (UCSD) (telephone), Jang-Ting Guo (UCR), Michael Stenstrom (UCLA), Andrew Ishida (UCD), David Kelley (UCM), Dr. Ann Marie Sastry (Chair, Rewards & Recognition Work Group of the President's Innovation Initiative), Susan Carlson (Vice Provost, Academic Personnel), Janet Lockwood (Manager-Academic Policy and Compensation, Academic Personnel), Mary Gilly (Academic Senate Chair), Dan Hare (Academic Senate Vice Chair), Fredye Harms (Principal Policy Analyst)

I. Welcome, Announcements, and Updates

Chair Knapp welcomed everyone to the meeting and thanked the UCLA and UCD representatives for volunteering to participate on the Rewards and Recognition Workgroup to be discussed later today. Based on the meetings the chair has attended to date, UCAP has two major issues this year. The president is considering creating a new vice provost for innovation and entrepreneurship independent from the Office of Research and Graduate Studies at UCOP. Council has written a letter advocating for the position to stay within Academic Affairs. A search is now underway for a new vice president for ORGS and that office might be reorganized. A policy statement on self-supporting degree programs has been in development for a number of years. It has been revised and presented in the Academic Planning Council but is now on hold. The Senate supports the view in the policy statement that a "compelling case" must be made for new self-supporting degree programs. While the Senate also worries that this standard may be vague, it hopes that, by referring the matter to CCGA, more detailed guidelines can be worked out. The EVCPs have argued against the standard of a "compelling case" for fear that this would squelch development of important new programs.

UCAP has received an additional APM policy under systemwide review and a proposed policy on Open Access to consider. The Open Access policy will be forwarded to the committee after the meeting. Comments on this are due by January 15th, which is before UCAP will meet again.

II. Proposed Revisions to APM – 080 and APM – 330

- *Janet Lockwood, Manager-Academic Policy and Compensation, Academic Personnel*

The committee has not voiced any significant concerns about the proposed changes to these APM policies.

Discussion: Clarification about the status of the systemwide reviews of APM 210-1-d and APM 133 was requested, and the Merced CAP had questions about the revisions. Another member asked for clarification about who initiates the changes to the APM and where the original modifications start. Chair Knapp indicated that it is possible for UCAP to suggest changes to the APM. One question about APM 080 is how often faculty on medical separations exhaust their medical leave and cannot perform job functions. It seems like this is different from disability retirement. Manager Lockwood indicated that these cases rarely occur. Since it was implemented in 2008, there have been a total of 6 cases, about one a year. One of the cases was an assistant professor and the case was not contentious. In the most recent case, the faculty member was in complete agreement and wanted the medical separation to take place.

Members discussed several issues that should be clarified in APM 330. The definition on page 35 should specify the required duties and by whom they are required. The sentence before this is also vague because

it is not clear what recognition means. Manager Lockwood agreed that something like the phrase “and the duties as required by the job description” could be added here, and noted that last year the Academic Council asked for the inclusion of “required duties.” The second sentence in 330-4 should read: “the research enterprise of the University and.” Manager Lockwood explained that recognition could be invitations to conferences or publications and the aim was to keep it broad. Academic Personnel is also trying to make the distinction between the staff research associate and the junior specialist series. The specialist has an academic foundation and the other is more of a technician and is not working with any independence or expectation of recognition in the field. Part of the impetus for revising the policy is because of union demands about moving the placement specialist titles to the research associate series. Mentoring of undergraduate could be mentioned for specialists.

There should be a sentence stating that faculty may remain at a lower level if they are not making progress and there is no stipulation that they have to move. This is not where the criteria for advancement is established. Each campus could write its own policy or implementing guidelines based on this. Manager Lockwood agreed that this could be added to section 330-21. On page 3, what contribution means is unclear and Chair Knapp suggested switching numbers 3 and 4. A member disagreed with switching the order because faculty do offer information to define their contribution to an original idea or their specific contribution to a team. It was agreed that the policy should distinguish between contribution to a team and authorship. On page 7, the phrase “terminal degree” and what is publishable as opposed to published should be defined. The chart on page 9 should include something about the above scale and step five and it is not clear to Manager Lockwood that this part of the revision is correct.

