

UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL

MINUTES OF MEETING

WEDNESDAY, MAY 8, 2013

Attending: Harry Green, Chair (UCR), Jeffrey Knapp, Vice Chair, (UCB), W. Martin Usrey (UCD), Brook Thomas (UCI), Lynn Pulliam (UCSF), Benjamin Hermalin (UCB), David Hovda (UCLA), Michael Pirrung (UCR) (telephone), Andy Teel (UCSB), Christina Ravelo (UCSC), Myrl Hendershott (UCSD), David Kelley (UCM), Susan Carlson (Vice Provost, Academic Personnel), Bill Jacob (Vice Chair, Academic Senate), Brenda Abrams (Principal Analyst)

I. Announcements

During the March 27th Council meeting there was a report on ICAS and state Senate Bill 520 was discussed. The bill originally required the three segments to work with private companies that provide large online courses. This bill has been discussed over the past eight weeks. The last Council meeting was held in Sacramento on the same day that Academic Senate Chair Powell testified about SB 520. Senator Steinberg is promoting the commercial providers, some of which already have individual arrangements with some UC campuses. A competing bill, SB 547, is sponsored by Senator Block and is more acceptable to UC. These are cases where the legislature is essentially telling UC what to do. Chair Green suggests a positive result of these bills would be the development of courses that help the segments deal with introductory courses in a more satisfactory way. The legislature sees the private sector as rescuing UC by making things more economical which will make up for the money the state is not giving to the university.

Council continued to discuss composite benefits. UC wants to move from having to use multiple groups to calculate benefits to using just two groups. This is complicated and is not good for faculty. Faculty with grants will begin to see a deduction for full benefits from their summer salary even though the full benefits are already paid by the deductions from their nine months' salary. The campuses will then pocket a significant amount of money as a result, which is somehow okay with the funding agencies. The UC administration seems to think the granting agencies have a bottomless pocket and faculty can just ask for more money, a part of which will flow to the administration.

State Senate Bill 259 was vetoed by the governor last year but it has been reintroduced. This bill would unionize graduate students. UC will begin providing childcare for married graduate students with children, which was something that had been demanded. As of July, 2014, the administration's contribution to the retirement fund will be 14% and employees will contribute 8%. UCFW has proposed that the Senate accept increasing the contribution to 8% but this would be contingent upon a 3% salary increase. The Council voted unanimously to allow the contribution to increase to 8% and separately supported the 3% salary increase. The response received has acknowledged the contribution increase but did not mention the salary increase. UC Online continues to be a moving target. A final Senate statement on the proposal to modify APM 430 has not yet been made.

Discussion: Committee members discussed how the three segments of higher education are responding to the legislature.

II. Consent Calendar

Action: The minutes were approved with corrections.

III. APM 210

UCAP and UCAAD submitted two separate proposals to revise APM 210.1.d to Council and Council voted to adopt the revision proposed by UCAAD. Council discussed the language proposed by UCAAD and by UCAP and adopted that of UCAAD after incorporating a word suggested by UCAP. Council's proposed revision has

been submitted to Vice Provost Carlson. Vice Provost Carlson has reported that no changes to APM 210 will be considered until next year.

Discussion: UCAAD has drafted a white paper and the committee agrees this was premature since the wording of APM 210 may not be changed. A member proposed that a working group with UCAP and UCAAD be established to try to resolve this matter. The committee discussed the difficulty involved with identifying language that will be satisfactory for everyone. Chair Green thinks that UCAP's proposed revision of the language in the first paragraph is appropriate. There are some people who advocate for adding a fourth category and the committee agreed that this is not what UCAP wants. The white paper indicates that extra or additional credit should be awarded for certain contributions to diversity which is problematic for UCAP. A member stated that it does not seem appropriate for UCAAD to tell CAPs how to operate. Chair Green will notify UCAAD that the white paper is a non-starter and the committee will wait for the administration's response to the revisions proposed by Council. The administration will decide whether the proposed revision will need to be sent out for systemwide review.

The motion to attempt to establish a conference committee was made and seconded.

IV. APM 075

When UCAP discussed APM 700 in April, Vice Chair Knapp suggested that UCAP might want to review APM 075. The policy indicates that a faculty member may be deemed incompetent after “several years” but “several years” should be defined. The question is when can CAPs say to faculty that a serious lack of teaching or research needs to be addressed.

