

UNIVERSITY OF CALIFORNIA

ACADEMIC SENATE

UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL

MINUTES OF TELECONFERENCE

WEDNESDAY, NOVEMBER 9, 2016

Attending: Fanis Tsoulouhas, Chair, (UCM), Michelle Yeh, Vice Chair, (UCD), Peter Ditto (UCI), Catherine Waters (UCSF), Peter Sturman (UCSB) (telephone), Seana Coulson (UCSD) (telephone), David Lloyd (UCR) (telephone), Stuart Brown (UCLA), Patricia Oteiza (UCD), Ignacio Lopez-Calvo (UCM), Carla Freccero (UCSC), Janet Lockwood (Manager-Academic Policy and Compensation, Academic Personnel), Jim Chalfant (Academic Senate Chair), Shane White (Academic Senate Vice Chair), Mona Hsieh (Office Manager, Academic Senate), Brenda Abrams (Principal Policy Analyst, Academic Senate)

I. Welcome and Announcements

Following introductions, Chair Tsoulouhas announced that UCAP's January 11th and May 10th meetings will be videoconferences. The Chair briefly reviewed several topics recently discussed at Academic Council and Academic Planning Council (APC) meetings, noting that the APC is a joint Administration and Senate committee. Tuition is expected to adjust to inflation and the Regents will set a policy on non-resident students this year. The state mandated that UC had to admit another 2500 undergraduate this fall and 2500 next fall. UC has committed to taking 10K students in three years. A current issue is whether letters of recommendation will be requested for freshman admissions. UC is no longer asking applicants where their parents graduated from. Several UC committees have been working on guidelines related to faculty diversity. A Presidential Policy for Diversity and Affirmative Action will be created and the state has given UC \$2M to enhance diversity efforts and UCAP and the Committee on Affirmative Action, Diversity and Equity are helping with this work. The Senate will look into policy for Professional Degree Supplemental Programs this year. Academic Council has also been discussing international programs.

Chair Tsoulouhas indicated that last year he benefited the most from UCAP's discussions about CAP practices. Faculty at UC are evaluated using a uniform set of criteria. The criteria are intended to maintain the same level of excellence but the criteria are implemented differently across the campuses. The committee will have a discussion about CAP practices this afternoon.

II. Consultation with the Academic Senate Office

- *Jim Chalfant, Chair, Academic Senate*
- *Shane White, Vice Chair, Academic Senate*

Chair Chalfant reported that Immediate Past Chair Hare's remarks to the Regents in July focused on the declining amount in the state subsidy per student. Chair Chalfant focused on other funds including non-resident tuition. In January the Regents will adopt a policy to limit non-residents which will affect admissions significantly, although Chair Chalfant made the point that this is a budget policy issue. Although non-resident tuition does not replace the state cuts UC has experienced over the years, it still is a large amount of money and this is a serious problem for UC. The Regents gravitate towards the state's approach, so it is important for the Senate to be on the same page with UCOP with respect to budget presentation, tuition and non-residents policy.

The Regents have recently adopted new bylaws and Chair Chalfant indicated that the Senate's authority is now expressed through bylaws which are more difficult to change than standing orders. Bylaw 40 was approved by the Regents in July which calls for shared governance with the Academic Senate. The state is now auditing UCOP and is considering something like a customer satisfaction survey about UCOP services at the campus level. The next budget season is expected to be tense, and UC can expect ongoing

scrutiny over non-resident students. Chair Chalfant suggested Arthur Ellis, Vice President for Research and Graduate Studies, be invited to a future UCAP meeting to discuss what constitutes collective excellence. VP Ellis wants to encourage the Academic Personnel Process to reward contributions to collective excellence. Chair Chalfant believes that UCAP should play a key role in this discussion. There may be a desire to provide extra resources and FTEs to departments that demonstrate collective excellence, and the suggestion of any new standards should be cause for Senate concern. Chair Chalfant mentioned that UCOP is planning an “International Thinking Day” before commenting on the management review of proposed revisions to the Lecturer with Security of Employment (LSOE) series.