Action: The chair will draft a memo outlining UCAP’s feedback regarding the proposed revisions.

III. Proposed Revisions to APM 279, APM 360, and APM 210-4

- *Janet Lockwood, Manager-Academic Policy and Compensation, Academic Personnel*

Chair Knapp summarized the major changes to APMs 279, 369 and 210-4.

Discussion: Manager Lockwood reported that occasionally one of the appointees under section 279 requests emeritus status. Academic Personnel has denied these requests, taking the position that this should be saved for salaried faculty and that it carries a distinction that is important to preserve. The faculty requesting this status have been with UC for twenty years in different types of service to the University but there is generally no research component and an informal teaching relationship. Maybe the distinction to note is that this status can be granted to salaried faculty. Regarding APM 369, Manager Lockwood reported that the contract with the librarians was finalized before the APM was updated, the reverse of the usual process. In section 360-80-2-b, an off cycle review might be related to administrative delays, delays caused by personal leave, or receipt of a major award. UCB’s committee is very opposed to the accelerated off-cycle review and UCD is trying to eliminate off cycle reviews. Off cycle reviews just add to everybody’s work. For the voluntary faculty, a member suggested that there should be a way to identify who is salaried versus who is strictly voluntary and UCAP may want to discuss this subject more.

Action: The chair will draft a memo outlining UCAP’s feedback on the proposed revisions.

IV. Campus Reports

UCLA: Members were asked what they consider in a promotion and most campuses report conducting career reviews. UCSC weights the more recent period. The current work is important and a clear downward trajectory would be another factor. UCLA has found the existing language to be ambiguous.

UCI: CAP has started discussing and developing guidelines for distinction titles like chancellor's professor, endowed chairs, distinguished professor, etc. but the process for designating these titles rests with the vice provost for academic personnel. Other CAPs are also asked to review these cases. At UCSB the review is perfunctory since the CAP does not have complete documentation, and usually these are for faculty members already in residence. The UCB committee was concerned about the distribution of the endowed chairs titles across the disciplines and reviewed data that allowed it to redistribute some of the titles. The UCR CAP has a 40 page document about the process for appointing endowed chairs. Members agreed to share their campus policies. Members also indicated that their CAPs review the researcher series and that these reviews may be done by a subcommittee or minor committee.

UCM: The member asked under what circumstances are ad hoc committees formed to evaluate promotion cases and if there are set precedents. Following a negative decision by the UCM CAP, the provost appointed an ad hoc committee to review the decision. UCSF's previous vice provost frequently appointed ad hoc committees. At UCLA, the CAP has created an ad hoc review committee after identifying concerns with a case. Ad hocs can be set up as advisory bodies to the provost or to the CAP. UCSD rarely uses ad hoc cases but the CAP always establishes them. In contrast to other campuses, UCB automatically uses ad hoc committees for certain types of cases. It is surprising to some members that this practice is not standardized across the campuses in the APM.

UCSB: Members were asked how CAPs are evaluating cases in light of 210-1-d. This CAP relies on the candidate's statement about the contribution to diversity to evaluate this. Members agree that this is not the fourth pillar. The UCI CAP allows candidates to identify things that contribute to diversity and the CAP can award points in considering a merit. Some faculty have done exceptional work or received specific grants in this area. It becomes difficult when the research is about diversity. If a case is deficient, a contribution to diversity will not make up the difference. There is no formula for how much the contribution to diversity counts.

UCSF: CAP had a debate about what is considered service versus creative activities for faculty in the clinical x series in particular. It is not clear how to evaluate the work if it is part of an assigned job. Credit is given if you do something extra, not simply as part of your job. Sometimes an individual wants lab work to count as teaching, service, and research but it cannot be counted in every category. The CAP should ask the faculty to make the case.

