

**UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL
VIDEOCONFERENCE MINUTES
WEDNESDAY, MARCH 22, 2023**

Attending: Francis Dunn, Chair (UCSB), Lisa Tell, Vice Chair (UCD), Rachel Morello-Frosch (UCB Alternate), Edward Dickinson (UCD), Susanne Jaeggi (UCI), Peggy O’Day (UCM), Deborah Wong (UCR), Katerina Semendeferi (UCSD), Hannah Glass (UCSF), Ruth Finkelstein (UCSB), Stefano Profumo (UCSC), Julia Simon (Chair, Committee on Privilege and Tenure), Douglas Haynes (Vice Provost, Academic Personnel and Programs (APP)), Amy K. Lee (Associate Vice Provost, APP), Kelly Anders (Director, Academic Personnel, APP), Susan Cochran (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*

The Regents’ meeting last week focused on constructing student housing. The Senate presented to the Academic and Student Affairs Committee on transfer issues including the new California General Education Transfer Curriculum and efforts to improve transfer rates across the campuses. There is enormous pressure on UC from the legislature to not restrict the ability to transfer to UC and the Senate is trying to devise a guarantee for students that will satisfy the state and work for UC. Chair Cochran briefed the Regents on Academic Assembly’s approval of revisions to Senate Regulation (SR) 610 and SR 630 which will require that students spend at least one year on campus.

A workgroup on faculty mission, priorities, and balance post-pandemic will be co-chaired by the Vice Provost of Academic Personnel and UCD’s divisional Senate chair. This group will devise strategies to help faculty recover from the pandemic and strike, particularly junior faculty and others whose research was disrupted. A workgroup on the future of UC doctoral programs will be co-chaired by a division chair and a graduate dean and is a response to the issues that emerged in the context of having represented student employees which changes the landscape for academic doctoral training. This workgroup will consider ideas such as shortening time to degree, changing pathways to degrees, or providing different opportunities for doctoral students. UC has promised the legislature that the number of academic doctoral students will be increased and the state wants UC to create a well-trained work force. There are also discussions on the campuses about the delivery of academic doctoral education, how to distinguish between work that is done toward academic progress versus work done for remuneration, and how faculty can interact with their students who are now represented by a union.

Chair Cochran explained the details of the contract with graduate student researchers (GSRs) which are still being resolved, including the issue of top-ups, the additional money required to reach a department’s previously offered funding package. The union believes students should still get the extra money while UC believes that the top-ups are not part of the salaries. If disagreements between the union and UC are not resolved, the parties will end up in court and actions may be taken by represented graduate students on the campuses. Chair Cochran reported that the Regents are troubled by these labor issues including the fact that students were paid for work they did not perform during the strike. Attestation forms were disseminated to graduate students, but few have been returned so not many students will have their pay docked. The next time graduate students go on strike they will be asked to submit time sheets and Senate leadership has been lobbying UCOP about not asking faculty to complete

time sheets. If GSRs participate in a wild cat strike action in the next quarter it will be illegal and they could be fired because there is a no-strike clause in the new contract.

Discussion: Some faculty are hearing that there will be less funding for teaching assistants, but there is a good deal of conflicting information. Chair Cochran noted that the flow of information about these matters is slower than it should be, and campus administrators are struggling with providing up to date information. The workgroup on doctoral students will propose ideas for how to determine when a graduate student on a grant-funded project is working as an employee or working on their degree.

II. Chair's Updates

The recent meeting of the Academic Planning Council was chiefly devoted to three different workgroups, including a discussion of the draft report from the workgroup on the future of undergraduate education. Chair Dunn will serve on the workgroup on faculty mission, priorities, and balance post-pandemic which will consider issues like restoring faculty research efforts. The analyst shared memos from Academic Council to the administration about the UC Retirement Administration Service Center, total remuneration and comprehensive benefits studies, the faculty salary plan.

III. Consent Calendar

Action: UCAP's January 11, 2023 videoconference minutes were approved with corrections.

IV. Campus Reports/Member Items

UCD: CAP is receiving numerous cases that had been delayed but there are no major issues to report.

UCM: The provost will step down and a nationwide search will be initiated immediately. Things are going well on CAP and the representative is interested in hearing about the post-strike fallout on other campuses. Students and faculty might be unaware of some of the parameters put in place as part of the new contract, especially regarding illegal strikes and there are worries about when information will come from UCOP.

