

UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL

MINUTES OF MEETING

WEDNESDAY, MARCH 12 2014

Attending: Harry Green, Chair (UCR), Alan Terricciano, Vice Chair, (UCI) (telephone), James Jones (UCD), Jean-Luc Gaudiot (UCI), Lynn Pulliam (UCSF), Shannon Jackson (UCB), Michael Stenstrom (UCLA) (telephone), Jang-Ting Guo (UCR), Mary Hancock (UCSB) (telephone), Christina Ravelo (UCSC), Myrl Hendershott (UCSD) (telephone), David Kelley (UCM), Susan Carlson (Vice Provost, Academic Personnel), Janet Lockwood (Manager-Academic Policy and Compensation, Academic Personnel), Bill Jacob (Academic Senate Chair), Mary Gilly (Academic Senate Vice Chair), Brenda Abrams (Principal Policy Analyst)

I. Announcements

The president's response to the Moreno work group report was discussed by Academic Council. The president's letter to the chancellors suggests that there is a better understanding of why the problems at UCLA may have occurred and that it is not the case where faculty are protecting one another. The administration has been promoting a plan that shows that the underfunding of UCRP would be considerably less if newly proposed procedures are followed. UCFW was never consulted by the administration about developing UC Care and any information that was provided was incomplete. UCSB did not initially have a first tier provider and UCR had a similar situation. UC was allowed to refinance its debt and this has generated a significant amount of money. This has led to discussions about borrowing against this windfall to fund capital needs at the campuses and UCPB is concerned about expenses related to this down the line.

UCAP has previously looked at policies related to self-supporting graduate and professional degree programs. There are professional schools that are partially private and partially public. The new policy would require programs to be completely self-supporting and to pay back any funding received from the state. Senate Bylaw 55 was discussed at length at Council and the division's revised proposal is on today's agenda. Chair Green reported that UCAP will discuss making APM 190 a presidential policy. WASC is conducting its review of UCI and there are concerns about the frequently changing reporting requirements. The issues with composite benefits continue with discussions focusing on how many combined groups there should be. A presentation about time to degree shows that UC campuses overall are doing well. It was noted that while UCR has a lower four year graduation rate, the campus catches up at six years. UC also does much better than the CSUs. Chair Green gave a brief presentation to the Assembly about the UCAP's work with UCAAD on the revisions proposed for APM 210.

Discussion: Reportedly the problems with composite benefits are being attributed to the software being used.

II. Consent Calendar

Action: The minutes were approved with corrections.

III. UCSD Proposal to Revise Bylaw 55

The agenda packet contains two versions of proposed bylaw 55, one which addresses only the medical school and the other addresses the entire campus. The key issue is that the votes by Senate and non-Senate voters will not be comingled, but separated out and identified. Chair Green noted two vote systems are long-standing practices at UCR and UCD, and the vote by non-Senate faculty is marked as

advisory. The proposal is that the votes will be tallied separately so that CAPs will see agreement or disagreement between the non-Senate and Senate faculty. The argument in support of the change is that it will give the non-Senate faculty a stamp of approval.

Discussion: One version of the revision indicates that the policy would apply to all faculty at UCSD. In theory, this means that faculty in law schools could also be given a vote. The proposal would formalize current practice by requiring a 2/3 vote by the department's Senate faculty to approve giving non-Senate faculty the vote. It is not clear what would happen if the positive votes by a department's Senate faculty are outnumbered by negative votes by the non-Senate faculty. Departments should look closely at votes that are divided along Senate and non-Senate lines. The UCLA CAP has been concerned about mingling the votes and the representative noted that the Senate and non-Senate votes tend to be correlated.