V. Total Remuneration Study

- *Dan Hare, Vice Chair, Academic Senate*

Vice Chair Hare explained that benefits are no longer so highly valued that they can make up for the gap in salary relative to our peers. Chair Gilly has asked this committee, UCAAD, UCPB, and UCFW for recommendations that will be included in a presentation to the Regents in January or March. The last study of total remuneration was conducted in 2009. The 2014 study shows that UC faculty are now 12 percent below and benefits are now 7% below faculty at the comparison institutions. Total retirement is now 6% above the comparators, down from 33% above. As UCAP considers how to address the gap it should review the archive of documents about UC faculty salaries. One question is whether range adjustments should be given to everyone or only to meritorious faculty. Another is how to decrease the off-scale salaries and close the gap. The Legislative Analysts' Office argues that there is no salary gap because UC is in line with its public peers and that the comparison 8 is a poor comparator. Salary and cost of living are the reasons people leave or do not accept offers.

Discussion: Off scale salaries are inequitable because the faculty who do not threaten to leave often do not benefit. An approach is needed that does not look at the restless faculty but at those that are dedicated to the system. The best information about how recruitment and retention has changed since 2009 is

mostly available by word of mouth. Data on retention is based only on those who engage in the retention process, not those who maybe get offers and do not try to stay at UC. There is very incomplete and suspect information on retention rates. The absence of information about negotiations with candidates that may have failed makes the data suspect as well. Cost of living increases at UC versus the comparator institutions have not been discussed and Vice Chair Hare explained that UC is looking at the average, while recognizing that within that average there is difference. UCFW has cautioned against only at the four public institutions rather than the comparison 8 because of the need to be compared to other research universities.

Members were asked to suggest principles that would correct the salary gap and it was noted that all of the previous arguments have been shot down. This seems to be more of a political problem and the data is not driving what is considered. There is about a 10 % gap in total remuneration for the top 8 that is about \$18K a year and benefits do not make up the difference. Childcare and tuition credit do not take all faculty into account. Benefit costs are going up and efforts to improve the retirement package will be opposed. There will be pressure from the legislation to bring retirement into alignment with the CSUs, which makes it even less competitive. Giving more money to the EVCs for retention has lots of implications. UCM faces the situation where salaries are low and facilities are inadequate. For reasons related to equity the funds should be given to faculty across the board but EVCs could also allocate some percentage for meritorious faculty. There are preemptive retentions at UCSD and the deans have been very happy with the flexibility of this approach. Preemptive retentions are contentious at UCSF where there can be multiple programmatic reason to retain or attract specific people. It is very specialized and departments must attract the right people but the salaries that can be offered and especially San Francisco's cost of living make it difficult.

Chair Knapp asked if there has been a bigger difference between on scale and off scale since the budget crisis. Vice Chair Hare reported that the latest detailed information was in 2011 salary task force report that contained data on the number and distribution of sizes of the off-scale components. UCAP could ask for this analysis. Members agreed that providing an increase across the board makes sense. Trying to lure faculty back once they have gotten another offer becomes more difficult and expensive and it could be better to keep faculty happy in the first place. The system encourages people to seek outside offers to negotiate with at UC because it does not place value in the ability of faculty to say what someone is worth. Vice Chair Hare indicated with the mid-December deadline for comments UCAP will have to spend some time discussing this by email.

More work could be asked from people who have augmented salaries. Faculty not at the medical schools are asking why they cannot supplement their salaries, and a member pointed out that this is the purpose of the negotiated salary trial program at UCI, UCSD and UCLA. That approach would not be very equitable, as the opportunities for doing this vary between disciplines. A member suggested that the step system should not be rethought during this current process. UCAP could propose some principles to direct further discussion. UC's step system corresponds to the idea of shared governance. At UC, faculty have the opportunity to provide input and have more authority than faculty at other institutions and CAPs provide a fairly well-defined step structure. Eliminating the steps would give more authority to the administrators, so the step system is a very positive thing to keep.

