

**UNIVERSITY OF CALIFORNIA**

**ACADEMIC SENATE**

**UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL**

**MINUTES OF MEETING**

**TUESDAY, MAY 8, 2012**

**Attending:** Katja Lindenberg, Chair (UCSD), Harry Green, Vice Chair (UCR), Kyaw Tha Paw U (UCD), Alan Terricciano (UCI), Jeffrey Knapp (UCB), David Hovda (UCLA), Michael Pirrung (UCR), Dana Takagi (UCSC), Clinton Winant (UCSD), Jan Wallander (UCM), Jeffrey Knapp (UCB), Me), Susan Carlson (Vice Provost, Academic Personnel), Janet Lockwood (Manager-Academic Policy and Compensation, Academic Personnel), Nancy Tanaka (Executive Director, Academic Personnel), Matthew Xavier (Data Coordinator, Academic Personnel), Bob Anderson (Academic Senate Chair), Bob Powell (Academic Senate Vice Chair), Brenda Abrams (Policy Analyst)

**I. Welcome and Announcements**

The chair announced that this is the committee's last meeting but that the work will continue.

Several Council meetings have occurred since UCAP's last meeting.

- ❖ At the April 11 Council meeting, there were nominations for the Oliver Johnson award for John Oakley from UCD and Sandra Weiss from UCSF. The nomination for Council Vice Chair has been accepted by Bill Jacobs from UCSB.
- ❖ The Reynoso report on the pepper spray incident at UCD was scathing and there are still unresolved issues at that campus, such as whether or not the Chancellor will resign.
- ❖ The Memorial asking the Regents to speak up on ballot initiatives was passed by the Divisions. Memorials are very rare, and while the turnout was low (which is not unusual), the Memorial was passed by approximately 90% of the faculty that voted.
- ❖ There have been many discussions about the Education Online project. Dan Greenstein and a faculty member from Davis visited UCSD to answer questions about the online instruction project, and they seemed unable to answer basic questions such as the purpose of the project. The project has not slowed down in spite of serious misgivings expressed by Senate bodies.
- ❖ Issues related to Senate membership are under discussion. UCSF has declared that their full-time Adjunct and Clinical faculty will be Senate members effective July 1<sup>st</sup> with a statement that this has passed the scrutiny of legal counsel. The question of the legality under the APM and the standing orders of the Regents is being considered by Rules and Jurisdiction, and UCSF will push for changes in the APM that will allow these faculty to be Senate members should any issues be found. UCSF has stated that this does not have to be done for all Health Sciences faculty at other UC Medical Centers, but Chair Lindenberg does not think this is likely.
- ❖ Academic Council named a working group to work with UCSF to see what can be done about the Senate membership of their faculty. The working group will be chaired by Bob Powell, and Chair Lindenberg and the chair of Faculty Welfare will also be members (continuing beyond their tour of duty on UCAP and UCFW). The working group will consider proposals such as granting certain rights and privileges to the faculty in question without granting full senate membership. The most extreme idea is to create two parallel

senates loosely federated at the top. In parallel, at UCSD the Health Sciences faculty have made a request to allow Clinical and Adjunct faculty voting rights within Health Sciences departments that choose to grant these faculty departmental voting rights. In some departments the number of such faculty could be up to 50%.

- ❖ Council considered feedback on the Faculty Salaries Task Force report that proposed a way to deal with the salary scales systemwide and locally. Council voted to apply 2% of any salary increase across the board to all faculty. If there is additional money, this should go to implement Phase One of the Task Force plan. If there is even more money, Phase Two for raising the scales should be implemented on each campus (essentially the Irvine method). The majority of Council approved the three proposals.
- ❖ A report from the UCLA Graduate Council and Executive Council expressed opposition to the UCLA Law School becoming an independent school.
- ❖ Discussions about Rebenching are continuing. This is the plan on how state money will be distributed to the campuses. There are questions about funds taken off the top and about how to implement the plan without harming the campuses. The Rebenching Task Force report is due soon but as of the last Council meeting there was no draft.
- ❖ The budget negotiations between President Yudof and the legislature are slow, and he has very little to report.
- ❖ Council approved a statement from the Committee on Academic Freedom supporting faculty conducting controversial research.
- ❖ Chair Lindenberg reported that President Yudof and the Regents are displeased about the UCB Chancellor's and other administrators' proposal for a new governance structure that was published in a journal and then picked up by the press.

