UNIVERSITY OF CALIFORNIA   **ACADEMIC SENATE**
UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL
VIDEOCONFERENCE MINUTES
WEDNESDAY, OCTOBER 12, 2022

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), Meg Wallhagen (UCSF Alternate), Ruth Finkelstein (UCSB), Stefano Profumo (UCSC), Douglas Haynes (Vice Provost, Academic Personnel and Programs (APP)), Amy K. Lee (Associate Vice Provost, APP), Brenda Abrams (Principal Policy Analyst, Academic Senate)

I.   Welcome and Introductions

Chair Dunn welcomed members to the first UCAP meeting of the 2022-2023 academic year and reviewed the committee's charge. Academic Council may ask UCAP to consider various issues and occasionally the committee will take the initiative on a matter such as the 2021 guidance to campus CAPs, departments, and faculty around the preparation and review of academic personnel files impacted by the COVID-19 pandemic. This year, UCAP may wish to consider any additional guidance it can offer related to the repercussions of the pandemic especially regarding the concept of achievement relative to opportunity (ARO). UCAP is one of the handful of standing systemwide committees that participates on Council as well as the Assembly of the Academic Senate, and it is represented on the provost's Academic Planning Council along with various other task forces.

Since Senate leadership could not join the committee today, Chair Dunn reported on the September Council meeting. Among other topics, Council discussed a new workgroup on recovering from the pandemic and the pending announcement of the new provost. Senate leadership will follow-up on the president's decision to not implement the Senate's recommendations for systemwide availability of extra sabbatical credits for faculty whose research has been adversely affected by the pandemic. Council endorsed a recommendation from a study of Master's degree programs that reinforced that approval of these programs should remain with the systemwide Senate and not transferred to the campuses. UCAP will consider a proposal from the Committee on Privilege and Tenure to separate the processes if a faculty member is up for a personnel action at the same time they are undergoing a disciplinary review.

II.   Campus Reports/Member Items

UCLA: Emeriti conferrals have been turned over to CAP after the emeriti committee was disbanded but the requirement that the CEO of the health system approves the clinical appointments made by the School of Medicine is problematic. "Faculty 180" is an attempt to combine all databases related to academic personnel into one system with the goal of improving things for CAP which is the end user. However, CAP only recently heard about this effort although the process has been underway for several years. CAP has asserted it should have been consulted first because what administrators have proposed is inconsistent with the criteria considered by CAP.

Another issue is related to banking courses when faculty take on administrative service and get course release that cannot be used immediately due to the commitments they have already made. CAP disagrees with the administration's position that the course release must be used within the specified timeframe. The committee is developing guidelines on community engaged scholarship to help clarify how to put together a case when the faculty member is not at the center of the research.

Last year the CAP worked on guidelines for Team Science where the challenge is that phenomenal faculty engaged in critical components of the research are middle authors seen as providing technical support when they might be initiating the projects. The committee tried to create a framework to enable the faculty member to make a clear case about their role and contribution.

CAP has been rethinking Step VI and will consider if the rules should be changed. The committee has difficulty with faculty whose research profile has slowed down but who have done as much or more teaching and service. While these faculty are central to the functioning of their program, technically CAP cannot move them forward. There are also faculty who have slowed down and have not sustained excellence in research although the quality of their work remains high, and CAP pushes these cases over the line. CAP has adopted the practice of using timers for their discussions which has made meetings more efficient.

UCR: Only four of the ten CAP members from last year are serving on the committee again this year so there will be a learning curve for new members. In 2021-2022, CAP had a drawn out discussion about the dean's final proposal which would mean that if the department and dean approve a candidate's merit or promotion file, the case would not go to CAP. The vice provost for academic personnel is in favor of this proposal but CAP is not. The committee carefully examined its data and determined that it is immensely useful for CAP to look at all files including those that would not go forward if the dean's final proposal is implemented. It can be beneficial to candidates for CAP to look at all files because the committee often proposes an additional off-scale salary. CAP has started using Google Drive for the minutes for all files which has been a time-saver and streamlined the work.

UCSB: Information about ARO is not reaching the faculty in individual departments who will be writing the cases reviewed by CAP. The salary scale system is not functional and the representative has the sense that anything less than acceleration is regarded as a failure and a straight merit increase is no longer regarded as sufficient.

