

**UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL
VIDEOCONFERENCE MINUTES
WEDNESDAY, JANUARY 11, 2023**

Attending: Francis Dunn, Chair (UCSB), Lisa Tell, Vice Chair (UCD), Hannah Ginsborg (UCB), Edward Dickinson (UCD), Susanne Jaeggi (UCI), Chon Noriega (UCLA), Peggy O’Day (UCM), Sean Malloy (UCM Alternate), Deborah Wong (UCR), Katerina Semendeferi (UCSD), Hannah Glass (UCSF), Ruth Finkelstein (UCSB), Stefano Profumo (UCSC), Amy K. Lee (Associate Vice Provost, Academic Personnel and Programs (APP)), Kelly Anders (Director, Academic Personnel, APP), Susan Cochran (Chair, Academic Senate), Jim Steintrager (Vice Chair, Academic Senate), Brenda Abrams (Principal Policy Analyst, Academic Senate)

I. Consultation with the Academic Senate Office

- *Susan Cochran, Chair, Academic Senate*
 - *Jim Steintrager, Vice Chair, Academic Senate*
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- Katherine Newman, the new provost, started at the Office of the President (UCOP) this week.
 - The Regents have agreed to allow UCLA to join the Big Ten but will require that campus to provide financial aid to student athletes at UCB. This decision introduced a principle that the actions of one campus should not harm another which could apply in other scenarios.
 - Before the winter break, Vice Provost Haynes sent guidance to the executive vice chancellors regarding certification of work by personnel during the strike. The principal investigators (PI) are the starting point for a federal audit and the Senate has advised PIs that they should not sign work effort reports unless they are confident of their accuracy because signing incorrect reports is fraud.
 - The administration will be sending letters to graduate student researchers, post-doctoral students, and teaching assistants asking them to report the hours they worked during the strike in order to identify who withheld labor so paychecks can be adjusted.
 - Many UC students have never participated in a strike before and may be unaware that they cannot withhold labor and still get paid, but the UAW is aware that pay will be docked.

Discussion: Chair Cochran explained that opportunities for graduate students to make up work will vary across the campuses, and it may depend on the nature of each PI’s grant. UC Path had the capacity to withhold funds from striking students, but this would have been complicated to carry out. It could be easy to ignore the funds paid to teaching assistants, but the salaries for graduate students who were on strike cannot be charged to grants. Had the strike lasted only a day instead of six weeks, the need to dock students’ wages might not have been an issue but the duration of the strike means millions of dollars are involved. The majority of faculty did not strike and only faculty who withheld labor will be asked to complete self-attestation forms.

II. Chair’s Updates

Academic Planning Council (APC) is a joint Senate-administration group that focuses on academic planning issues such as five-year perspectives which are campus reports on their plans to add or discontinue programs. The establishment of new programs has increased to near pre-pandemic levels and for the first time more self-supporting graduate degree programs (SSGDPs) are planned than state-funded programs. In recent years, the Senate has been concerned about the quality of SSGDPs and ensuring that they are educationally responsible. Discussions at APC about the longer-term effects of the pandemic have led to the creation of the new Faculty Mission, Priorities and Balance Post-pandemic

workgroup. This group will explore ways to restore the balance between research, teaching and service. Another issue is that staff continuing to work remotely is impacting faculty and there are discussions about how to address this. Chair Dunn has been asked to serve on this workgroup. There are also discussions about faculty experiencing mental health issues and faculty trying to support students with mental health issues.

Discussion: If a SSGDP's revenue falls below a certain level, it is unclear if the general campus is responsible for making up any shortfalls in faculty salaries.

III. Consent Calendar

Action: UCAP's October 12, 2022 videoconference minutes were approved with corrections.

