

Attending: Katja Lindenberg, Chair (UCSD), Harry Green, Vice Chair (UCR) (telephone), Kyaw Tha Paw U (UCD), Alan Terricciano (UCI), Jeffrey Knapp (UCB), David Hovda (UCLA), Michael Pirrung (UCR), Carl Guitierrez-Jones (UCSB), Elizabeth Watkin (UCSF), Jan Wallander (UCM) (telephone), Janet Lockwood (Manager-Academic Policy and Compensation, Academic Personnel), Bob Anderson (Academic Senate Chair), Bob Powell (Academic Senate Vice Chair), Martha Winnacker (Academic Senate Executive Director), Brenda Abrams (Policy Analyst)

I. Introductions and Announcements

Chair Lindenberg welcomed the committee.

The system received an Advance grant from NSF to improve the situation for women and minorities in the STEM disciplines. Data about recruitment and retention of faculty in the STEM fields will be collected and should be informative.

The online instruction pilot project is being implemented to create online courses to generate revenue for UC. The courses are targeted for students outside of UC. UCOP would like to see the project grow faster than faculty would. A blue ribbon panel will be formed to study the courses that are online already before offering more courses. There was an argument about how the courses will be funded.

The Salary Equity Task Force is working on a five year plan to fix salary scales. The task force has not yet developed a plan but has devised a number of possible strategies. Most people associated with UC believe that the salary scales are valuable but that they are badly broken, as evidenced by the fact that the majority of faculty are off-scale. No recommendations have been made yet. There is disagreement over the recommendation on how to distribute COLA salary raises. The disagreement is whether raises should go only to on scale salary portions or whether they should include the off scale portion. The faculty would like the scales to be fixed as soon as possible while the administration would like to retain more discretion over how to distribute the funds.

UCR is starting a medical school and there is a detailed plan about the compensation of faculty. It is in agreement with the current APM 670 which deals with compensation in established UC medical schools. There is some confusion because APM 670 is currently under review.. UCR has incorporated some components of the proposed revisions to APM 670 even though the analysis of it has not been completed. The question is whether the UCR Medical School approval should wait until the review of APM 670 is completed. There is some urgency because although the Medical School will take a long time to build, UCR would like to start hiring some of its faculty now.

Discussion: The president decided there would be a 3% raise but the decision about which faculty will receive it has been left to the discretion of the campuses. It is not clear if people “stuck” at barrier steps will receive the merit increase.

There is no hurry to establish the UCR medical school, although they would like to start hiring some of its faculty now.. APM 670 does not refer to the total negotiated salary, only to the base, and it is irrelevant to certain specialties at the medical schools. The committee concluded that UCAP will wait to give an opinion on APM 670 related aspects of UCR's proposal until the review of the new APM is completed.

II. UCAAD Salary Equity Report

The salary equity report was put together by the University Committee on Affirmative Action and Diversity. This is a comprehensive report on the entire UC systems and the analysis was across 72 different units. The report shows that UC is doing terribly and has not made progress in achieving equity for women and underrepresented minorities. White men were used as the baseline and a variety of quantifiable factors were examined. Not every unit is underpaying underrepresented faculty but many are and by significant amounts. There were differences of ten to fifteen thousand dollars. The question of what to do about the inequity could be the focus of UCAP's discussion. There is no mechanism in the CAP or salary structure to correct the inequity.

Discussion: UCSF, UCD, UCR and UCLA CAPs do not look at salary. UCSD and UCM do. The UCD CAP agreed that it should look at reports such as this but not individual salaries. UCSD conducted a study about ten years ago and adjusted the salaries of faculty who were underpaid. Money to adjust salaries could come from UCOP since this class of underpaid faculty are throughout the system. A targeted decoupling increment could be used for this class to adjust salaries. Each unit of the UCLA School of Medicine has a standing committee for salary review and equity, and every faculty member who is looked at by CAP is reviewed by this committee.

UCI received an advance to adjust salaries in the STEM area which was expanded to the Humanities and Arts. UCI has implemented a salary adjustment methodology whereby salaries below average in a given group are raised to the average value at the time of the next review. UCI has an equity advisor for each school, and this person sees all job descriptions and examines components of search committees. The advisor is available for counseling for faculty who feel they are underpaid. The equity situation has not been completely fixed but it has improved. UCSB CAP looks at salary and 95% of the time the CAP is listened to. UCAAD could take the lead in suggesting remedies that address past problems as well as future issues. However, this committee is not familiar with the details of how CAPs look at salaries. UCAAD could meet with the chairs of CAP to help develop strategies to address equity whether or not the CAPs look at data. The UCR representative indicated that when looking at a case, the CAP does not see the salary distribution in that faculty member's school so it would not be possible to judge whether someone is under or over paid.

