

UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL

VIDEOCONFERENCE MINUTES

WEDNESDAY, JANUARY 12, 2022

Attending: John Kuriyan, Chair (UCB), Francis Dunn, Vice Chair (UCSB), Rhonda Righter (UCB), Lisa Tell (UCD), Michelle Garfinkel (UCI), Catia Sternini (UCLA), Ramesh Balasubramaniam (UCM), Deborah Wong (UCR), Steve Briggs (UCSD), Meg Wallhagen (UCSF), Ruth Finkelstein (UCSB), Stefano Profumo (UCSC), Susan Carlson (Vice Provost, Academic Personnel and Programs (APP)), Robert Horwitz (Chair, Academic Senate), Susan Cochran (Vice Chair, Academic Senate), Brenda Abrams (Principal Policy Analyst, Academic Senate)

I. Announcements

Chair Kuriyan attends meetings of the Academic Planning Council which has received positive news about the state's proposed budget for UC. A principal concern for UCAP is the implementation of recommendations in the preliminary report from the Mitigating the Impacts of COVID-19 on Faculty Workgroup. Specifically, there is a question about whether the recommendation about achievement relative to opportunity (ARO) is being implemented. Chair Kuriyan will take UCAP's comments about the recommendations back to the Workgroup.

II. Consent Calendar

Action: UCAP's October 13, 2021 videoconference minutes were approved.

III. UCAP's Response to the Recommendations from the Regents' Working Group on Innovation Transfer and Entrepreneurship

Chair Kuriyan shared the draft report from the Committee on Research Policy (UCORP) with the members, noting that UCORP's recommendations are aligned with UCAP's. Members provided feedback on the draft UCAP report so it could be finalized.

Discussion: Members agreed that the memo reflects the diversity of opinions on UCAP and suggested minor edits.

Action: The committee finalized the memo.

IV. Consultation with the Office of the President

- *Susan Carlson, Vice Provost, Academic Personnel and Programs (APP)*

Academic Personnel continues to work on the changes UCAP proposed to APM 210 to highlight mentoring. Vice Provost Carlson thanked the committee for its work on a response to the Regents' Working Group on Innovation Transfer and Entrepreneurship. As a result of a recommendation from the Regents, proposed revisions to the leaves without pay policy, APM 759, are undergoing systemwide review. The revisions will add language about taking leave to pursue innovation and entrepreneurship activities. Vice Provost Carlson hopes UCAP will weigh in on the proposed revisions to APM 759 and the proposed changes to the conflict of commitment policies, APMs 025 and 751.

The preliminary report from the Mitigating the Impact of COVID-19 on Faculty Workgroup was recently discussed by campus vice provosts and vice chancellors for academic personnel. This group is debating if changes in the review process are needed and what those changes might be.

Discussion: One question is whether ARO should become a general principle and a permanent part of the personnel review process, although there are worries that it may be difficult to implement objectively. Vice Provost Carlson indicated that ARO has always been an issue. CAPs see cases where external factors impact performance, but the pandemic has negatively impacted a large portion of the faculty. It is clear that the pandemic has had a profound negative affect on faculty with caregiving responsibilities, on women more than men, and on faculty of color. The vice provost thinks it is worth discussing whether ARO is a policy or judgment issue or if it is a matter of training for the people making judgements about career progress (members of CAPs, department chairs, and deans). The idea of ARO needs to be brought to the forefront of the conversation rather than being a factor considered as an afterthought when decisions about career progress are made. Vice Provost Carlson has not heard anyone supporting a policy change and, in fact, some vice provosts at the campuses that deal with academic personnel matters are concerned that ARO would disrupt the carefully calibrated factors used for decision making.

The campus vice provosts have been tracking requests for deferrals and there has not been an increase in part because faculty have been encouraged to keep coming up for advancement and merit reviews. There are many mechanisms in place to support faculty who may not be ready to come up for advancement and to give them credit so that the negative effect of having less time to conduct research will not have a lasting effect on their career path. Academic Personnel's data shows that the percentage of faculty are coming up for merit reviews and being reviewed this year is about the same as last year.