IV. Privilege and Tenure's Proposal to Change Senate Bylaws Related to Simultaneous Academic Misconduct and Personnel Actions

The Committee on Privilege and Tenure (UCPT) is proposing a change in Senate bylaws that would separate any simultaneous academic misconduct processes from personnel actions by putting the personnel action on pause until the disciplinary hearing is complete. UCPT's proposal was prompted by cases in which information about the disciplinary proceeding leaked into and prejudiced the personnel review that was underway. The discussion during Academic Council's October meeting revolved around concerns about administrators acting inappropriately and poisoning the well. It is not clear if the Senate should alter existing policy to address bad behavior rather than encouraging people to not act badly. Council felt UCPT should reconsider the proposal and consult with the Committee on Academic Freedom and UCAP.

Discussion: Members expressed concerns about the potential unfairness of holding up personnel cases which should move forward independently. If an administrator asks to pause a personnel action, that essentially notifies everyone that there is a problem regardless of the findings. A member described a case where the remediation was a significant part of the faculty member's packet, so separating the misconduct process from the personnel review might not always be possible. UCSF's CAP discussed this matter and agreed that there should be policies and a process that protect faculty. The fact that there are two separate processes for tenure and non-tenure actions should be clarified earlier in UCPT's document. There were also questions about the 8-year rule and how that would work in some instances.

It is not clear if this proposal takes into consideration the Abusive Conduct in the Workplace policy, and perhaps it would be good to wait to see if this new policy applies to the types of misconduct UCPT wants to address. Members have different perspectives about whether information about non-collegiality, bullying or being abusive should be included in a merit case. In the context of a disciplinary case, the principle is innocent until proven guilty, but bullying or other bad behavior could show up in students' teaching evaluations or other parts of the CAP file. Making the misconduct and personnel actions sequential and putting the merit review on pause is not the right approach and instead the focus should be on not poisoning the well.

One question is whether individual CAPs have options to delay seeing a case until the disciplinary action is resolved. Reportedly, UCD's CAP was notified that a misconduct process was underway. Having a mechanism that gives CAPs the ability to decide if a personnel action should be paused or not seems like an ideal solution. However, there is currently not a uniform process on every campus to get information

to CAP about misconduct investigations. Members considered if a process could be implemented to notify a CAP about a misconduct case and allow the committee to decide if the personnel action should be paused, noting the importance of transparency. However, this introduces the problem that CAP would then be aware of the misconduct case.

The analyst asked if divisional CAPs were consulted by the campus committees on Privilege and Tenure, and a member posited that it would be desirable to having a policy that reflects the local or divisional experiences which can in turn inform a systemwide policy. Based on the discussion, the emerging consensus is that the misconduct and personnel processes should continue to be parallel rather than sequential and that studying campus procedures and discussions between the campus committees might be helpful in determining the extent of the problem and the nature of possible solutions.

Action: Chair Dunn will draft a memo with UCAP's recommendations.

V. Mitigating the Impact of COVID-19 on Faculty and Achievement Relative to Opportunity (ARO)

Units are applying ARO principles to different degrees and some units or even entire campuses are resisting implementing the principles. Academic Council agrees with the Committee on Faculty Welfare (UCFW) about moving ARO principles forward as part of the review process. The idea is that flexible criteria might be called for in situations beyond the pandemic such as illness or other personal situations that might require flexible assessment of achievement. Council recommended that UCFW consult with UCAP before putting forth a proposal. During UCAP's last meeting, there was consensus on having more flexible review criteria, but ARO should not be enshrined as a new kind of criterion within the APM.

Chair Dunn consulted with UCFW's chair who suggested establishing a small workgroup with UCFW, the University Committee on Affirmative Action, Diversity, and Equity (UCAADE) and UCAP representatives to develop a proposed language for the APM. There will be two representatives from each committee, and the UCSC and UCI representatives to UCAP have already agreed to participate, and the chairs of the three committees will prepare the charge for the workgroup. One aspect of the charge will be to find a way to integrate ARO without making it a new criterion for evaluation.

Discussion: Members expressed support for this plan and the proposed language for the charge.

Action: Chair Dunn will convey UCAP's recommendation for the workgroup charge to the chairs of UCFW and UCAADE.