If every campus is allowed to be nimble, UCAP will need to be cautious about still looking for standardization. A member suggests defining a set of core principles that will be consistent across the CAPs. At UCD, only Senate members are allowed to participate in the CAP discussions about Senate members, and the Federation faculty may have information that is not shared with the CAP. The UCAP memo should address the potential conflict between what already enables a departmental option for a two vote system and the proposed new rule which would make it a departmental option. At UCD, decisions are made at the beginning of the year about what actions each rank will be allowed to vote on. A member pointed out that the revision to SB 55 may limit some of the flexibility departments now have. Chair Green remarked that there may have been some regulation that required the non-Senate faculty vote to be separated and called "advisory."

Chair Green asked for a vote on the two proposals. Version 1 restricts the change to the medical schools and nine members voted in favor of this version and three voted against it. Version 2 does not restrict the vote and nine members voted yes for this version and three members voted against it.

Action: The chair and analyst will draft a memo.

IV. Consultation with the Academic Senate Office

- *Bill Jacob, Chair, Academic Senate*
- *Mary Gilly, Vice Chair, Academic Senate*

Chair Jacob reported that there will be a 3% raise for faculty on July 1st. Last year, the Senate prepared a request to President Yudof for a raise for faculty and faculty received a 2% raise. The Senate has not yet asked for a raise this year and President Napolitano simply announced it. Chair Jacob expressed concerns about the president's understanding of CAPs and the steps, and Chair Green asked how UCAP can help with this if the president joins UCAP in June. The president has stopped just asking for Senate members to participate on her initiatives and instead has begun asking the Senate leadership to recommend Senate members.

The Innovative Technology Learning Initiative has agreed to fund thirty courses and the budgets are being determined now. The Executive Vice Chancellors will each receive \$100K to support online activities at the campuses. UC Path will be implemented in January 2015 at UCOP, on April 1st at UCM and July 1st at UCSC and possibly other campuses. UC Path has now cost tens of thousands of dollars and may result to cuts at UCOP. Regarding composite benefits, there is an issue with nine-month faculty. If faculty have a grant, the benefits are not currently charged to the summer salary. The most likely composite benefit proposal to be adopted would charge benefits on salaries of such faculty

up to 11/9. It would take in \$29M more than actual costs which will accrue to the general fund and defray the cost from the general fund of paying benefits during the academic year. About 80% of the summer salary is for contracts and grants. This is \$23M in savings to the general fund just based on redesigning the way benefits are charged and the Senate has objected to this. UCB and UCD had a composite rate last year which changed this year so there is a separate summer rate this year. The Senate's position is that most of the cuts would come out of GSR support and the \$23M is about 11% of the \$198 in GSR support systemwide (excluding health sciences faculty). The Senate thinks that UC should ask the federal government for a separate summer rate. Chair Jacob indicated that this impacts the ability of UC faculty to fulfill its research mission. A decision about this matter is to be made by April 1st.

Council has discussed the self supporting degree programs and professional degree supplemental tuition programs. The Senate has taken the hard line that there should be some distinction between these two models. Most UC campuses have at least one or two self supporting programs. There is concern about facilities built with state funding being used for these private programs and the Senate is calling for more changes than the Academic Planning Council is willing to consider. Chair Jacob indicated that the Transfer Action Team's draft report is being revised and the president will report on this to the Regents in May. At the end of February, UC submitted its required accountability measures to the Department of Finance. The new vice president for institutional research, Pamela Brown, has created a good report for the Regents about graduation rates and it is hoped that this report satisfies the legislature. Chair Jacob indicated that the UCI letter about WASC has been forwarded to the Commission. WASC asks for the campuses to provide material already routinely collected but they want it reported in a way that would be duplicative and laborious to provide, which becomes onerous.

V. Consultation with the Office of the President

- *Susan Carlson, Vice Provost, Academic Personnel*
- *Janet Lockwood, Manager, Academic Policy and Compensation, Academic Personnel*

The president has announced a 3% raise for faculty and all academic personnel. The presentation to the Regents about the climate survey will be a fairly broad overview. The campus directors of IR have currently access to the data for their campus and the major report will be released with the Regents item. Academic Personnel will examine the faculty data to determine if anything stands out. The data are broken out between ladder rank faculty, undergraduate, and graduate students but all other academics are aggregated with staff. The fifth roundtable for ADVANCE, focusing on climate, is scheduled for April 23rd at UCD and Vice Provost Carlson indicated that all UCAP members are invited. Each campus representative on the ADVANCE steering committee is asked to put together a delegation and Academic Personnel will reimburse the travel for five participants from each campus in Southern California.