UCM: There is inconsistent use of COVID-19 statements by departments, with some using them regularly while others do not. The administration is supposed to talk to department chairs who in turn are to talk to their faculty, but CAP is concerned that chairs are not communicating with faculty. UCM's provost and vice provost have said they will think about ways to communicate more directly to faculty the importance of these statements. Another issue at this campus is the appointment of endowed chairs and the information in the file about teaching, service and contributions to diversity. There is a disconnect between the instructions given to candidates when they apply for endowed chairs and those given to department, with candidates being told to submit a statement linking their research to the endowed chair but departments being advised to prepare cases using all the normal criteria. This results in the files from the department having everything in it but CAP getting minimal information from candidates. This underscored the need to communicate directly to candidates and to potentially change the local manual to emphasize that endowed chair cases should consider all the criteria, and this has been communicated to the vice provost and provost.

UCSD: Over the past two to three years, CAP has asked faculty to specify their exact role in the bibliography and explain the standards in the field. The bibliography includes clear statements about contributions regardless of where the author's name is. Last year, CAP changed the language in the appraisals of junior colleagues from "favorable with reservations" to "favorable with recommendations" in an effort to provide positive and constructive feedback. In meetings, CAP has no time limit on presentations and discussions of the top three files and discussion about files

requiring a lot of attention are not restricted. However, for other cases presentations and discussions are limited to ten minutes.

UCSF: CAP is looking at diversity as it relates to submissions of impact letters in various files and is trying to get more information regarding what is put where in a curriculum vitae (CV). UCSF has multiple campuses so individual faculty have varying levels of understanding of how CVs work and where the diversity statements are included. The campus sustainability committee wanted a section of the CV about the candidate's contributions to sustainability, but CAP felt it could not evaluate this type of work very well. CAP is in discussions with the sustainability committee and the divisional Senate leadership about how to report activities related to sustainability. Also, CAP wants to consider the equity of accelerations because some departments request more accelerations than others, and the committee wants equitable distribution across the departments. Due to the number of files, there will be two equal committees next year handling the work so how files are reviewed will be carefully monitored to see if there are differences.

UCB: This CAP is struggling with Step VI and faculty who have an impressive career record but do not have a new distinctive major achievement, which many units view as something that prevents their faculty from getting across the threshold. One issue is there are more accelerations than in the past and faculty reach Step VI sooner. The representative noted that CAP has community engaged research guidelines that could be shared with UCAP members. CAP is aware of increasingly large salary disparities across fields which appear to be related to different expectations for acceleration. Faculty in Science, Technology, Engineering and Math fields in particular regard 1.5 as the norm and chairs and deans advocate aggressively for this. In contrast, in Social Sciences, Humanities and other fields chairs and deans rarely seek accelerations. In book fields, writing a book is required for an acceleration and this might be partly responsible for the disparities.

CAP is also concerned that in some fields where there are research grants which faculty can use to pay themselves, salaries are higher because they can get summer salary. UCB has not participated in the negotiated salary trial program (NSTP), but the campus is debating joining the program. But the NSTP will increase the salary disparities even more because some faculty will be able to get another 30% over and above their standard salaries.

UCSC: The campus administration seems to find ARO problematic and it was challenging to get a confirmation in the annual joint executive vice chancellor and CAP message that COVID-19 statements will be used in personnel reviews. It is hoped that additional guidance will change the administration's position. CAP has been dealing with the extension of Senate Bylaw 55 rights of teaching professors within departments, which is turning into a critical issue of equity. Teaching professors are senior members of departments and it is becoming difficult to hire more of them because they do not have the same voting rights as ladder rank faculty. The committee worked on other rights of teaching professors last year such as above scale promotion or career equity review not being available to them. Another topic under discussion is the idea of having a mechanism for a salary equity review distinct from the mechanism of career review. Certain types of reviews available for faculty administrators are not open to normal faculty, which is not equitable, so the CAP is trying to establish this type of mechanism.

UCI: During CAP's first two meetings this year, it is clear that the turnover in membership has changed the committee's dynamic. The representative noted that the committee does not look at salary and mentioned that CAP has strict timelines for discussions about files. Each school was asked to devise new guidelines for teaching professors to facilitate the reviews for these faculty by making the requirements and expectations clearer. Another issue is the length of statements faculty

put into their files and the campus provost set a limit of three pages, although some faculty are concerned about not having enough space to report all their activities.