**Discussion:** The UCSF representative reported on the UCSF Senate membership declaration. He noted that there are faculty doing teaching and research but have no voice in how the campus is operated. In order to get around this, the APM has been ignored and faculty have been appointed into the Clinical X title. UCSF is a different kind of campus since it does not have undergraduate students. Over the years, people have seen the lack of Senate membership as a huge inequity given the work done by these Adjunct and Clinical faculty. The language in the Regents' Standing Orders may need to be clarified. A member commented that people have good reasons for not choosing to have a large cohort of Medical School faculty in the Senate because this might put them in control over what happens campus- and UC-wide.

Every time this topic comes up it is contentious. The Extension Specialists at UCD are in the same situation, as are Unit 18 Lecturers. The Specialists do teaching and research, but are not Senate members. At one campus, these types of faculty are able to vote at the department level in a consultative role. It was noted that if the UCSF Adjunct and Clinical faculty are passionate about UC then their membership in the Senate might be reasonable. A member stated that at his campus it is not clear that the Health Sciences faculty care about what occurs on the rest of the campus. The Medical Schools and Health Sciences do not operate the way the rest of UC works, and the issue may be that the Senate is trying to apply a uniform model to many different groups with different priorities.

## **II. Consent Calendar**

**Action:** The minutes were approved.

### **III. APMs 010, 015 and 016**

UCAP has the opportunity to comment on revisions to APMs 010, 015, and 016. Chair Lindenberg does not know the full history of the revisions but notes that there has been significant review and feedback already.

**Discussion:** The proposed revisions came about following several successful lawsuits that resulted in faculty being fired and *Hong vs UC Regents* is a case currently in the 9<sup>th</sup> Court of Appeals. The Office of General Counsel suggested to UCAF that language protecting faculty when they are critical of the university should be in the APM. A UCD representative to UCAF sent an email to the UCD Senate warning them to be careful about their speech.

At one campus, it is felt that the proposed revision should be cut from 010 and only appear in 015 because this APM addresses protected conduct without redefining what Academic Freedom is. Members would like to know why the Office of General Counsel wanted the phrase “when acting as a member of the faculty” in the APM, and discussed how this vague phrase could be interpreted. The courts say that employees of public agencies do not have the right to criticize what the employer is doing. Legal counsel could be making the distinction between the right of free speech and academic freedom. That phrase also could modify everything before it in that sentence. The question may be whether the language needs to be in both places to provide protection, and UCAP would like clarification about this.

Chair Anderson indicated that OGC insisted on having the phrase “when acting as a faculty member” in the policy but has not provided an example of what problem is solved by it. Chair Anderson agrees that the punctuation around that phrase is problematic, and that the phrase narrows the protections for faculty though it is unclear exactly how far they are narrowed. Vice Provost Carlson reported that the phrase existed further down in APM 010 and that UCAF proposed to include it in both APMs 010 and 015.

**Action:** The chair and analyst will draft a memo stating the committee's position.

### **IV. Consultation with the Office of the President**

- *Susan Carlson, Vice Provost, Academic Personnel*
- *Nancy Tanaka, Executive Director, Academic Personnel*
- *Janet Lockwood, Manager-Academic Policy & Compensation*
- *Matthew Xavier, Data Coordinator, Academic Personnel*

- ❖ UC is coordinating a new project sponsored by an NSF Advance grant aimed at creating an environment that is supportive of more diverse STEM faculty. There was a meeting on April 11<sup>th</sup> at UCB, and materials from the meeting will be posted on the Academic Personnel website. Chair Lindenberg is part of the Steering Committee that is coordinating the direction of the program. The second roundtable will be in October at UCI. Based on the April 11<sup>th</sup> discussion, a plan is being developed to use the data being collected about the candidate pool, finalists, and hires and composition of search committees and connect it to current search

practices. A goal is to learn how best practices for searches are working or not working to diversify faculty. It will be important for UCAP to continue its involvement with this program.