Academic Personnel is working on the president's initiative for the post-doctoral fellows program. The \$5M is primarily directed to hiring of five additional ladder rank faculty out of the fellows program and some will go to start up costs in the STEM fields. Vice Provost Carlson reports that the program, to date, has funded twelve hires per year and it is possible that all of the funding committed for this year will be used. The start-up money also is available to the health sciences but the salary money is not. Academic Personnel has received funding to buy an institutional membership to the National Center for Faculty Development and Diversity, and the campuses are being asked to provide half of that funding because there are administrative responsibilities involved. The Center provides online resources for faculty. Academic Personnel is developing a training program about managing issues of inclusivity and climate at the department level. As part of this, a theater-based intervention is being created.

The total remuneration study is underway. The study will look at 2009 and 2014. The analysis will allow UC to see if it has gained or fallen behind *vis a vis* the comparison eight. These data will be presented to Faculty Welfare in April and the vice provost indicated that it can be reviewed with UCAP in June. The study has been more complicated than Vice Provost Carlson anticipated, in part because of substantial changes to the value of the benefits. The negotiated salary trial program preliminary report has been submitted to Chair Jacob. It describes the 154 trial program participants. Academic Personnel is now preparing the next report on the trial program and the vice provost indicated that UCAP members can share it at their campuses. An annual report will include more detail on salary and the source of the negotiated salary. Surveys of the participants and every ladder rank and in-residence faculty member in each department will be surveyed. Collecting some of the data has been a challenge.

Academic Personnel expects to release APM 600 for a July 1st effective date. After Academic Personnel reviews the comments received from APM 210, it will be sent out for a 90 day systemwide review. Academic Personnel is expecting the second update from the campuses on the faculty salary equity studies. The campuses that have not done much work on this before are taking their time to carefully design the methodology. The UCD report takes into consideration the step on the scale and when a person was hired which will be an interesting report. The final report is due in less than one year.

Discussion: Chair Green indicated that Provost Dorr has suggested that the results of the entire climate survey will not be manipulated, so the consultant's unedited comments will be available. Anyone not eligible for the health sciences compensation plan is eligible to participate in the negotiated salary trial program. The analyst confirmed that comments about APM 133 were submitted to Vice Provost Carlson on February 28th.

VI. Enhancing Diversity in Hiring and Merits/Promotions

Chair Green is disappointed that UC is not making more strides in increasing the diversity of faculty or students. One question is whether CAP's should lobby the administration to put teeth into enforcing APMs 240 and 245. There is diversity in applicant pools has been enhanced but nothing really comes of this. UCAP and CAPs are the groups that say there can be no compromise in the quality of faculty. CAPs are therefore in the best position to focus on achieving diversity while maintaining quality. If members believe that CAPs cannot play a role, they are invited to share that.

Discussion: For appointments, some CAPs look at the applicant pool and the reasons they are rejected. The UCD CAP is able to see the files with information about the candidates who were rejected. UCR is not involved in the hiring of beginning faculty. Other CAPs receive summary data statistics about who is in the pool. Chair Green believes that there is a problem with the enforcement of APMs 240 and 245 by the deans. A member described how a new dean in natural sciences at UCM has taken steps to direct the departments' hiring. A new set of guidelines protects the role of the dean but provides limits to how much the hiring is influenced. The guidelines were submitted to the Academic Personnel Office and the provost and it was thought there would be agreement. Instead, an announcement was made by the chancellor that the dean has the authority to make any decisions related to hiring. The dean has stated that he considers diversity to be the most important aspect of the faculty recruitment process. The dean has access to information at the Academic Personnel Office about ethnicity and gender but that information is not available to the departments. It was suggested that the problems described by Chair Green are not universal. A member thinks it would be useful to have a database that includes all campus practices relating to hiring.