Members agreed that equity seems to be a guiding principle. Reserving a certain amount of a salary increase for retention or merit is done at some campuses, including UCSD. Another member agrees with the idea of some discretionary funds since the campuses are all different and in some cases faculty may believe that the facilities are more important than their individual salaries. Vice Chair Hare noted that one of the final documents in the archive shows the average salaries by rank and by campus. There is a 30% range from top to bottom and it would be helpful for UCAP to comment upon whether this is justified or if it is something that should be addressed. UC is in the process of paying an additional fee to the

consultants to have access to UC's data. Vice Chair Hare clarified that UC is not in a financial position to address the entire salary gap in one year. The last proposal to adjust salaries was made in 2011.

VI. Consultation with the Academic Senate Office

- *Mary Gilly, Chair, Academic Senate*
- *Hilary Baxter, Executive Director, Academic Senate*

Chair Gilly thanked the members for their service, commenting that the time spent on CAP at their campuses and here at UCAP and all the work between meetings is very much appreciated. The Senate's new Executive Director, Hilary Baxter, was introduced. The president announced a long-term plan for stability for tuition yesterday and members should watch the Regents meeting on November 19th. The Council had some major concerns about how the budget was treated. The Committee on Planning and Budget was not get briefed in time. In addition, the president made it clear that the budget presentation at UCPB was to be done in Executive Session without the student representatives. Vice Chair Hare and Chair Gilly voiced their concerns about this directly to the president and she joined the UCPB meeting. The student representative was given the opportunity to talk to President Napolitano about her experience with confidential information. The students on UCPB were given a chance to be briefed the next day with student leaders. The Academic Council was briefed on the plan this Wednesday morning. Chair Gilly pointed to her comments in the LA Times where she stated that raising tuition is unfortunate, and that if the state would support UC, this step would not be needed, but it is necessary in order to maintain excellence. UC is over-enrolled by seven thousand students now. Chair Gilly has not seen any direct quotes from the governor in reaction to the plan yet.

All segments of higher education in California are dealing with sexual assault policies. Federal law requires training every two years. UC may be able to add this to the other required trainings for faculty so that it is not an additional burden in terms of the time it takes. Sensitivity training for faculty includes awareness of the advocacy office so faculty can direct students to it. A recent article in Inside Higher Ed discussed faculty as mandatory reporters. The Intersegmental Committee of Academic Senates is discussing the expected shortage of teachers as there are currently lots of retirements by teachers in response to common core. The AA degrees for transfer are becoming the main means of transfer. The AA degrees resulted from legislation where the community colleges and the CSUs cooperated to get specific degrees. Chair Gilly is concerned that UC may lose its competitive advantage over the CSUs with community college students. UC is trying to align its requirements and is considering what it would like its transfer students to have. The CSUs will request the budget they need, which is larger than what the governor is offering, and their meeting is right before UCs. The development of UC Path has been going on for a number of years. It is an effort to develop a systemwide human resources office. The Senate has been dealing with different aspects of it for a long time. It will not be launched on January 1st at UCOP and it is not clear what the new target date is or how it affects the campus roll out.

The President's Innovation Council, consisting mostly of venture capitalists and entrepreneurs, met over the summer and Chair Gilly can now attend these meetings. The goal is to improve UC's ability to do technology transfer and commercialization. This might be an opportunity to educate the president on faculty review. Some questions are whether an entrepreneurial culture will attract or turn off more faculty or if it will make it easier or more difficult to recruit. UC Ventures was proposed by the CIO during the Regents meeting in September. The plan is to invest \$250M over five years into faculty start-ups.

Discussion: Department chairs are often not well informed about what faculty should do in response to a report of sexual assault. Chair Gilly commented that one of the goals is that there will be commonalities across campuses about what this reporting office is called, such as the confidential advocacy office. There will be a website that has basic information and links to the relevant websites at the campuses. Uniformity

between campuses is needed. Students are also resisting the proposed sexual assault prevention training. While data on where the sexual assaults are occurring has not been seen by Chair Gilly, the focus of the task force has been on undergraduate students. Some questions include whether there can be disciplinary action and how the rights of the accused are protected. According to the Chair Gilly, Title IX officers are mandatory reporters but the confidential office will not have that mandate. The office will be a place where victims can talk about what happened and learn about their options or get help contacting the police. A student survivor asked for sensitivity training for faculty and that accommodations are made for victims, and Chair Gilly believes that faculty are already pretty good about accommodating issues on a case by case basis. The types of services that might be offered, such as disability services, are all under consideration right now.