- ❖ UCAP Vice Chair Green will participate on a Task Force that will revisit the possibility of introducing a negotiated salary program for General Campus faculty akin to the Y component in the Health Sciences. The Task Force plans to prepare a set of recommendations for mid-June. New background information for this purpose has been generated for the Task Force.
- ❖ Vice Provost Carlson introduced Data Coordinator Xavier who replaced Jim Litrownik. There is consistency between the current salary analysis and the analysis conducted earlier. The Health Sciences are not included in the analysis, while the Law Schools are included. The number of new hires is 41% lower than five years ago. Salaries vary across the campuses. UCLA is at the top for full professor salaries and UCM has the lowest salaries. The data shows that UC salaries still lag behind those of faculty at the Comparison 8 institutions, though this year UC lags behind by 10.8% compared to 12.8% last year. This analysis will be provided to UCAP annually.

**Discussion:** The data shows that the people who are hardest hit are those who have been at UC longest and have paid a loyalty tax and have not benefited from programs to raise salaries to market rates. It is surprising to see the salaries of new hires. The numbers of faculty who are Above and off scale have increased. Vice Provost Carlson suggested that an analysis of the salaries of faculty Above and off scale ten years ago compared to now would be interesting. The Comparison 8 institutions' salary data does not include benefits. The UCLA representative remarked that in retention cases junior faculty have to be reminded about the benefit package at UC when they are considering an offer from another institution.

An analysis of total remuneration was conducted at UC in 2008. Faculty Welfare has looked at this complicated issue and found that cash compensation was low but when benefits are taken into consideration UC was on a par with other institutions. This study is very costly and there are no current plans to conduct it again. Human Resources may attempt a comparable study in the Health Sciences though it will be close to impossible to get comparable data. Vice Provost Carlson noted that other measures of compensation such as tuition benefits are difficult to measure but important to keep in mind. The Vice Provost informed the members that the data reports can be distributed to local CAPs. The 4.7% overall salary increase last year (including COLA and merits) made a substantial difference in the lag for UC, although some of this was used for contributions to the retirement plan. The calculations are based on a nine months' salary. A member asked if UCOP is concerned about the percentage of faculty off scale, including the fact that the group with the highest percentage of faculty off scale are the Assistant Professors. New faculty are routinely being hired off scale because of the market. Associate Professors often earn more than Full Professors, a reflection of the loyalty tax. Administrators who manage budgets use their funds to fix problems on a case by case basis in retention cases.

At the UCLA Medical School, an equity committee looks at the salaries being offered to incoming faculty, points out when existing faculty in the same department have lower salaries, and asks for the departments to justify the higher salary. Some campuses do not have a mechanism for doing this. A study should be conducted to determine what would be required to

raise the salaries of high performing faculty whose salaries lag behind similarly high performing faculty and determine a way to make a one time adjustment to eliminate the inequity. Currently, the only people who get noticed are those who get outside offers, so this type of statistical study would help identify others whose salaries should be raised. UCAP should not discourage outside offers as this ultimately benefits everyone. Disadvantages for faculties in the social sciences and humanities will show up in an analysis. It is not clear that this type of study has been conducted previously, but UCAP could recommend that campuses implement it and devise strategies to address the loyalty penalty. It was noted that the changing nature of publications is also a factor to consider.

UCAP wrote a memo to Chair Anderson asking for two task forces to look at the publications issue.