VI. Report on Faculty Hiring

The Committee on Planning and Budget's (UCPB) report on faculty hiring was presented to Council in October. Faculty hiring is not keeping pace with the increase in the number of students, and the increase in UC's systemwide budget is predicated on the compact with the governor that requires substantial increases in the number of students but does not include a requirement for keeping faculty hiring commensurate. UCPB's report points out that more Lecturers and Teaching Professors are being hired than ladder rank Senate faculty. Council's cover memo to President Drake encourages UCOP to address the deficit in faculty hiring. Although faculty hiring is not under UCAP's purview, it is a concern. The report is on today's agenda for informational purposes but the committee could write a letter endorsing Council's recommendation that more be done to address the faculty hiring deficit.

Discussion: The report raises questions about the balance between Teaching Professors and other tenure track ladder-rank faculty, but this is a long-standing trend which pre-date the pandemic. The increased salaries for graduate student researchers as a result of the strike will prevent the hiring of new faculty. Chair Dunn might suggest that UCFW opine on this report.

VII. Departmental Voting Rights of Teaching Professors

Last year, UCAP discussed the issue of Teaching Professors serving and voting on divisional CAPs and concluded that Senate Bylaw (SB) 55 does not prevent this. The committee concluded that it should be up to the division to decide if Teaching Professors should be appointed to their CAP. However, the bylaw does apply to the departmental voting rights of this series. Given the increasing numbers and role played by Teaching Professors on the campuses, it seems appropriate to consider if UCAP should recommend changing SB 55 to grant this series departmental voting rights. At present the bylaw excludes Teaching Professors from voting within the department unless two-thirds of that department expressly extend voting rights.

Discussion: UCB's CAP discussed this and opposes a blanket recommendation to give Teaching Professors voting rights in departments because their roles differ depending on the department, preferring that departments have the autonomy to decide for themselves. One question is why units should be able to define how the Teaching Professor series is handled when they do not define how the Professor or Lecturer series are handled. UCM's CAP has only a small number of Teaching Professors but they are vital and there is a strong desire to regularize how they are viewed and treated. The worry at UCM is that departments can make things up as they go along and departments treat Teaching Professor differently, so it might be useful to better define what a Teaching Professor is and determine if their rights and privileges are the same as those for ladder-rank faculty. One could argue that since Teaching Professors are full fledge Senate members they have the exact same voting rights as ladder-rank regular faculty. However, departments have the ability to strip them of their voting rights by a two-third majority because, for whatever reason, other faculty in these departments feel like Teaching Professors are second class citizens.

The decision about emeritus faculty voting or not is up to each department. In some departments, there is a move toward having Unit 18 Lecturers take on the work of Teaching Professors and there is less uniformity in practice than on paper. Another issue is that when departments originally hired Teaching Professors, the expectation was not that these individuals would have voting rights. Departments might not have hired certain Teaching Professors if they knew they would be able to vote and determine the shape of the department. UCD has specific criteria for evaluating Teaching Professors who play a critical role on campus especially with regard to the best approaches for teaching.

UCI's CAP has developed consistent merit review guidelines for Teaching Professors with each of the schools and the guidelines contain a section defining voting rights for this series, but the representative indicated that not all schools were amenable to giving Teaching Professors a vote. This CAP has had a Teaching Professor on CAP for the last three years which has helped with the evaluation of candidates in this series. It was noted that the language in SB 55 should be updated to change Lecturer with Security of Employment (LSOE) to Teaching Professor as a way to make the category more uniform across the system. However, some campuses still use LSOE. The fact that the APM still refers to LSOEs might explain why there are disparate expectations for individuals in this series and why Teaching Professors are treated as second class citizens. It would be dangerous to state that voting rights should never be extended to a new series. SB 55 allows LSOEs within a department to vote on other LSOEs but not on

ladder rank faculty, and changing the bylaw would remove this barrier. A revision to SB 55 would force departments to clarify who is a Teaching Professor and think about whether they need Unit 18 Lecturers versus LSOEs/ Teaching Professors. Members agreed that UCAP should recommend changing SB 55 to align Teaching Professors' voting rights within departments with those of other Senate faculty.