Discussion: Extramural research agencies are funding team projects with numerous investigators, which points to a potential disconnect between what the agencies are funding and the way that faculty advance at UC, that is, often through a single investigator model. Faculty should be rewarded in some way even if they are not the lead investigators on a large interdisciplinary project. The Office of Research and Graduate Studies needs to be sensitive to unintended disciplinary bias. In certain fields there are few opportunities for collaborative research and ORGS should be careful to avoid one form of research been singled out of recognitions or rewards. Vice President Ellis has talked about undergraduate research but so far he has not commented upon the proportional decrease of PhD students. Faculty, hoping VP Ellis can do more to support graduate education, will be eager to hear his ideas.

A member commented that many of the LSOEs interested in and committed to teaching are not required to engage in activities unrelated to their field. At UCR, as more LSOEs are being appointed, some departments seem to be hiring them with the idea that these individuals would like to have a research position. The disciplinary research interests are being emphasized. One concern is that the LSOEs are primarily not interested in teaching but have been unable to find research positions because of the job market and accept an LSOE position as a stepping stone. It is not clear if the administration’s intention is to begin to replace research faculty with these positions in the long-term and this will have an impact on research, which is paramount at UC, as well as on service. A policy statement from UCAP about this concern may be needed. UCAP might propose an upper-limit for the number of faculty who should be LSOEs. It was also emphasized that more faculty need to participate in service at all levels. Many departments already have individuals who are very interested in pedagogical research in their discipline or conduct this research as a sideline, so there is no obvious gap in the University’s scholarly portfolio.

III. Management Consultation: Revisions to APMs 285, 210-3, 133 and 740

UCAP has the opportunity to provide feedback during the management review of the proposed revision of policies on Lecturers with Security of Employment Series. Chair Tsoulouhas noted that Lecturers with Security of Employment and Lecturers with Potential Security of Employment (LPSOE) are Senate members, unlike Unit 18 lecturers, but they are not ladder rank faculty. Visiting Assisting Professors are also not members of the Senate. The number of LSOEs at each UC campuses varies from 6-10 LPSOEs at UCLA to over 100 at UCI. The proposal includes eliminating one of four titles currently in the series. The titles would be Assistant Professor of Teaching, Associate Professor of Teaching and Professor of Teaching.

Discussion: Several members were told by campus colleagues in the LSOE series that “Teaching Professor” is the preferred title. Teaching Professor seems more appropriate and people will not be pigeon holed into certain types of research. Someone hired to conduct pedagogic research does not necessarily require a special title. Adding the word “Professor” will clarify that LSOEs are faculty members and recognize their value in a fundamental way. UCD’s CAP voted unanimously against the proposed change of title and the UCLA CAP also pushed back against the change and suggested that there should be a limit. How CAP will evaluate creativity or scholarship in this position is not clear. It was noted that a writing program at one campus relies heavily on LSOEs or Unit 18 lecturers. Committee members agreed

that Manager Lockwood explained that the data on LSOEs by campus needs to be corrected. The committee had the following specific feedback on the revisions:

- A motion was made to retain the current name standards and to not include the word “professor” in the title. Five members voted against this motion. A motion, seconded and approved was made to support the proposed change to “Teaching Professor.”
- A motion was made to recommend that, because research is UC’s primary mission, there should be an upper limit on the number of Teaching Professors within a department as a percentage of ladder rank faculty. Campus Senate committees should be involved with these decisions and it should be understood that different departments and fields will have different needs. With one abstention, members voted in favor of this.
- A motion was made, seconded and approved by the committee to add “creative work” to Section 285-10.a (2), changing the language to “Professional achievement and/or scholarly or creative work.”
- A motion was made, seconded and approved to remove the final paragraph of Section 285-10.
- In APM 210-3, “Professor of Teaching” should be changed to “Teaching Professor”
- In APM 210-3 (2), “creative work” should be added to the first sentence of the second paragraph, changing the language to “The candidate’s professional and/or scholarly or creative work.”
- A motion was made, seconded and approved to remove the phrase “that supports excellent teaching” in APM 201-3.d, changing the language to “Additionally, the review committee should assess any scholarship in the underlying discipline that supports excellent teaching.”
- In APM 133 and APM 740, all instances of the phrase “Professor of Teaching” should be changed to “Teaching Professor.”

Following this Management Review, the changes will be incorporated and there will be a full systemwide review in the near future.