UCSD CAP does not look at the Y and Z components for faculty in the medical school and is therefore not seeing the total negotiated salary. The UCAAD analysis did not include health sciences. The system could provide the chancellors with funds to use at their discretion for equity adjustment. This issue has been clouded since the scales fell apart, creating an opportunity for unfairness. A question is whether minorities are being systematically discriminated against with respect to the off-scale component, although exploring this would take much more data. In light of the data, UC should look at distributing whatever resources are available to the campuses to reduce the inequity. The UCI representative will share their salary adjustment methodology data with UCAP.

III. Consultation with the Office of the President

- *Janet Lockwood, Manager – Academic Policy and Compensation, Academic Personnel*

APM 530 was issued in 1964, and since then there have been significant federal regulatory changes and Campus International Students and Scholars offices (ISSO). The director of the ISSO prepared the proposed revisions to this APM. It was reviewed by the Academic Personnel directors and the Office of General Counsel (OGC). OGC reported that since the changes were meant to only be regulatory, and to not impact current practices, that the proposed changes could be viewed as a technical revision. The policy has to accommodate a wide range of campus practices. The nature of health insurance benefits have changed since 1964 and the changes have been addressed in the revised APM. Residents and non-residents in academic appointments have the same benefits and rights in that title.

Any time a chancellor is referenced in this APM, the chancellor has authority to delegate administrative mechanisms if not expressly prohibited. The practices currently in place will remain. Manager Lockwood reported that there were concerns about a sentence on standards for sponsorship and UCAP was asked to consider different versions of that sentence. The two possibilities are “It is University policy to sponsor only individuals who serve and facilitate the University’s academic and research mission” or “Sponsorship shall be assumed only on behalf of individuals who contribute to the University’s teaching, research and public service mission.” UC had no intention of altering the policy for sponsorship but UC does need to show the U.S. Citizenship and Immigration Services that there is a need for the position that has an academic underpinning.

APM 133 is a policy on limitation of total period of service in certain academic titles. The last time this policy was reviewed was in 1987-88. The main purpose is to preserve the quality of the institution, faculty and the peer review system. The five year bar for return may be changed to three years. UCAP's opinion is being sought before systemwide review.

Discussion: The revisions of APM 530 were sent out for technical corrections and comments have been collected. One concern was whether campus practice would be altered. The changes will be incorporated if the Senate agrees with them and the policy then sent out for a final review. Members agreed that the new policy is

not overly restrictive. Members also preferred the sentence on sponsorship that includes teaching. UCAP will submit a memo stating that in general there is agreement with the proposed changes, but with some modifications to the language.

APM 133 applies to individuals who have been denied tenure or reached the eight year maximum service period, but does not apply to retirees. After three years they could return to any UC in a non-tenure track position. A faculty member could never return to UC in a tenure track position if they were denied tenure. A set of case studies could be included to clarify different scenarios. The chancellor can extend the service period for someone in the adjunct series. Titles covered by the health sciences clinical series and by collective bargaining agreements were removed and are not part of the restriction on service.

IV. Proposed Revisions to APMs 200 and 205

UCAP can provide comments on APMs 200 and 205. APM 200 is a general new proposed policy and APM 205 responds to campus requests for clarification. The Chair indicated that the policies provide more flexibility to recall retired academic appointees to active University service. Items in the appendices have now been incorporated into the policy. The policy clarifies a precise definition of the 43% maximum appointment rate for each fiscal year. Manager Lockwood provided background information on the recall policy APM 200 including that it had been cited as deficient by all campuses. It does not provide enough guidance and limits the compensation that can be earned by a recalled retiree. APM 205 is the product of three years of review and comment.

The 43% limit is intended to be as flexible as possible to accommodate any number of administrative systems at the campuses. The issue is that if the time and effort records go above 43% it kicks the person into eligibility for UC benefits, which the federal government does not like. With the exchange agreement between different federal agencies, a grant can be withdrawn if UC is found to be in violation of this rule. The risk is significant, which drove then Provost Hume to issue the very restrictive guidelines a few years ago. The 43% restriction is on time or effort in terms of the government and Medicare requirements, and does not need to be a restriction on compensation. If a faculty member enters into an individual agreement, the 43% can be exceeded.