## **V. Report of the Faculty Diversity Working Group and APM 210**

The Faculty Diversity Working Group is one of five established under the President's Campus Climate Task Force. Chair Lindenberg suggested discussing each practice recommended and determining UCAP's support. The discussion will touch on issues related to APM 210.

**Discussion:** Regarding Practice #1, a member commented that UCSB added a note to their red book. UCB has also done some work around the full implementation of 210. Instead of changing APM 210, perhaps there could be campus statements explicitly clarifying that a primary focus on diversity is not intended to be favored by CAPs. Even though the UCSB statement clarifies that research on diversity should not be favored, members agreed that APM 210 can still be interpreted to mean that it should.

The committee discussed why APM 210 came up this year since it is not currently under formal review. Chair Anderson reported that UCAF discovered the language about promoting research on diversity and concluded that this language appears to favor one type of research over another. Some members opine that some CAPs have not implemented APM 210 at all. UCAP could propose revising APM 210 or the committee could produce a white paper on best practices. It is not clear how APM 210 applies or is relevant to certain fields, for example, Physics.

There are differences between mentoring, teaching and services and the way in which they fit into the policy. The APM can be interpreted as encouraging faculty to engage in certain types of research. Efforts to increase diversity through mentoring and service are legitimate because anyone can pursue it without adoption of any scholarly program. The UCSC representative indicated that studying inequality does not earn a faculty member an APM 210 tip or credit. Department letters appear weak when trying to argue for an extra half step based on doing this type of work alone. UCAP could state that it is comfortable with supporting APM 210 as it applies to service.

Members of one CAP were offended by the recommendation for training and the recommendation that demographic data be collected on CAP members. A member remarked that the report is naive in that it does not take into account the composition of CAPs. Chair Anderson suggested that UCAP identify any recommendations with which the members agree and figure

out what can be done about diversity issues. Diversifying the faculty should be attempted through grants programs or the creation of special initiatives, and separated from the review process. The Senate as an institution is not in a position to improve diversity because candidates are selected by departments, and CAPs only have the opportunity to say if a candidate is qualified or not. Chair Anderson would like to advise the administration that the Chancellors, Executive Vice Chancellors and Deans can make a difference in improving diversity. A premium could be placed on mentoring and service that promotes diversity. Chair Lindenberg and other members would support some of the recommendations in the working group report if the phrase about contributions to diversity in research in APM 210 is removed. UCAP could state that portions of the Task Force report are good contingent on revision of APM 210.

A member suggested that the committee's comments should make it clear that UCAP is committed to the utmost to the principle that equity be preserved at all levels. The community needs to be educated about what diversity means and why it should be valued. Everyone seems to embrace the idea that diversity is a positive value. Faculty may be reassured if UCAP's White Paper states that contributions to diversity will be recognized, but that faculty who do not make such contributions will not be disadvantaged, and that accelerations are based on excellence and not on work in a particular scholarly program. UCAP could say that contributions to diversity should receive "equal recognition," and the word "encouraged" should be removed where it now appears in APM210-1.d. There is a discrepancy between how people might read it and the way the policy is implemented in practice. A member noted that UCAP members agree that the committee does not believe in extra credit for work in a particular scholarly area but that it is important to recognize the work.

UCAP's memo should point out that the language in Practice #9 on page 7 should be consistent with that in Practice #9 on page 3. This Practice could result in people following APM 210 and providing extra recognition for a particular topic of research. It is important to separate the issues related to APM 210 and the contents of the Task Force report. UC faculty should be reassured that UCAP is not adding new criteria to personnel reviews, and that contributions to diversity are not a fourth consideration to the review process. It is important to make a statement about the integrity of the personnel process. UCAP could state what it would like to do with APM 210 and ask for the APM to be changed before moving forward with the Working Group's recommendations.