Action: The analyst and chair will draft a memo outlining UCAP’s concerns.

IV. University Professor Nomination

Chair Tsoulouhas reviewed the materials that were included in the dossier for UCR nominee for the University Professor title and noted that there was a dissenting opinion from a member of the ad hoc committee.

Discussion: Several members expressed confusion about the argument made by the dissenting member of the ad hoc committee against the nomination. Ten members voted in favor of the nomination and one member abstained because he was recently appointed to UCAP and did not have enough time to review the materials.

Action: The analyst and Chair will draft a memo to the Provost.

V. Update on Senate Travel Procedures

- *Mona Hsieh, Office Manager, Academic Senate*

The Senate’s Office Manager provided an update on current travel procedures.

VI. Consultation with the Office of the President

- *Janet Lockwood, Manager-Academic Policy & Compensation, Academic Personnel, UCOP*

The Faculty Exit Survey results suggest that salary is not the primary factor in retention. Each pilot campus will receive an individualized report with its specific results. Academic Personnel stopped conducting an annual exit survey about ten years ago and Manager Lockwood hopes that Academic Personnel can continue the Faculty Exit Survey especially since at least three years of data will be needed in order to draw conclusions and make recommendations. Departures are very costly when one considers the start up packages that had been provided to the departing faculty. Vice Chair Yeh recommends that a transparent and standard procedure for how outside offers are handled, noting that it is not clear if the faculty member should go straight to the dean or through the department which may make a difference in the outcome.

Manager Lockwood provided a list of the major policy initiatives coming from Academic Personnel this year. The Teaching Professor policies are one of the two major policy initiatives for this year. The Health Sciences Clinical Professor policies may be distributed sometime in March for its second.

Discussion: A member pointed out that outside offers include multiple perks that UC campuses are unable to offer. The committee discussed requiring that the outside offers be in writing. Guidelines for deans and department chairs should be created.

VII. Systemwide Reviews

- **Proposed Revisions to APM 015 & APM 016 & SB 336**
- **Proposed revised Presidential Policy on Nondiscrimination and Affirmative Action Regarding Academic and Staff Employment and APM 015**

Chair Chalfant stated that there were some concerns that a number of high profile incidents might not have been handled properly and that the rules on Privilege and Tenure might have been responsible for the mishandling of one particular case. President Napolitano created a joint Administration-Senate workgroup which produced best practices for how Title IX investigations might be handled. The two big changes are to clarify the three year rule and to spell out specifically that incidents of sexual harassment or sexual violence are violations of the code of conduct. The new policy spells out that there is no time limit for when a complaint can be made and the specific timeframes concern how long the administration has to bring charges. UCAP may want to consider proposing training for chairs and having some way to deal with chairs who receive reports and fail to act. The goal is for the Regents to vote on these policies this year so it becomes policy this year.

Chair Tsoulouhas indicated that the committee received a second, related systemwide review item on Sunday. Chair Chalfant indicated that proposed language in the Presidential non-discrimination policy and APM 015 is intended to align the language with state law. Amendments to CA fair employment and housing act. The due date from comments on this item is January 11th. The chair believes these changes are reasonable and it is good to be consistent with state law.

Discussion: A member pointed out concerns with existing language in APM 016: “In rare and egregious cases, a Chancellor may be authorized by special action of the President to suspend the pay of a faculty member on involuntary leave pending a disciplinary action.” Rare and egregious should be defined. There is also language that suggests faculty who are under investigation but not charged with a crime will be subject to certain disciplinary actions.

The committee discussed modifying the following sentence in APM 016: “Chancellor is authorized to initiate involuntary leave with pay prior to the initiation of a disciplinary action if it is found that there is a strong risk that the accused faculty member’s continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of his or her wrongdoing, or in situations where the faculty member’s conduct represents a serious crime

or felony that is the subject of investigation by a law enforcement agency.” A member proposed striking the phrase “or in situations where the faculty member’s conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency.” The motion was made and seconded and the rationale is that this phrase is already covered by the first two parts of the statement and it assumes guilt. The phrase is pre-judging. This motion was approved unanimously by the committee.