VII. Consultation with the Office of the President

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

Academic Personnel is working on the President's Post-Doctoral Fellowship Program initiative for which an additional \$5M was designated primarily for hiring, new fellows, training and mentoring. Most of the campuses have joined the National Center for Faculty Development and Diversity, which offers online professional development to faculty, post-docs and graduate students. A leadership development seminar for chairs and deans will be conducted at each campus. The seminar uses a theater skit to focus on implicit bias and micro aggressions. The idea was that in addition to supporting the PPDFP it is important to create the right conditions on campus to create the right processes and environments to support faculty. Attendees have provided honest and varied responses to the seminar but it has allowed for discussions about difficult topics. A research component is included so that the results of this effort will be documented.

Vice Provost Carlson shared a draft proposal from UC press with UCAP. The Press is embarking on several new initiatives in the digital arena that fits a UC profile. The vice provost would like feedback from UCAP members about potential difficulties with evaluating a digital product instead of a physical product. In some cases this will involve the traditionally book-based disciplines, where not having a physical book will be a novel thing.

The Senate has already passed an open access policy for Senate faculty which is an opt out program. When the Senate passed that policy they asked the provost and the president to create a policy for non-senate faculty. The policy has to distinguish between who owns their copyright and what copyright is owned by UC. The state has a new law about open access and most federal agencies now require open access as well. UCOP wants to make sure that all of the affected parties have a chance to weigh in. The focus is just scholarly articles. Vice Provost Carlson also reported that Provost Dorr would like to put together a group of Senate members and academic administrators to develop a single set of recommendations to bring forward to the president on salary.

Discussion: A member has attended the leadership development seminar and because it was so educational, he suggests that it should be videotaped and made available online. The evaluation of digital products is a hot topic that disciplines are confronting. The vice provost indicated that the digital products will be peer reviewed just like a regular print book and there is agreement that as long as it is peer reviewed there should not be a problem. The perceptions about an online book rather than a paper copy to outside audiences will be important and it should be clear that there is still a rigorous evaluation. A member recommended that the UC Press should poll faculty in the book based disciplines for feedback on the proposal. It was noted that publishers now give authors an either/or choice so that authors pay a fee if they want their publication available through open access. This creates a pay to publish situation and the

ability of faculty members to pay varies and it is not clear how faculty in some difficulties would come up with the funding.

Administrators might be asked to agree that they will help pay publication fees. Computer science journals are asking for more substantial funds for publishing. The open access policy seems in conflict with this model. The restrictions about what authors can do and what should be posted. Chair Knapp commented that there is an open access consortium where universities are getting together to publish with no fee for the author. Vice Provost Carlson indicated that there is a lot of digital humanities work that is made for this kind of format. The challenges are maintaining the quality and the peer review process. A member asserted that open access is another way of taxing grants and this can be a particular challenge for younger faculty trying to get grants.

Senate Chair Gilly has tasked UCAP and three other Senate committees with developing recommendations or principles by mid-December for the Senate to take up after the first of the year. The vice provost commented that any recommendation has to wrestle with the scales which is increasingly difficult. Academic Personnel is putting together some information about off scale salaries to distribute to Senate committees. There is agreement that avoiding the question of the salary scale has simply made the situation worse. It was noted that the campuses used the same scale until the early to mid 90s. More information may be needed about how the disparity between campuses has grown over the past 20 years. Administrators had to do different things to recruit and retain faculty because of the financial crisis and the resources available to each campus beyond their state funding have to be factored in. Some campuses such as Davis have had low salaries and this may be due in part because of the conservative nature of the CAPs. Vice Chair Hare pointed out that data that might show whether some campuses are more likely to grant accelerations than other campuses is not collected.