This CAP has discussed the impact of Covid-19 and equity issues around retention, especially with respect to early career, women, and underrepresented minority (URM) faculty. The committee wants to make sure these faculty are encouraged by their chairs to document what is often invisible labor or service activities that have increased in recent years as reflected in the Senate's faculty survey. CAP plans to be on the lookout for potential inequities so they can be brought to the attention of chairs or deans. Issues include URM faculty being asked or pressured to be equity advisors although this is not something they should do given how negatively they were impacted by the pandemic.

UCD: CAP has a cordial relationship with the campus administration and no major problems have come up this year. One challenge is assessing files that include collaborative research such as editing volumes of essays in the Humanities or Social Sciences. Another issue is the complexity of appointments in the medical school in terms of determining the proportion of clinical versus teaching. The committee struggles with the differences in student evaluations across disciplines and schools. In the technical disciplines, the evaluations are mediocre when compared to those in the Humanities and Social Sciences.

It is often difficult to determine if textbook publications fall under teaching or scholarship. Since textbooks published by major corporations are expensive, some faculty are starting to self-publish textbooks for their courses. But it is hard to figure out how to assess these textbooks because they are not peer reviewed even though they are important and have been widely adopted by other universities. The representative mentioned that only three of nine members on CAP last year have returned and this could change how the committee assesses Step VI actions with respect to making the distinction between the overall eminence of the candidate versus their performance in the most recent merit period.

III.   Mitigating the Impact of COVID-19 on Faculty and Achievement Relative to Opportunity

The Committee on Faculty Welfare (UCFW) has proposed codifying the ARO concept to the Academic Personnel Manual (APM). This new policy would not be specific to Covid-19 but it would allow personnel evaluation to take appropriate account of severe or unexpected events that affect an individual's ability to perform research, teaching, and service in the normal manner. Although there is no written proposal yet, Council supports UCFW's recommendation and has asked that committee to work with UCAP to create a proposal for revising the APM. Embedding ARO into systemwide policy would make it clear to reluctant administrators that they are required to get on board. Chair Dunn asked members to indicate if they are in support of proceeding this way.

Discussion: It makes sense to change the APM so there are documented guidelines that all campuses follow but the clarification should not be specific to COVID-19. UCB has always taken obstacles into account when assessing faculty research but there is a concern that changing the APM could tie the hands of individual campuses in a way that might end up being detrimental or counterproductive. Adding a generalized ARO principle to the APM could be problematic as it could lead to endless debate over what is or is not a special circumstance and how much the special circumstances did or did not affect a person. The APM and personnel processes already allow CAPs to take an individual's circumstances into account. It could be useful to have a mechanism in place whereby a declaration of an emergency that affects everybody across all campuses is automatically

considered in the personnel process without being subject to a lengthy assessment of the situation before any action can be taken.

UCSC's administration is refusing to apply ARO even in the most obvious circumstances, thus it is essential for this campus to have the ARO language in the APM. There were disruptions at UCSC due to wildfires which sometimes coincided with the pandemic, but the administration has not acknowledged the apparent impacts of these multiple events. The point was made that ARO goes beyond catastrophic events to work/life balance, highlighting the need for holistic academic advancement processes. The principle addresses the typical challenges faced by women faculty and faculty of color and could promote equity across the campuses. Under exceptional circumstances it is essential to have a policy such as this applied equally across UC campuses.

The idea of ARO was originally based on existing APM language that allows for some degree of flexibility, but the goal is to extend this flexibility and make it more obvious. Some campuses are resistant to ARO in part because they claim they are already apply this principle. Implementing ARO could be difficult because CAP would have to assess a faculty member's achievements in research, teaching and service in addition to the whole environment in which these have happened. The argument of UCSC's administration appears to be that ARO undermines the meritocratic structure of UC by lowering expectations of productivity in certain cases. This is essentially a refusal to acknowledge that faculty can be exceptional even if productivity was affected by the pandemic.

A member pointed out that ARO is subjective, and it may be useful to see how ARO is being implemented by the campuses before it is codified. Adding language to emphasize and clarify the importance of external factors would be good but "ARO" has taken on a negative connotation so different language might be adopted. Having a principle like ARO articulated in the APM will mean that the administration needs to pay attention in a more uniform fashion across the system. UCM's CAP sees variability in what faculty are reporting in their self-evaluations about COVID-19 impacts even though the campus has been supportive. There is unevenness both across and within departments at UCM with respect to how faculty are contextualizing their individual circumstances, suggesting that general clarification about how ARO should be articulated would be useful. Members seemed to agree on having language that makes it clear that, in assessing a faculty members record of achievement, CAPs take into account obstacles that a faculty member might have encountered in pursuing their research.