APM 210 1.d could specify very affirmatively that work on diversity should get equal weight. Some members think that the area of research is just used as an example while others think it is a slippery slope to single it out. The committee took a straw vote to see who supports removing the language about research that highlights inequalities. Chair Anderson proposed the following language: "Research on diversity shall be valued equally with other kinds of research based on the quality of the research." This statement could be used in the framework of equity. Extra credit should not be given for this type of research but it should be valued as any other research if it is meritorious. A member proposed the additional revision: "Teaching, research, and public service contributions that promote diversity and equal opportunity are equal in weight and value to contributions in other areas" which would be followed by Chair Anderson's proposed language. A revised white paper could accompany UCAP's memo. Members debated whether to weigh in on the report, and Chair Anderson stated that UCAP is the committee most centrally

involved.

The committee provided comments on the short version of each practice:

Practice #1: Members support this practice if the language in APM 210 is modified/clarified. A member noted that, as a land grant university, if faculty are not dealing with the very diverse population of California, they are not being effective teachers. Teaching and service should be kept separate from research, and Chair Anderson's language addresses this.

Practice #2: Members support this practice with the caveat that it depends on the kind of training. The UCR and UCSD representatives are opposed to this practice. UCAAD should not train CAPs. CAP has experienced people and having CAP review these issues is a good idea, but there should not be a formal training like the sexual harassment prevention training. CAPs could develop guidelines with the campus Committees on Diversity that UCAAD could also review. CAPs, the Affirmative Action Committees, and Planning and Budget Committees could meet at the beginning of each year. Guidelines could be given to new CAP members and can evolve as things change.

Practice #3: Members do not support this practice and do not think the results will be useful. Committees on Committees could be asked to be aware of these issues, but it is not clear what the accountability report will show. Affirmative Action and UCOC could meet annually. The diversity on search committees is important and should be considered at the beginning of the year when these committees are being formed. A report on how many people are asked to serve on committees is needed, and it would be good to find out whether women were asked and did not want to be nominated.

Practice #4: Members support the practice but agree that the word "issues" in this practice is ambiguous.. The word "issue" is not in the long version so UCAP's memo should point out that the wording in some of the items is different in the short and long versions of the practices.

Practice #5: Members agree that the word "issues" should be deleted but support the practice.

Practice #6: Members support the practice and agree with the need to restore funding.

Practice #7: Members agree that the brochure should be updated.

Practice #8: Members are against the asterisks on the work on diversity but support the box on the biobib form or the candidate's statement. Chair Anderson indicated that some campuses do not have a place on the form to report on diversity activities. Campuses need to develop consistent practices within their campus. UCAP's memo will cite UCSB as an example. Candidates should be advised that they can list these things and campuses can chose how this is reported.

Practice #9: Members do not support this practice. UCAP's memo could say that salary increments will be considered in the context of service, research and teaching.

Practice #10: Members support this practice and most campuses do this already.

Practice #11: Members are not opposed to this practice but it is impractical and is unlikely to be successful. It is harder to imagine cluster hiring based on race or gender than it is to imagine cluster hiring by discipline. UCAP does not agree on hiring clusters of faculty conducting research in a particular area. UCAP should not endorse hiring in one research area over another. The long version of practice #11 is not supported.

A member proposed commenting on both the long and short versions of the practices.

The White Paper makes the responses discussed today clear. Members will review and provide feedback on the paper. The paper will be submitted to Chair Anderson with the response to the

Task Force report. A member pointed out that in section e the discussion is not parallel to the discussion in c, and the first sentence should be the same in both, and recommends that language from the UCSB statement should be added to section g. The White Paper should be sent to CAPs.

**Action:** The chair and analyst will draft the committee's response and circulate it for review.

## **VI. A Crisis of Competence Report**

UCAP has been asked to comment on the “A Crisis of Competence Report.”

**Discussion:** Chair Anderson indicated that the president denied the National Association of Scholars’ request to have the report on the May Regents’ agenda. UCAP should respond to the allegation that UC only hires Democrats and explain how the review process is conducted. UC’s review process is fair because of the systematic reliance on external review and it is effective as demonstrated by the high ranking of many programs across the system. UCAP’s memo should note that students have an opportunity to provide feedback and describe how seriously teaching evaluations are taken.