UCR: CAP has met 30 times and reviewed almost 200 files. The committee meets twice per week for three hours at a time and the process is efficient. There have been seven preemptive retention cases involving faculty who were offered tenure track positions by other institutions (six were female faculty and two were associate professors of teaching). For a second year, faculty are being offered retroactive salary when up for promotion to associate or full professor, and there are specific ways this should work. There are issues related to achievement relative to opportunity (ARO) and the requests for retroactive salary are uneven because faculty are unaware of how to make the request. The representative explained that CAP has sent files back to departments with the recommendation that candidates should request retroactive salary on the basis of delayed research. However, the associate vice provost (AVP) for academic personnel does not support returning files to departments. CAP meets with the AVP once a month and the issue of retroactive salary requests will be discussed.

UCSF: CAP had its annual retreat with the vice provost and deans of academic affairs for all four schools and similar issues arose. There was significant discussion about ARO and UCSF has been proactive in this respect. CAP is looking at whether candidates include personal comments related to COVID-19 and the GSR strike in their files. The committee is concerned about the parity and consistency of dissemination

of information related to advancement and accelerations across departments and schools. The vice provost's office plans to revise guidelines for on-time and accelerated advancements to make them consistent with what the schools have implemented, including the School of Medicine. UCSF's deans do not like recommendations for retroactive actions, so CAP has been discouraged from suggesting that someone should have been accelerated. CAP typically meets weekly and looks at 15 files which is insufficient given the growth of the campus. Therefore, a second equal CAP is being established and the chair and vice chair have been identified.

UCI: After a slow start, CAP is now quite busy. The vice provost for academic personnel (VPAP) and CAP sent a message to all faculty in support of UCAP's guidance for faculty impacted by the GSR strike. The message encouraged faculty to document any negative impact of the strike on professional achievements, and a watermark will be added to all the teaching evaluations during the period of the strike. A follow-up message was sent to faculty about how the new academic employee contracts may change some activities, and CAP anticipates issuing further guidance as things unfold. CAP wants to encourage external letters at barrier steps, particularly for advancement to Step VI and accelerations, because the candidates can be difficult to evaluate without them. CAP is working with the divisional Council and the VPAP on inclusive excellence and ways to better identify, recognize, and support mentoring by faculty, especially those from underrepresented groups.

UCSB: There is an ongoing issue with cases not being sent to the committee as scheduled because they are supposed to be transmitted in phases, so CAP is preparing documentation for the administration to illustrate how problematic this is. The committee is trying to devise better ways to evaluate teaching and the campus will switch to a new form for the evaluations over the next few years.

UCB: CAP reviews FTE requests from across the campus and adding this effort to the review of 900 files annually creates a backlog at this time of year. Other CAPs do not review FTE requests.

UCSC: CAP is working with the academic personnel office (APO) to establish a salary equity review mechanism since one does not exist. UCSC has career equity reviews for rank and step, and it is proving complicated to create a fair way to decide if salaries are equitable or not in different disciplines and for different faculty members. CAP is trying to understand how to review hardcopy materials that are not submitted electronically and are stored in the APO. The materials include recordings of lectures and similar things that could easily be made electronically available, but the APO refuses to take this step. The committee pushed back on proposal from the VPAP to make letters optional for appointments. The vice provost's rationale was that the letters should be optional due to noticeable bias, but CAP disagrees with this recommendation.

V. Consultation with the Office of the President

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

Vice Provost Haynes reported that several sections of the APM are or will soon be out for management or systemwide review:

- APM 210: there are proposed revisions to highlight mentoring and the University Librarians have also proposed incorporating contributions to diversity, equity, and inclusion (DEI) by policy-covered librarians. The proposed revisions to APM 210 make distinctions between mentoring related to someone's professional development and mentoring related to life skills.

- APMs 500 and 501: the proposed revision removes the deadlines for making appointments when a campus is recruiting a faculty member from a member campus of the American Association of Universities or a California Higher Education Institution. This change was suggested by UC Legal and will not impact APM 510, the deadline for recruiting faculty from another UC campus.
- APMs 710, 715 and 760: there are technical revisions in response to California Family Rights Act leave policies. If there is no significant feedback during the management review to the changes to APMs 715 and 760, systemwide review will not be required. APM 710 will go out for systemwide review because there is a substantive change related to allowing academics in sick leave accruing titles to use their sick leave to pay themselves when caring for designated persons.
- The Negotiated Salary Trial Program (NSTP): the NSTP allows faculty to augment their salaries with non-state monies and a proposal to transition the program to an APM policy will be sent out for management review in the spring followed by a systemwide review at the start of the fall term. Not all campuses currently participate in the NSTP, so making it an APM policy will make it possible for interested faculty across the system to take advantage of this opportunity.