Chair Dunn indicated that UCAP will work with other Senate committees and UCOP to develop a proposal for changing the APM which would need to undergo systemwide review before approval. The other concern for UCAP is that differential implementation across the campuses will result in inequities although this was also the case pre-pandemic. UCAP will not be prescriptive but instead offer ideas and recommendations, and the committee will revisit its April 2021 *Guidance for Review of Academic Personnel impacted by the COVID-19 pandemic*. One challenge is that UCAP's guidance and the report from the task force on mitigating the impact of COVID-19 on faculty have not reached all faculty. UCLA's CAP held workshops early in the fall quarter with deans and chairs to review the ARO framework, reinforcing the idea that it is being used on a campuswide basis and prompting the participants to think about the cases they will be preparing for CAP.

A member shared that junior faculty worry about appearing defensive or weak if they include details about their negative experiences in COVID-19 impact statements and they fear that the information may be held against them. Department chairs and the people reviewing files, not just individual faculty members, should be thinking about the ARO concept. Sometimes there is enough information in the packet that reviewers will apply ARO without faculty having requested it.

Concrete next steps for the committee might involve reiterating the importance of COVID-19 impact statements and recommending training and workshops about the importance of ARO. UCAP will update the April 2021 guidance document and ask Council to widely disseminate it.

IV.   Systemwide Review Items

➢ The [second systemwide review of the Presidential Abusive Conduct policy](). The deadline for comments is October 18, 2022.

UCAP did not opine during the first systemwide review of what is now called the Abusive Conduct policy. Last year, a member pointed out that there is no way to hold administrators accountable if they are the ones engaging in abusive conduct. A question is if the review process should be independent of administrative control. The committee should determine if it will comment.

Discussion: The revised proposal is an improvement over the first version which did not take power imbalances into account and also raised concerns that the policy could be weaponized against faculty of color and female faculty who are often viewed as uncivil when critiquing oppressive systems. There are questions about how the proposed policy will be implemented. It is not clear why administrators are not covered by this policy or if this policy will be integrated into training that is already required. Members agreed that UCAP should provide a memo recommending that people in positions of power including administrators should be covered by this policy and that there should be a mechanism for making the review process independent from administrators.

Action: Chair Dunn will draft a memo outlining UCAP's concerns.

➢ The [second systemwide review of revised APMs 025 and 671](). The deadline for comments is October 19, 2022.

The proposed policy on outside activity was politically driven as it focused on foreign influence on research. The policy increases the burden on faculty to obtain prior approval for a wider range of activities.

Discussion: One CAP believes the policy will be ineffective and that the increased reporting responsibilities will be a huge burden for faculty. The language about "pending acceptance" and "pending approval" suggests faculty will need to disclose before applying for something or they could get in trouble even if nothing comes from the application. If this policy is implemented, effective communication by the administration will be needed and faculty will have to be educated about what they are required to do. The criteria to be used to determine if an activity is approved or not is unclear.

There is already language in APMs 025 and 671 saying that faculty should adhere to existing federal funding laws and policies, and members questioned why the scope is being broadened. It was noted that the previous federal administration was concerned about foreign influence specifically by China and Chinese scholars. UCOP's audit office was concerned about political allegations being leveled against UC. One positive is that the revised proposal is significantly less xenophobic than the first proposal.

Action: Chair Dunn will draft a memo explaining the committee's concerns.

V.   Plan for In-Person Meeting at UCOP

The committee can meet in person at UCOP once this academic year provided there are at least five hours of real business. No one will be required to attend in-person. Chair Dunn suggests holding the January meeting in Oakland.

Discussion: At least one member would prefer having the in-person meeting in January. Members are not enthusiastic about traveling for an in-person meeting and the environmental impact and a resurgence of COVID-19 are key considerations. Members agreed to not meet in person.

VI.   Triennial CAP Practices Survey

Chair Dunn invited members to discuss the information in the most recent CAP Practices Survey.

Discussion: Members shared how faculty are compensated for serving on their campus CAP. There is minimal course relief for serving on any committees at UCM and the chair of CAP had to negotiate for a course release. There is now an effort to improve compensation at UCM, so it is helpful to have information about how compensation works at the other campuses. At UCLA, CAP members are told to negotiate release with their department and, although members receive a summer stipend, the course release does not offset the hours of work during the academic year. Some chairs and deans have not been supportive or understood the value of service on CAP. This year, CAP will ask the Senate for a budget for course releases for chairs and vice chairs.