Chair Green proposed that UCAP members look at statistics at each campus for how many people were awarded merits or not and how this broke down between gender and ethnicity. These data would give UCAP a better idea about the nature of the problem. It was noted that the faculty salary equity studies will provide data that will help UCAP answer some of the committee's questions, although the data will not necessarily be comparable. UCAP could look at the ways that deans are evaluated with respect to how well they promote diversity. It is insufficient to have policies that prohibit discrimination. Practices at the campuses that are working well should be identified. Deans could do more to intervene at some campuses and set aside FTEs for candidates who are both excellent and enhance diversity. While Prop 209 prohibits certain practices, it does not prevent the hiring of individuals who have the skills to promote diversity. The applicant pool is compared to the national pool and if it is not comparable the search is started again. The point was made that the faculty do not reflect the diversity of UC's student body or the population of California. CAPs can validly consider the skill set of candidates who promote diversity. More creativity is needed in the hiring process.

Diversity could be emphasized as a criterion for review. A member stated that the role of CAP is to make sure that the policies and procedures are followed. At UCD, the CAP decision is reversed between 9 and 10% of the time and this has happened even when the CAP's vote on a file is unanimous. The point was made that candidates from diverse ethnic backgrounds may not even apply for a position at a campus known to not be diverse. In the end, members of the Committee argued that this would be a great deal of work for UCAP and is not the responsibility of the Committee.

VII. Proposed Revision to APM-190, Appendix A-2

Chair Green indicated that UC has to change the APM in response to a change in the whistle blower law. In the section on the Time Frame for Investigation (page 13), there does not appear to be a plan to communicate updates about extensions to the complainant and Chair Green suggests adding a statement that the complainant will be notified and provided with an explanation for the extensions. In section F-2, the policy is also written so that there is no public disclosure of the consequences for anyone who has violated the policy. If the goal is to protect faculty or staff, it is a concern that the outcome will not be made public even to the complainant who has been found to be right. Chair Green suggested that the policy should be revised to indicate that the written description will describe what actually happens. In section J, Reporting Requirements, there is a vague statement about the plan for reporting and it is not clear why this change would be better. The policy stipulates that the burden of proof will shift to the accused at a certain point thought by Chair Green to be appropriate.

Discussion: Members agreed with Chair Green's comments about the proposed revisions.

Action: The chair and analyst will draft a memo about the committee's concerns.

VIII. Campus Reports/Member Items

Santa Cruz: The career equity review process is initiated either by the department chair or the dean. Sometimes the CAP is reviewing someone for a regular merit and notices they are not where they should be, but the policy has a deadline that prevents the CAP from sending a file back with the suggestion that a career equity review be requested. The CAP does not have the entire file needed for the career equity review at that time. The UCD CAP can recommend a higher step even if the candidate has not requested a career equity review. It was suggested that the UCSC CAP recommend a career equity review the following year. UCD's practices cut down on the expenses associated with the personnel review. UCD's CAP is not seeing normal merits. The UCSC CAP does not have a mechanism

to initiate the process. The other CAPs send information back through the Academic Personnel Office. The UCR CAP has the flexibility to send a file back with the recommendation that a higher step be requested. Women may be uncomfortable requesting a career equity review.

Irvine: There is a case with an associate dean and there is an argument that his responsibilities have changed. The professor is tenured and his teaching is considered to be better than his research. The APM addresses the criteria for department chairs and UCB's CAP extrapolated from this policy to devise policies that cover other titles such as associate dean. APM 210 and APM 145 may help with this case.

IX. New Business

There was no New Business.

X. Executive Session

There was no Executive Session.

Meeting adjourned at: 3 p.m.

Minutes prepared by: Brenda Abrams

Attest: Harry Green