The Academic Personnel representatives explained the proposed new policy on the general employment standards for exempt and non-exempt academic appointees under the Federal Fair Labor Standards. Years ago, when the Department of Labor established a higher salary threshold, UC moved to establish a large non-exempt population of postdoctoral students and GSRs with lower percentage appointments. They are hourly employees and entitled to overtime if they work over 40 hours a week. There is now a push for a constitutional amendment which would require that UC abide by the California law, and what that would mean is that either significantly raising the salaries of postdoctoral students and GSRs to keep them exempt or switch them to the non-exempt status. This means they would be paid hourly which is not in keeping with the nature of GSR appointments who are primarily students.

Although UC plans to rebut the amendment, the proposed new policy is being written to align with the Fair Labor Standards Act so it is in place in case the amendment is approved. Should the amendment pass, implementing it will require a good deal of work but it will be easier if UC has an existing policy to revise. The proposed policy will be sent out for management consultation this spring and for a systemwide review in fall, with a goal that it will go into effect January 1, 2024.

Discussion: Members expressed concern about receiving conflicting information about whether GSRs will be asked to fill out timesheets. Associate Vice Provost Lee explained that the GSRs will not report every hour they worked but only absences. The time sheets will provide an automated way to keep track of their time without significantly burdening faculty. During the strike, it was difficult to determine if GSRs were performing research which is a problem for effort reporting and could jeopardize grants. During recent campus visits, Vice Provost Haynes has repeatedly heard about the need for staff to support faculty research endeavors. The associate vice provost confirmed that teaching assistants will also be asked to complete timesheets.

VI. Departmental Voting Rights of Teaching Professors

In January, UCAP members agreed to propose changes to Senate Bylaw (SB) 55 to allow Teaching Professors to enjoy the same voting rights on personnel cases within their departments as regular faculty. Chair Dunn prepared a draft of the proposed changes to SB 55 and UC Legal, Associate Vice Provost Lee, and the Committee on Rules and Jurisdiction (UCRJ) have provided feedback. Chair Cochran suggested consulting with UC Legal about potential litigation from faculty who object to their cases being voted on by Teaching Professors and UC Legal indicated that if the bylaw is changed there would

be no grounds for legal action. UCRJ pointed out a number of unintended consequences revisions which have been addressed in a revised draft. The committee is asked to decide if the proposal should be transmitted to Academic Council.

Discussion: A member asked about proposing the elimination of “Lecturers with Security of Employment” (LSOE) and Chair Dunn explained that the best approach is to change the bylaw first so that step is not delayed waiting for the title change. Based on feedback from Assistant Vice Provost Lee, proposing to change the LSOE title complicates the process because this is a payroll title and it would be an administrative change. Members thanked Chair Dunn for working on the proposal and commented on the positive impact the change will have. Chair Dunn might consult with the assistant vice provost again regarding the title change to get clarification about the procedure. It is possible that some faculty still refer to themselves as LSOEs, but changing the APM will remove this option.

When the Teaching Professor title was established in 2018, new review criteria was put in place in APM 210-3 and LSOEs were given the choice of adopting the new working title. The old review criteria for LSOEs in Appendix B of APM 210 will be phased out this June, and eliminating the LSOE title will reflect that there is one set of criteria which applies to one title, Teaching Professor. At UCD, there has been confusion related to the applicable review criteria and expectations for LSOEs who focus on pedagogy and Teaching Professors engaged in scholarly activity. Another issue is that LSOEs and Teaching Professors are confused with Unit 18 Lecturers who are not Senate faculty and not reviewed by CAPs.

VII. Management Consultation: Proposed Revisions to APM 210, Review and Appraisal Committees

Chair Dunn explained that several different changes have been folded into the proposed revisions to APM 210. Three years ago, UCAP proposed simply changing the title to “Teaching and Mentoring” but there was feedback from Academic Personnel that this alone would not help highlight the importance of mentoring. UCAP worked with the Coordinating Committee on Graduate Affairs to propose more comprehensive changes which were endorsed by Academic Council. However, as Academic Personnel prepared to send the Senate’s proposed revisions out for systemwide review, the University Librarians (ULs) proposed other changes to APM 210 related to DEI as Vice Provost Haynes has reported to this committee.