Discussion: This applies to individuals who want to continue research but do not teach and the 43% limitation will apply. After three years, faculty would renegotiate. There is no limitation on the total number of years that a reappointment could take place. The possibility of recall appointments is part of the pie that faculty considering retirement factor in and the plan for post-employment benefits will play into the ability to bring in new faculty. This policy would allow campuses to enter into pre-retirement agreements with faculty. These are individual agreements made to help faculty gradually reduce responsibilities before complete retirement.

Deans would be exempt from academic review according to APM 200. This contradicts other portions of the APM. At some campuses, deans are exempt from academic review but are reviewed as administrative appointees, while CAPs at other campuses do carry out academic reviews of deans and associate deans. Manager Lockwood will provide an explanation for this change following the meeting. At one campus, deans receive research funding because they do not have time to pursue grants. This campus also proposed having language stating that it is understood that deans will do less research. No other classes of faculty in ladder rank appointments are exempt from a normal review, not even those in higher administrative positions who also have academic appointments. The committee did not have any concerns about the APMs other than the issue related to whether the deans are exempt or not from academic reviews. The concept of having two classes of faculty is problematic and a separate category for deans who do not want to be faculty could be established. If UCAP has misunderstood the language it should be clarified. However, if the committee has interpreted the language correctly, UCAP will indicate that it objects.

Action: The analyst and chair will draft a memo reflecting the committee's feedback.

V. Proposed Revisions to APM 670

APM 670 deals with the health sciences compensation plan and there are a variety of proposed revisions. The changes were made following management consultation with Senate committees. There is a lot of reorganization and clarification of language. This is the policy that UCAP discussed in relationship to the UCR proposal. The draft is the result of three years of review and discussion according to Manager Lockwood. This APM was

issued in 1999 and had not been reviewed since. The proposed revisions bring it into alignment with other sections of the APM. The major changes have to do with authority levels being moved down at least one level. In the current version of the APM the Regents have the authority to repeal the plan and it is proposed that this authority be given to the president and the president will delegate operational authority of procedures to the chancellors. Good standing criteria are supplemented. It provides guidelines for the assignment of Academic Programmatic Units.

The benefits for the health science compensation plan are clarified. A minimum standard for leave and sick leave is set. The APM is in conformance with other policies within the 700 series which were all updated after 1999. The UCR proposal was sent out before APM 670 because there is no reason to wait on the revisions before UCR implements its procedures. UCR's procedures were reviewed and approved by the division and sent to UCOP for review by Academic Personnel. Schools have the authority to make their implementation procedures more restrictive than the APM. There were many consultations with other health science campuses. The provost and vice provost do not think it is necessary to wait on the revisions to APM 670 before UCR produces its implementing procedures. The medical school at UCR is not ready to come on line in the immediate future, but they do wish to start hiring faculty as soon as possible. Chair Lindenberg indicated that the changes look reasonable.

Discussion: UCI's CAP discussed the revisions last week. One concern was about providing too much freedom as a result of delegating authority down to deans. The Senate should be part of defining good standing and the criteria for conflict of interest should be clearer. A clearer statement about Senate participation in good standing assessments should be made. APM 025 is conflict of commitment and outside professional activities that governs general campus and health sciences faculty. Section 2 of APM 670 will be reviewed in conjunction with the work on APM 025. Academic Personnel is considering having this section of APM 670 moved to APM 025. Conflict of interest is not addressed in APMs 670 or 025 but is contained in other policies. There is a need for many faculty to make declarations and certifications for their grants about conflict of interest. APM 028 covers issues related to what needs to be declared for grants with respect to financial interest. The UCR CAP members write and sign a conflict of interest statement each year to submit to the Senate.

One member stated that it will be better to have the conflict of interest information in APM 670 rather than in another APM. Language about the potential appearance of a conflict of interest is in APM 025 and the distinction between an actual conflict and the appearance of a conflict is made.

Action: The analyst and chair will draft a memo reflecting the committee's feedback.

VI. Management Review of Proposed Revisions to APMs 010, 015 and 016

The proposed changes to APM 010 and 015 are in response to an Academic Council request to create an explicit protection for faculty freedom to speak on matters of institutional policy following a ruling by the U.S. Supreme Court that permitted public employers to discipline employees for criticizing agency decisions (Garcetti). The proposed change to APM 016 is proposed by the Administration to add an expectation that faculty will comply with University policies to the existing expectation that faculty will comply with rules and regulations. The president and immediate past Chair Simmons and current Chair Anderson discussed the proposed language with the Office of General Counsel and the University Committee on Academic Freedom.