VIII. Consultation with the Office of the President

- *Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs (APP)*
- *Kelly Anders, Director, Academic Personnel, APP*

Associate Vice Provost Lee explained that Vice Provost Haynes is unable to join UCAP today and introduced the new Academic Personnel Director, Kelly Anders. Director Anders reported that the proposed new Presidential Anti-Discrimination policy should go out for systemwide review this year. Academic Personnel is working on implementation of the policy on Abusive Conduct in the Workplace and systemwide training on this policy for all employees will roll out soon. Campus academic personnel offices will be given toolkits with frequently asked questions, guidance for chairs and other academic supervisors, and an analysis form to assist with reviewing complaints and track violations of other policies. These offices will also receive template PowerPoint scenarios on abusive conduct from the training to share during information sessions with departments. The systemwide employee relations unit will provide additional training to campus employee relations offices along with resource guides for complainants and respondents, and best practice guidance to the campus offices that will conduct the intakes. Academic Personnel appreciated the Senate's feedback on the Anti-Discrimination policy and Associate Vice Provost Lee indicated that substantial revisions related to academic freedom issues were made to the policy based on that feedback.

Academic Personnel will work with Provost Newman to determine if the Negotiated Salary Trial Program (NSTP) will become an APM policy. The NSTP has been extended through 2025, and if a new policy is proposed it will go through the normal review process. Six campuses currently participate in the NSTP but if the program becomes a permanent APM policy, it will extend to the other campuses. Academic Personnel has been in touch with Todd Greenspan, the Director of Academic Planning at UCOP, about the ARO workgroup and a member of Director Ander's team will support that process and facilitate meetings. Chair Dunn noted that the ARO workgroup is now called the Faculty Mission, Priorities and Balance Post-pandemic workgroup.

UCAP's proposed changes to APM 210.1.d to emphasize mentoring were put on hold because the University Librarians (ULs) would like to include changes related to diversity, equity, and inclusion (DEI) statements. Academic Personnel is scheduling a meeting with the union representing the ULs and is prepared to send the proposed revisions out for review as soon as that meeting takes place. The office is also preparing technical legal revisions to five APM policies on leaves of absence which will be sent out for management review.

IX. Impacts of the Graduate Student Worker Strike on Faculty

Vice Chair Tell proposed that UCAP consider if personnel reviews should take into account the impact of the strike on faculty and if faculty should be encouraged to describe the impact in their candidate statement. This might be especially important for faculty at earlier stages in their careers who may not have had teaching assistants to help in their large classes during the strike or for whom the strike caused a delay in their research, and the magnitude could be longer than just the timeframe of the strike.

Discussion: UCLA's CAP received numerous queries from faculty concerned about student teaching evaluations being used for retribution. The committee worked with the Academic Personnel Office and agreed that candidates can decide if the evaluations for that quarter are included in the file. Chair Dunn suggested that UCAP send a statement to CAPs saying that reviewers should take the impacts of the strike on research, teaching, and service into consideration. It was noted that UCAP has not issued guidance in the past in response to wildfires or other events and that CAP members are fully aware of the strike. Campuses have responded differently to the strike, so faculty should be encouraged to explain how they managed the strike.

X. Campus Reports/Member Items

UCR: CAP has met 13 times since September and discussed 60 files. Last year, faculty were able to include a new optional statement that makes contributions to DEI more visible which has been beneficial. CAP also started allowing candidates in book disciplines to include an unpublished book chapter with a detailed book plan, and while this has not been done frequently it is making a difference. UCR's preemptive retention procedures are effective and essential for not losing good faculty members. The campus academic personnel office asked if CAP would consider giving up its right of review in order to speed up procedures and the committee decided against this.

UCB: CAP has been dealing with a lot of retention cases at steps one to four involving people in the prime of their careers and have received huge offers from private universities. Private universities do not have UC's procedures for regularly reviewing salaries and giving faculty reliable increases over the remainder of their careers. It has been challenging to find and offer incentives to people to serve on CAP for 2023-2024 probably because they find out about the immense workload.