A member asked if Academic Personnel has data on the number of requests to stop the clock submitted since the start of the pandemic because there could be a problem in a couple of years with faculty who delayed the tenure process. Since campuses handle requests for the first and second year extension, Academic Personnel only has information about requests for a third year extension. The third year extension is an exception to policy that must be approved by the Provost. The Provost typically receives one request per year for a third extension to the tenure clock. In contrast, between July 2020 and November 2021, the Provost received and approved 47 requests for a third extension of the clock and most of these cases involved faculty who had a childcare deferral or extension. Vice Provost Carlson remarked that requests for a fourth year extension of the clock have not been received and doing this would probably be a bad idea. A request for a fourth year should prompt CAP to consider if the faculty member has the amount of work that would be expected and where ARO would be applicable.

V. Campus Reports/Member Items

UCR: The CAP has made a major change to The Call, the division's version of the APM, so that unpublished book chapters in a book manuscript in process but not yet submitted are considered and counted in specific ways. Departments have been made aware of this change.

UCLA: The CAP is discussing how to evaluate collaborators on Team Science projects.

UCSF: The CAP is thinking about how to evaluate the different kinds of teaching which happens across the campus and whether there is a way to standardize how teaching is assessed. The CAP is

also considering the expectations for the Clinical series which vary. Another issue is equity related to accelerations because departments differ widely in terms of recommendations for accelerations.

VI. Consultation with the Academic Senate Office

- *Robert Horwitz, Chair, Academic Senate*
- *Susan Cochran, Vice Chair, Academic Senate*

Chair Horwitz thanked the committee for its work on a response to the recommendations from the Regents Working Group on Innovation Transfer and Entrepreneurship. UCAP's response comports with Senate leadership's remarks to the Regents Special Committee last month which noted that the APM is flexible and that CAPs give faculty credit for innovation and entrepreneurship. Academic Council will discuss UCAP's memo later this month.

UC and the UAW reached a settlement on the contract for graduate student researchers. The main bone of contention had been the definition of a graduate student employee and thus who is in the bargaining unit, and President Drake was adamant about maintaining a distinction between student and employee. UC also reached a five-year contract with AFT Unit-18 lecturers that will raise full-time lecturers' salaries by 20% by the end of the contract and begins to establish greater security in continued employment for lecturers. The leadership of AFT has said they expect their members to eventually be members of the Senate.

UC clinicians are again discussing Senate membership, and Chair Horwitz noted that the Senate considered and rejected a request from clinicians for membership ten years ago. Faculty in the Health Sciences Clinical (HSC) series are not Senate members and there are a lot of faculty in this series (faculty in the Professor, In Residence, and Clinical X series are members of the Senate). The UC Health Diversity, Equity, and Inclusion Task Force found that HSC faculty have low morale and feel they are second class citizens because they are not in the Senate. As chair of the UCSD divisional Senate three years ago, Chair Horwitz learned that the primary concerns for HSC faculty were related to working condition, the lack of power and the fact that permanent department chairs control the Y component of the salary. Senate leadership has created an ad hoc work group comprised of people who understand the HSC series to explore how some of the faculty have been incorrectly placed in this series. Faculty who are not in the right series should be moved to an appropriate Senate series.

Governor Newsom's budget proposes a five-year compact with UC involving a 5% annual increase to the permanent budget year for five years as long as UC increases enrollment. Chair Horwitz noted that President Drake has already signaled the goal of growing by 20k new students by 2030 (16k undergraduates and 4k graduate students). The proposed budget calls for UC to double the student credit hours generated by online undergraduate courses, and this is connected to the Senate's consideration of fully online undergraduate majors, which has stymied the Senate for the past few years. Time shall be devoted during upcoming Academic Council meetings to discuss if fully online undergraduate degrees are a good idea and, if so, how they should be structured. The budget also requires that the campuses over the 18% maximum threshold for non-resident students (UCB, UCLA and UCSD) decrease the enrollment of these student to the cap, but they will be reimbursed by the state. Chair Horwitz explained that the Office of the President (UCOP) uses a complicated rebenching formula to determine how much funding each campus receives in an attempt to even out the funding. The Committee on Planning and Budget and UCOP's budget office are in the process of reviewing the formula.

In December, Council endorsed a proposal to send the Regents a Memorial on climate which reads: "The University of California Academic Senate petitions the Regents for investments in UC's infrastructure that will reduce on-campus fossil fuel combustion to 5% of current levels by 2030." If endorsed by the Academic Assembly, the Memorial will be voted on by the divisional Senates. Chair Horwitz indicated that an important element in the preliminary report from the Mitigating the Impact of COVID-19 on Faculty Workgroup is ARO in the merit and promotion process. The workgroup discussed a potential five year horizon for the pandemic affecting research careers. The president endorsed the report, which offers guidelines rather than policies, but it has so far proven difficult to ensure it is reaching every faculty member.