UCSD's CAP members are given course release for two undergraduate courses for the year plus one summer salary and the chair receives two summer salaries. The representative noted that this year CAP held 37 meetings that were between five and six hours long and reviewed up to 30 files during each meeting for a total of almost 700 files. Members of UCSF's CAP are not given course release. It was noted that UCB's is the only CAP that makes recommendations on FTE allocation which is a significant amount of work. Vice Chair Tell remarked that the continuity of analyst support is critical to a CAP. UCAP will review the survey again after data from more campuses has been submitted.

VII.   Consultation with the Office of the President
- *Douglas Haynes, Vice Provost, [Academic Personnel and Programs](#)*
- *Amy K. Lee, Associate Vice Provost for Academic Personnel and Programs*

Chair Dunn and the members welcomed Vice Provost Haynes and Associate Vice Provost Lee to the videoconference. Vice Provost Haynes reported that Academic Personnel continues to work on incorporating changes to APM 210 to recognize mentoring activities. The University Librarians (ULs) have recently proposed changes to APM 210 to incorporate diversity, equity and inclusion statements in librarian reviews. Once the ULs finalize their proposed language the revisions to the policy will be sent out for systemwide review before the end of the year.

There are a number of Presidential policies that intersect with academic personnel including the Abusive Conduct policy which will go into effect next year and the revised anti-discrimination policy which will be distributed for management consultation next week. The Negotiated Salary Trial Program is being evaluated to determine if it should be continued or if a different approach should be pursued. The provost will convene a Senate-Administration workgroup regarding ARO principles in academic reviews as part of the focus on mitigating the impact of COVID-19 on faculty.

Discussion: Vice Provost Haynes has not seen UCFW's memo about adding ARO to the APM but has reviewed the Senate survey of faculty about the impact of the pandemic. Chair Dunn summarized UCAP's discussion about adding ARO language to the APM and concerns about the different approaches to addressing COVID-19 impacts that have been taken across units, within campuses and across the system. UCAP is thinking about how to make individuals and units aware of these policies and procedures in an effort to get more consistent and uniform adherence to them. Vice Provost Haynes was advised that CAP analysts have begun tracking the submission of COVID-19 impact statements but UCAP has not seen any documentation at this point. Associate Vice Provost Lee indicated that the provost's new workgroup can address the issue of differential implementtation of the systemwide guidance on ARO.

Chair Dunn reported that individuals have been hesitant to provide COVID-19 impact statements and that department chairs, units, and in at least one case an executive vice chancellor have been very resistant to applying ARO principle which is problematic. Vice Provost Haynes agreed that uneven implementation within or across the campuses is an issue the new workgroup should investigate, noting that the principle is valuable to faculty particularly in the Humanities. At present, the consideration of ARO is encouraged but not prescribed and one goal of codifying it in the APM is to promote wider adoption and utilization.

Chair Dunn described UCAP's concern that the proposed Abusive Conduct policy does not make clear that administrators at all levels are subject to it and the draft policy should be revised to explicitly address this. Associate Vice Provost Lee confirmed that the proposed policy is intended to apply to all employees including high level administrators along with student employees. Another concern is that having the administrators responsible for the review process being subject to it is a conflict of interest. According to Vice Provost Haynes, if an administrator is implicated in an incident, the review process will be handled by administrators in a higher position of authority, but the vice provost will review the draft policy with this concern in mind. Associate Vice Provost Lee indicated that the Regents have dictated that the Abusive Conduct policy must be in place in January and Academic Personnel is working on small adjustments to the policy language based on the feedback submitted by the Senate to date.

VIII.   Priorities for 2022-2023 and New Business

Chair Dunn asked members to suggest topics that UCAP could voluntarily take up this year. Members are asked to find out if student teaching evaluations are being modified following UCAP's 2020 report of Council's Teaching Evaluation Task Force and should also look out for any developments related to the June 2022 recommendations for Teaching Professors/Lecturers with Security of Employment Serving on divisional CAPs.

Discussion: Members agreed to discuss a possible revision of Senate Bylaw 55 to give teaching professors voting rights within departments.

IX.   Executive Session

There was no Executive Session.

Videoconference adjourned at: 2:07 PM
Minutes prepared by: Brenda Abrams
Attest: Francis Dunn