UCSF: CAP is revising its instructions for academic curriculum vitae to make them clearer and more consistent. The committee was asked by the campus climate committee to add sustainability to the review, but CAP is questioning how this can be included from an academic advancement perspective. CAP decided that sustainability activities, either on campus or within the community, could be included under service or teaching. CAP is also revising the faculty handbook to explicitly describe ARO to help faculty understand how it is taken into consideration during the file review. The committee has received approval to have two separate but equivalent CAPs next year to handle the large volume of file reviews, but now members for two full committees have to be found. At an upcoming retreat, CAP will discuss fairness and consistency for accelerations across departments and appointments of faculty with academic careers prior to working at UCSF.

UCD: Cases came to CAP slowly in the fall and there are worries about the pace picking up in winter. The committee has met 11 times and reviewed 50 files. Faculty may be postponing submitting their files until their research ramps up again. Questions about accelerations at the barrier steps come up regularly and work needs to be done to clarify the relationship between crossing steps 6 and 9 and accelerations.

UCI: CAP is off to a slow start but expects to get more cases than last year. A new system to submit files, Scholar Steps, is being phased in to replace current system and it is working fairly well. UCI still routinely asks faculty to submit COVID-19 impact statements into their self-statements. Quite a few faculty are submitting the statements and this is in sync with the ongoing discussions about ARO principles and how they can be more systematically implemented in the future in contexts unrelated to the pandemic. CAP is discussing how to streamline the cases that come to the committee to reduce the workload on

academic personnel. Currently, CAP gets every other case and barrier steps but if the committee never gets normal merit files it will be difficult to judge what is considered normal. The committee has decided to maintain the current delegated file arrangement. There are also discussions about incentivizing service on CAP and ideas include offering course releases.

UCM: CAP has held three meetings this fall and looked at four cases. There is a bottleneck in the dean's office related to writing letters and the impact of this may be felt in the spring. This CAP is also seeing inconsistencies across units and departments with respect to ARO being cited and with accelerations. Issues with accelerations observed over the past few years include the unevenness of who departments put forward as well as allegations that CAP is inconsistent in how it considers them.

UCSC: CAP has initiated establishing a salary equity review process, which is connected to the issue of retentions as well as issues of equity, but this process is unrelated to career equity reviews which at UCSC deals with rank and step, but not salary. There are many open questions about when the process could be made available to faculty, whether only at a major promotion or at any point in time, and whether or not external letters should be asked when establishing salary equity. The administration has contacted the divisional Senate about collaborating in this process. CAP continues to discuss voting rights of Teaching Professors and it has become obvious that departments that do not extend voting rights to this series are having a hard time hiring quality scholars of teaching. At the same time, it seems difficult to go around the current structure of Senate Bylaw 55 and it is in the hands of departments to grant voting rights to these faculty. As discussed before, there is resistance from the administration to embrace the ARO principles and the representative is excited to serve on the new workgroup mentioned by Chair Dunn earlier.

UCLA: There is a bottleneck between the department chair and the dean's office which may be the result of understaffing and this is putting heat on the vice chancellor for academic personnel. CAP is working through a backlog of cases caused by the different review cycles for the medical schools versus the rest of the campus. The committee only has medical cases to review this month, a recurring problem every winter. CAP just submitted a proposal to the divisional Senate's executive board to increase compensation for committee members given the workload. Compensation varies by each members' department but members from the medical school are the hardest to compensate because they are on a 12-month cycle, and this is a huge problem in terms of recruitment.

CAP is also updating its guidance on key aspects of the personnel process with the goal of making sure it corresponds to what is in UCLA's Call. The committee seamlessly shifted to the ARO framework since everyone on CAP also went through the pandemic. This CAP has a subcommittee, the ClinCAP, which deals with non-Senate medical faculty and the subcommittee has pointed out the absence of a merit equity review process for these appointees. CAP was not consulted in advance about a new online system for the personnel process.

XI. New Business/Executive Session

There was no New Business or Executive Session.

Videoconference adjourned at: 1:55 PM

Minutes prepared by: Brenda Abrams

Attest: Francis Dunn