There is currently a conflict related to teaching modality. Who controls the modality and what is required of faculty to accommodate students are complicated issues. The Committee on Academic Freedom is investigating demands by disabled students at UCLA that all courses are recorded. Recording classes is an accommodation that meets requirements of the Americans with Disabilities Act, but it also compromises an individual faculty member's ability to control their pedagogy and whether they want to be recorded. The Coordinating Committee on Graduate Affairs (CCGA) has taken a hard line on a request from graduate student instructors to continue teaching remotely without a medical reason. Council endorsed CCGA's memo that indicates remote instruction unrelated to medical reasons requires pedagogical justification and that the difficulty of finding housing near campus cannot be the basis for teaching remotely.

Chair Horwitz explained that inflation running at close to 7% is beginning to affect retirees who received just a 2% cost of living adjustment (COLA) this year. This is undermining the purchasing power of retirees, so the Senate is asking UCOP to give retiree benefits an ad hoc COLA as has happened in the past. Finally, Chair Horwitz will send UCAP a charge asking the committee to consider Senate Bylaw (SB) 55 and the question of whether Lecturers with Security of Employment (LSOEs) can serve on divisional CAPs. Some CAPs have members who are LSOEs but there are ladder rank faculty who may object to this. UCAP is asked to explore a systemwide approach to having LSOEs on CAPs without dictating what campuses can do. Chair Horwitz would prefer not to rewrite SB 55.

Discussion: No one from the UCD Veterinary School is on the ad hoc group looking at faculty in the HSC series but the group includes a member from Davis. There are variations in how the School of Medicine and the Veterinary School use the different series. UCSF considers all faculty to be in the Senate for local decisions but non-Senate faculty are excluded from votes on systemwide issues. The culture at UCSF is that everyone should have an equal say about the work of the university.

VII. Preliminary Report from the Workgroup on Mitigating the Impact of COVID-19 on Faculty

Chair Kuriyan invited members to share their thoughts on the report from the Workgroup on Mitigating the Impact of COVID-19 on Faculty and there is no deadline for sending feedback to the Workgroup. Vice Chair Dunn mentioned that UCSB is acting on recommendations in the report and the UCSD representative indicated that the campus administration is refusing to alter key deadlines. Members are encouraged to read a paper that came out of the proceedings of the National Academy of Sciences on the disproportionate impact of the COVID-19 crisis on women caring for children or other dependents. Earlier in the meeting, Vice Provost Carlson remarked that at some point all faculty members are likely to face crises and these events should not be ignored during the review process as they have been in the past, which runs counter to the practice of evaluating files based on an absolute metric. ARO is an issue that should be on UCAP's agenda for the next few years.

Discussion: The analyst confirmed that the report is a public document and members of UCAP should feel free to distribute it to their colleagues. The UCD representative shared that the CAP takes into account information about a challenge noted in a packet. However, a problem that arises is when a faculty member does not take a formal leave but colleagues learn about the situation via hearsay. It is important for faculty to document the challenges they faced in a COVID-19 impact statement so it can be considered by their CAP.

VIII. Systemwide Review Items

The committee has the opportunity to comment on proposed revisions to APM 759 (Leaves of Absence/Other Leaves Without Pay) and comments are due January 18, 2022. Chair Kuriyan did not identify any significant issues with the changes.

Discussion: A member pointed out that the June 30th deadline is too rigid. If a faculty member's leave is approved in May, they will have to request a renewal almost immediately and this would be a burden.

Action: Chair Kuriyan will draft a memo to Council with UCAP's feedback.

The committee also has the opportunity to comment on proposed revisions to APM 025 and APM 671 (Conflict of Commitment and Outside Activities of Faculty Members) and comments are due January 18, 2022. Chair Kuriyan is concerned that the auditors recommended that all foreign activities should be listed as Category I which require that faculty attain permission.

Discussion: Members agreed it is unacceptable that all foreign activities faculty engage in should be classified as Category I. The criteria for the types of engagement faculty have with what the auditors classify as foreign agents needs to be very clear.

Action: Chair Kuriyan will draft a memo outlining the committee's concerns.

IX. New Business

There was no New Business.

X. Executive Session

There was no Executive Session.

Videoconference adjourned at: 12:55 PM

Minutes prepared by: Brenda Abrams

Attest: John Kuriyan