**Action:** The chair and analyst will draft a memo in response to the report.

## **VII. Faculty Salary Data**

The data was reviewed during consultation with the Office of the President. Chair Lindenberg noted that last year there was a small increase in UC across-the-board faculty salaries in addition to merit increases. UCSD is planning to implement a yearly review of salary distribution when people come up for merits to try to catch those who are too low and try to understand why. The Academic Personnel Office and a Faculty Rewards Task Force are working together to make suggestions on what data should be collected.

**Discussion:** Riverside is not doing anything in response to the salary equity report. UCAP could recommend that each campus examine its situation and propose strategies to correct the inequities. Council will ask each campus to look at their situation, determine if there is a problem, and develop a response to address the problem. The President disagreed with the methodology used in the salary inequities report. The Executive Vice Chancellors and CAPs might be prompted to take a closer look at this issue if UCAP recommends this broader study.

**Action:** The chair and analyst will draft a memo recommending that campuses determine if there are salary inequities and address them.

## **VIII. Annual CAP Survey**

Chair Lindenberg finds the survey interesting but members should consider whether there are any questions that should be eliminated. The members should also think about whether there is any interest in looking at trends over time.

**Discussion:** No CAPs track the diversity of the faculty who do not receive their merits. The committee officially agreed that the CAP survey will be conducted every other year from now on. Completing the survey annually is a burden on the CAP analyst and some things do not change from year to year. Chair Lindenberg indicated that the survey was used to show the EVC at UCSD that the CAP needs incentives to encourage faculty members to participate on CAP. How much funding each of the Senate offices receives would be good to know and will be added to the questionnaire. Members should think about questions that could be added or trends that could be examined.

## **IX. Campus Reports and Member Items**

**Irvine:** There have been four unrepresented academic communities on CAP: the School of Law, the Department of Public Health, the Department of Nursing, and the Department of Education. CAP added one more seat for a person from Education, Public Health, or Nursing. CAP agreed in principle that the School of Law should have a seat because they meet the Senate guidelines for UCI. The school has almost 40 faculty and its Bylaws are being completed. CAP will then have 13 members.

**Santa Cruz:** Partially as a result of the CAP survey, CAP and APO have proposed eliminating the external letters at the fourth year review. The number of letters was cut to three this year, but some departments still sent 10 letters. Some committees think this is a bad idea. The EVC will make the decision about this. A working group appointed by the EVC will propose best practices recommendations for advancements in the Humanities and Social Sciences from about Associate II all the way up to even Above Scale. Equity issues continue to be significant. CAP has not said no in any retention cases or when faculty bring an outside offer.

**Davis:** A Task Force comprised of former CAP chairs has been formed to simplify CAP's duties. A system similar to UCB's will be established. CAP will use one year steps instead of half steps and one year currencies to reward people who come up when they want to. Retroactives and accelerations increase the numbers of files considered each year. It is not clear if the new system will work because of the culture of UCD and the conservative Senate. The UCD Committee for Streamlining, which includes former members of UCAP and UCD CAP, is finishing a report. One of the recommendations is to reduce the numbers of cases (for certain steps) that are re-delegated to faculty college committees, thereby having some submissions from departments to the Deans' offices without direct Senate review. This action will decrease the workload of the faculty personnel committees, without changing the outcomes as some audits have indicated almost complete agreement between the faculty personnel committees for the colleges and the Deans.

**Merced:** The CAP has difficulty getting responses to requests for school and department generated letters, even candidate generated letters, and would like to know other CAPs' practices. Another CAP contacts the list of reviewers in the spring and notified them that materials will be sent in August.

Chair Anderson thanked Chair Lindenberg and the committee members for their service this year.

**Meeting adjourned at: 3:35**  
**Minutes prepared by: Brenda Abrams**  
**Attest: Katja Lindenberg**