Discussion: A member asked if the DEI information the ULs have proposed creates a specific category which will conflict with the way DEI is considered for Senate faculty. Chair Dunn indicated that it is not a new category and the ULs will be able to discuss contributions to DEI in any section. Chair Dunn shared that when Vice Provost Haynes mentioned the proposed revisions to APM 210 related to mentoring, there were concerns that this was a new expectation rather than encouragement recognize activity faculty already engage in. UCAP members had no objections to the proposed revisions to APM 210.

Action: Chair Dunn will draft a memo indicating that UCAP has no objections to the proposed revisions.

VIII. Systemwide Review: Proposed Revisions to the Presidential Policy on Inventions, Patents, and Innovation Transfer

A Regents’ Special Committee on Innovation Transfer and Entrepreneurship was concerned that UC is not commercializing its research as much as other universities. The Regents wanted the APM to be revised to specifically include commercialization in the review process. The Senate pushed back,

asserting that innovations and entrepreneurship are adequately recognized under current APM policies and this recommendation was not pursued. The new proposed presidential policy involves implementation of these campus policies that would allow and encourage the process of commercialization.

Discussion: Members had no comments on the proposed policy.

Action: Chair Dunn will report that UCAP will not opine on this matter.

IX. Management Consultation: Technical Revisions to APM 500 and 501

The proposed revisions to APMs 500 and 501 are to remove the deadline for making appointments. Earlier in the meeting, Vice Provost Haynes indicated that other universities do not stick to the deadline.

Discussion: The committee supports the proposed revisions.

Action: Chair Dunn will report the committee's endorsement to Academic Personnel.

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

- *Julia Simon, Chair, Committee on Privilege and Tenure (UCPT)*

Chair Dunn indicated that UCAP was not impressed by UCPT's original proposal regarding simultaneous disciplinary action and personnel action because it would add new procedures that complicated the process. The chair of UCPT met with Chair Dunn to provide more background and that committee's reasoning. UCPT's goal is to rein in a fairly widespread practice that is not an official process with clear steps. Reportedly, campuses employ various ad hoc stalling techniques or interventions depending on the stage of the personnel action so there is no consistency across the system.

Chair Simon explained that a faculty member being investigated for academic misconduct of some kind is not notified about administrators pausing a personnel action. UCPT has seen cases when a tentative finding was made after an investigation and there was no Privilege and Tenure hearing, formal deliberation, or completion of the disciplinary process, but administrators placed summary memos in personnel files which were subsequently sent back to the departments. It is difficult to know how often this is happening since there is no formal notification or tracking. UCPT recommends that the personnel action pause at the moment charges are filed instead of when the investigation starts. It would be preferable to let the personnel action move forward because investigations could conclude with no finding of wrongdoing.

Additionally, by linking pausing personnel actions to when charges are made, the administrators may be motivated to move the investigations along in a timely manner. Investigations into allegations of sexual violence or sexual harassment follow specific rules and timelines, whereas academic misconduct investigations have a statute of limitations of 5 years but otherwise the pace is up to the administration. One worry is that investigations into faculty who are not yet tenured are purposefully drawn out so tenure does not have to be granted, and UCPT's proposed change to the APM would prevent this.

Discussion: The language in the final policy should be very clear about the difference between the preliminary hearing versus the outcome of the disciplinary action so CAP is not influenced by events in the preliminary stage, and confidentiality is also critical. The Committee on Academic Freedom has

indicated that it agrees with the revised proposal and recommended that the administration should be obligated to check in with Privilege and Tenure committees every six months on the status of these cases. This would provide mechanisms by which the faculty being investigated will be notified that the personnel action is being paused and can file a grievance. There is a concern about granting tenure to individuals facing misconduct charges since it cannot be taken away, therefore UCPT thinks tenure actions could be paused as soon as a formal investigation is launched. A member thanked UCPT for trying to balance transparency, accountability and faculty rights. UCAP members agreed that there are no objections to the revised proposal which UCPT will transmit to Academic Council.

XI. Management Consultation: Proposed Revisions to APM 710, APM 715, and APM 760

The proposed revisions to APMs 710, 715, and 760 are related to leave policies. The changes are in response to the California Family Rights Act which allows individuals to take medical leave to care for a designated person, not just immediate family. A designated person can be any blood relatives of the employee. Chair Dunn stated that the changes look straightforward.

Discussion: Members expressed support for the changes to these policies.

Action: Chair Dunn will notify Academic Personnel that UCAP has no objections.

XII. New Business/Executive Session

There was no New Business or Executive Session.

Videoconference adjourned at: 1:40 PM
Minutes prepared by: Brenda Abrams
Attest: Francis Dunn