Discussion: The Office of General Counsel has advised that a faculty member does specifically need to be protected when acting as faculty. As a citizen, by University policy, a faculty member can write to an op-ed section of a newspaper but cannot use University property to do this. In APM 016, the following sentence on page 2, "For example, like all other members of the University community, faculty members are subject to the general rules and regulations and policies of the University;" should be revised to say "are subject to the general rules, regulations, and policies."

Action: The analyst and chair will draft a memo reflecting the committee's feedback.

VII. Proposed Revisions to APM 668

According to Manager Lockwood, Vice Provost Carlson would like to talk to UCAP about APM 668 but questions could be submitted in advance. It is similar to the Health Science Compensation Plan in that it has a Y

component but it does not have Z component. There is the fear that at some point there will be pressure to use grants to compensate outstanding faculty.

Discussion: UCI's CAP discussed what happens to the reserve fund if it is negative or is very large and will Senate have any oversight in this situation. Since it is an opt in plan, no one will be forced to follow this APM. Faculty have the right to participate in outside activities and it is problematic that the University could have any earnings from these activities. It is hard to imagine that this policy will not impact how faculty spend their time. The University may have vested interest to allocate FTE to profit generating activities. It is unclear who would review the annual negotiation since faculty are not evaluated annually. Faculty who bring in lots of grants will be able to negotiate a higher salary. UCAP wrote a memo to Council about this APM last year and the concerns expressed have not been addressed in the proposed revisions. Concerns include the need for Senate oversight and that the plan could potentially widen the gender gap and the gap between some disciplines.

The Academic Personnel Office at one campus has been testing the waters with the proposed plan. There are concerns about inequities even within the same department. A concern is that this policy would negatively impact the academic culture by causing faculty to further shift their priorities away from service and teaching. The way the policy is crafted broadly defines what types of funding can be brought in. Inequities will result from the 3% pay to play component of the plan. Differences between grant rich and grant poor disciplines will be exacerbated. The plan will create two salary structures, one which is not transparent and the merit based structure that UCAP would like to maintain. CAPs would be burdened if required to look at good standing. This policy undermines the merit based system that attracted many faculty to UC. UCAP will submit a memo expressing the committee's concerns now and also discuss this with Vice Provost Carlson in January. The committee should submit comments that reflect the concerns about maintaining the integrity of the merit system and the dangers associated with any move toward a corporate model. It is not clear how this program will help obtain the appropriate mix of teaching and service, so there should be safeguards to ensure that this balance is maintained.

Another type of CAP should be established to provide oversight and look at salaries. The precedent for having a second CAP to look at certain types of cases already exists. If UC continues to increase student fees, the state will ignore the need to increase funding to UC. It will take pressure off of the system to fix the salary scales. Members felt that implementation of this program is inevitable. There could be variation granted to the campuses in terms of how this program is implemented and there could be a way to allow for revenue sharing. The chancellor should set a strict limit on the Y component.

When Chair Anderson joined the committee, Chair Lindenberg reported that UCAP has serious concerns about APM 668 and that recommendations submitted by the committee last year were ignored. According to Chair Anderson, APM 668 was circulated among administrators and has changed significantly since being drafted by the task force. Members shared the committee's concerns with Chair Anderson. Chair Anderson stated that the Davis administration is eager to implement this program on a large scale in order to alleviate pressure on state funding. People who will be attracted to the program will be the 9% of faculty who are above scale. Chair Anderson indicated that the Provost has been promoting the program very hard since he feels it has been successful at the health science campuses.

The President should listen to the Senate's concerns and ask the Provost to address them. The Planning and Budget committee will address what the program will and will not do to address UC's budget, and Chair Anderson encouraged UCAP to comment on this as well. In the high salary fields like business and law, the off scale salary is built into the base of the faculty member. If this money were replaced by an annual negotiation, this would have an impact on the power of deans and department chairs versus individual faculty and the role of the Senate. There will be an impact on faculty who have the incentive to focus on their individual needs instead of using funds to support the research enterprise.

Action: The analyst and chair will draft a memo reflecting UCAP's concerns.

VIII. Final Report of the Implementation Task Force

There are two items going on to define how the campuses get their funding. The funding streams work has been completed. It allows the campuses to keep the funds they generated and UCOP will collect a tax. It is unclear how the tax will be collected. The rebenching effort is to change the way the state money is distributed to the

campuses. It is currently not distributed on a per student basis. The current distribution of funds to the campuses is not transparent. A task force is looking at how the funds could be distributed on a per student basis. There is concern about the consequences of rebenching, including that some campuses will do worse than others.