VIII. Rewards and Recognition Work Group

- *Dr. Ann Marie Sastry, Chair, Rewards & Recognition Work Group of the President's Innovation Initiative*

Dr. Sastry shared her background with the committee, noting that she was very involved in undergraduate and graduate education during her 17 years at the University of Michigan and is a big believer in scholarship. She resigned in 2012 to run her company full time. When the president founded the Council, Dr. Sastry was asked to join in order to share her perspective. The purpose of the Technology Commercialization Initiative was explained. The Innovation Council will not set policy but rather provide external advice about good things that are already happening and ways that the UC system can support more of these activities. This is also meant to reinforce the UC mission of contributing to the public good in the state and the world. The commercialization of technology is increasingly becoming one of the most important contributions universities can make to society. This work can be done without compromising the scholarly output. Dr. Sastry provided an overview of data about UC revenues by source. Grants and contracts are restricted to particular activities and the state educational appropriations have gone from 23% of UC's revenue to just 9% in about 13 years. The Workgroup will advise the Council and by extension the president. UC already has good infrastructure for developing technology. The membership and charge of the Innovation Council were reviewed. The Council has been structured into five groups: entrepreneurial culture, communications, rewards and recognition, best practices, financing innovation. Two members of UCAP will participate on the rewards and recognition workgroup. This work is expected to take about a year.

Discussion: It was noted that the University has hurdles in place that make innovation challenging for faculty. The failure to reward innovation has not been an impediment. UC is not the only university looking at this right now, so it is good for UC to get involved. Data from peer institutions is being collected and the Workgroup currently has data from Texas, Arizona, Michigan, and Virginia. At least

part of UCAP will be asked to review initial findings before they are presented to the full Council. The Workgroup will want feedback from UCAP on opinion on best practices, problems and pitfalls. A member commented that patents are often counted as evidence of productivity. Faculty still have teaching and service to do and starting a company is not a replacement for other activities. The students place a value on being part of the discovery and adding value to it by bringing it to the market. There have been mixed experiences with startup companies. There is a disruption in activity and CAPs are not sure how to compensate for that and the benefit of this work to UC is not always clear. It would be helpful for faculty to see data about any revenue that has come back to UC from start up companies. Dr. Sastry agrees that there should be transparency about the burden or benefit to departments and campuses.

One question is whether faculty should give the patents back to the university so that they can be built upon. There was also a case where the dean was making an argument to a CAP that the faculty member has publications because they have more patents. Chair Knapp recommends that members think about the role that patents will play. The ideal for CAPs is a strong and balanced record and there is concern that this initiative will create an imbalance. One form of imbalance that might be of concern for CAPs is whether this will create a cadre of faculty who are advancing when the rest are not. Dr. Sastry responded that one aim is to regularize what UC is already doing and that this effort is not intended to stop artists from being artists. Some members of the UCSC CAP were engineers who helped contextualize difficult files for the other members. It can also be difficult to evaluate files in the arts. It would be valuable to have best practices spelled out somewhere. People at the campuses, such as vice chancellors for research, will have ideas for the Workgroup.

Dr. Sastry commented that the Workgroup will look at departments that have a lot of activity in patents and technology transfer and understand how they do things. At present, CAPs have no accepted metrics to evaluate patents or to determine the revenues generated. Dr. Sastry indicated that there are emerging standards on patent citations that some disciplines are beginning to use. It was noted that the technology transfer that takes place from UC to large companies would be worth exploring, but this is outside the scope of this Workgroup's charge. One member reported that patents were only a big factor in one case over the past few years and others agreed that patents have not tended to rise high in the discussion. Dr. Sastry asked if members could come back with some bullet points around review of faculty for tenure when has technology transfer has been an issue in reviews.

Meeting adjourned at: 4pm.

Minutes prepared by: Brenda Abrams

Attest: Jeffrey Knapp