The committee would like to ask for more specificity related to the terms “rare” and “egregious” in the sentence “In rare and egregious cases, a Chancellor may be authorized by special action of the President to suspend the pay of a faculty member on involuntary leave pending a disciplinary action.” UCAP could suggest that Chancellors will need some guidance. A member argued that the policy can serve as a deterrent but others see this as punitive. There is a question about what purpose is served by cutting off someone’s salary prior to a disciplinary action.

A motion was made to delete: “In rare and egregious cases, a Chancellor may be authorized by special action of the President to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor’s power to suspend the pay of a faculty member who is absent without authorization and fails to perform his or her duties for an extended period of time, pending the resolution of the faculty member’s employment status with the University.” Committee members agreed that there is no benefit to keeping the sentence there.

Members have no objections to the proposed revisions to the presidential non-discrimination policy.

Action: The analyst and chair will draft a memo with UCAP’s feedback.

VIII. CAP Practices Survey

Members discussed the CAP survey and the analyst explained that the survey was conducted annually from 2001 until about 2012. A question for the committee to consider is whether the survey should be conducted every three years. Chair Tsoulouhas is engaged in conversations with UCFW and UCAADE about diversity and the UCAP members agreed that the responses to the question about APM 210.1.d on the CAP Practices Survey may be shared by the chair. Half-steps are used by UCB and UCD. Members are asked to consider survey questions to retain, are there new questions to add and how often the survey should be conducted. The survey can be shared with divisional CAPs and other interested parties at the campus level including faculty and administrators.

Discussion: CAPs activities vary significantly from campus to campus. For example, the UCB Budget Committee deals with budget and personnel and deals with salary matters in a variety of contexts. CAPs should be asked for input on potential changes to the survey. Members discussed the number of faculty on CAPs and whether they should be larger in light of the number of faculty at each campus and the new disciplines that have emerged in the past couple of decades. The number of faculty who look at the cases also varies by campus.

Vice Chair Yeh pointed out that there is a loop hole in the review system at the UCD CAP. There have been multiple cases where a faculty member receives a merit or a promotion based on a book contract but the book never came. This problem has been brought to the attention of the administration. The UCI CAP has also been struggling with this matter and now will not accept anything but the final copy of the book. An issue is making sure that the CAPs only count the work one time. At UCSC, the distinction was made between signs of research activity and research accomplishment. A contract is a sign of research activity but it is not an accomplishment. Traditionally UCD’s CAP has always supported tenure cases with book contracts. One campus considers if the manuscript has been reviewed and how close the book is to being published. Publishing a book is a complex process so having clarity about this is helpful. There is a

question about whether faculty should have discretion about when a paper can be counted and the administration at one campus does not permit this flexibility, emphasizing that this is why there is a defined review period. Some CAPs do not make a distinction between articles that are online that will eventually be available in print. For in-press papers, at least UCD and UCSB request documentation.

IX. Campus Reports/Member Items

UCSC: A member asked if CAPs making a recommendation on an action report to the Vice Provost for Faculty. At UCSC, the administration is considering a change to the reporting lines so that CAP reports to the VPAA instead of the Campus Provost.

UCI: The CAP workload is overwhelming and solutions to this are being sought which include not reviewing certain types of files. At one campus, the non-Senate health science series are primarily handled by a separate "ClinCAP." Unit 18 files are not reviewed by the CAP. At UCM, the CAP will propose to the Senate that the deans review appointment cases for Assistant Professor III or below and if a faculty member is uncomfortable with the dean being the last voice, a CAP review can be requested. The CAP will look at how the cases were handled by the deans in the fall. UCLA CAP does not review untenured appointments and UCSB does not review junior appointments. At UCD, the CAP looks at all appointments and the CAP can accelerate for promotions. UCSD's CAP just moved to a system where Assistant II or III are reviewed by the dean and this has made a big difference for the CAP's workload.

UCSB: CAP dealt with a number of above-scale cases last year. The amounts of money involved were significant. CAP did not see enough evidence that the candidates had performed at such a high level. The UCSD deans discourage off cycle review.

X. New Business

There was no New Business.

XI. Executive Session

There was no Executive Session.

Meeting adjourned at: 3:35

Minutes prepared by: Brenda Abrams

Attest: Fanis Tsoulouhas