Chair Anderson explained that late last Spring Council adopted a specific proposal for rebenching. In allocating state support a student of a given kind should have the same amount of funding regardless of campus. One concern, given that some campuses have the ability to attract non-resident students, is to ensure that resident students can be enrolled at at least one UC campus. Currently there are quite a number of unfunded students who might be dropped and have nowhere to go. A task force looking at rebenching is suggesting maintaining the status quo. UC does not have enough money and it is probable that there will be another cut in the future.

The administration presented a plan to the Regents for the fourth time that assumed an 8% increase in student fees annually for the next five years which would bring UC's budget to a sustainable level. The Regents balked at adopting this as a policy position. The concern among the Regents is that they are doubtful that state funding increases are forthcoming and that tuition would then rise by 16% a year. Some Regents proposed private fundraising instead of increasing tuition and increased savings in operations whereas other Regents wanted to pressure the state to provide more funds. The administrators are resistant to restore the competitiveness of the salary scales because there is not going to be enough money to fix the salary scales, and the limited funding available should be used for recruitment and retention.

Discussion: After the \$600 million cut, the funding streams proposal was not revenue neutral. The Senate is concerned that the campus budgets at the start of this new procedure be revenue neutral, and adjustments should be made as cuts from the state come. Some fear that letting the campuses keep the revenue they generate will create the wrong incentives as well as competitiveness among the campuses. Campuses are already being rewarded for being entrepreneurial, which has benefits and costs.

IX. Consultation with the Academic Senate Leadership

- *Bob Anderson, Chair, Academic Senate*
- *Martha Winnacker, Executive Director, Academic Senate*

Discussion: Chair Anderson reported that the Senate has tried to end discussions about differential tuition. If tuition is raised, Chair Anderson thinks it should be raised uniformly but that more money should be directed to return to aid to reach their goal number of students. There has been a decrease in the number of faculty but not in the number of students.

Chair Lindenberg asked Chair Anderson what can be done in response to the UCAAD salary equity report. A strength of the report is that it used an established methodology and analyzed the data very carefully. The methodology does not explain how the salaries of women ended up being lower than salaries of men. The difference might be due to the willingness of men to generate outside offers and for women to be less willing to pursue outside offers for family related or other reasons. An analysis of the off-scale and on scale amounts may show if there is an issue related to step. Chair Anderson noted that CAPs have the authority to look at salary and CAPs that currently do not may want to reconsider their policy. During a review, the salary could be compared to the faculty member's peers' salaries. Some of the CAPs do not look at salary in order to avoid contaminating the review of the academic work. One CAP is unable to determine if a salary is off-scale. Divisional bylaws should be reviewed to determine if CAPs are prohibited or permitted from looking at salary. The use of cross over steps varies across the campuses and CAPs could change this.

X. CSHE Peer Review in Academic Promotion and Publishing

UCAP briefly discussed the CSHE report last year.

Discussion: Cases from different schools are using different metrics and a member asked if the University is looking at those metrics for the evaluation of academic performance. Chair Lindenberg lead an effort at the UCSD CAP to exclude the indexes from discussions. For the first barrier step from assistant to associate professor, the UCLA CAP required faculty to have an ROI. At least one CAP does not require this and another

uses an index but not as a focal point of the review. The h index provides information about whether work is being read and cited. The metrics are imperfect however, some faculty claim that the metrics ensure more objectivity. Chair Anderson indicated that a faculty member should be able to receive tenure based on just one publication. CAPs could adopt the holistic review of students for faculty and move away from numbers. UC does not want to defer its authority to presses to decide the value of different publications. Departments are relied upon to provide CAPs with the context for evaluating a faculty member. Several CAPs focus on the independence of research.

A good letter from the department chair can provide valuable information about the faculty member. The documentation process for the Arts has drastically changed. Musicians fund their own recordings and publish in venues like iTunes. Almost every Arts file is a stand alone case and has to be evaluated separately from everyone else. The specialization of what the Arts faculty do in a meaningful way is a concern. The traditional metrics such as recordings has disappeared. It is important for CAP to have a member who can explain what is important in the files from the Arts.

XI. Campus Reports/Member Items

This item was not discussed.

XII. Executive Session

There was no executive session.

Meeting adjourned at: 4 PM

Minutes prepared by: Brenda Abrams

Attest: Katja Lindenberg