Discussion: At UCI, after two consecutive no actions a remediation plan is requested, and if that is not successful after the third no action, negotiation with the dean begins. When there is both bad teaching and bad research it is not clear what CAPs can do. These faculty may be encouraged to move to a different title, however this does not work for individuals with a poor teaching record. A member noted that there may be differences at the campuses that really do require flexibility so perhaps “several years” can be defined in each campuses published academic review procedures for each year. From a legal perspective it might be helpful for campuses to be able to point to guidelines. All CAPs conduct five year reviews and non-advancing recommendations at this review could lead to the vice chancellors being advised to initiate the APM 075 process. Vice Chair Knapp remarked that for purposes of due process it is important to have a clear time table. UCAP members supported the recommendation to discuss APM 075 next year, with one person opposed.

V. Consultation with the Academic Senate Leadership

- *Bill Jacob, Vice Chair, Academic Senate*

Vice Chair Jacob reported that the presidential search is going forward but cannot comment further due to a confidentiality agreement. A proposal will go to the Regents about employee contributions. On July 1, 2014 the UCRP employee contribution will go from 6.5% to 8% and the employer contribution will go up to 14% up from 12%. There is tension with this plan because there was an agreement that the employee contribution would not go over 7%. The Council voted unanimously to endorse the proposed plan with the 8% increase. UCFW and TFIR have stated that UC needs to be on full arc, which is why the Council endorsed this plan.

The EVCs are not unanimously on board with the plan because it will be incredibly expensive for the campuses. The 2.5% increase that the governor will give UC does not meet the mandatory cost increases. Council passed a proposal for a 3% across the board increase for faculty and non-represented staff which will make up what is essentially a cut because of the increased UCRP contribution. Some EVCs feel they should be able to use the 3% for retention cases instead of across the board increases. The president is committed to making a decision before he leaves UC on July 1. Vice Chair Jacob reported that the president has indicated a lack of understanding of the step system. A plan for composite benefits has gone to the campuses. It has seven rates and a campus can opt to use all seven rates or combine multiple rates into a single one, but the rates cannot be broken further down. Vice

Chair Jacob reported that the estimated systemwide shortfall of \$11M may not be accurate. The federal government has indicated that a separate rate should not be used for summer salary. In discussions about benefits, the administration argues that private institutions charge much higher indirect rates than UC does which is the reason the administration wants to pull more money out of grants.

The new Innovative Learning Technology Initiative is going forward assuming that the governor's \$10M carve out of the UC budget for online education survives the revise and the final budget negotiations. This money is carved out for technology assistance which is not limited to completely online courses. Two meetings and a webinar have been held to discuss what to do with the \$10M. Vice Chair Jacob will be working on a plan for utilizing the \$10M for the governor's office. SB 547 involves private providers of online courses. Council met in Sacramento the same day as a committee hearing was held on SB 547 and many members of Council testified against the bill. UC's official position is to oppose the bill. A similar bill by Marty Block proposes that UC work with the CSUs and community colleges to create courses that would be open to students in each segment. The amendment the Senate is insisting upon is that UC will create courses for credit only for UC's matriculated students. Based on the requirement for the courses to be intersegmental, the Senate may eventually also oppose this bill. The Regents can protect UC because both of the SB 520 and 547 are unconstitutional.

The governor has proposed seven accountability measures for UC. The UC four year graduation rate is to increase by 10% in four years and UC is to increase freshman and transfer admissions. Vice Chair Jacob stated that the Senate is fairly confident that the legislature will not support this proposal. There has been push back in Sacramento, with people stating that the governor should not use the budget process to set policy. If UC does not meet the accountability measures, funds will be deducted from the university budget.

VI. Campus Salary Equity Surveys

Some responses to the campus salary equity survey plans were more critical than UCAP's comments. It is disappointing that the only campuses that responded have already been addressing this issue for a number of years. The plans for UCSC, UCSB, UCSD and UCI provided information about the current work being done to address salary equity issues. These campuses have been working on this issue for several years and have developed metrics, but the other campuses seem to be starting from scratch. UCAP could send a stronger letter which asks the campuses to take this process more seriously.

Discussion: Even though UCLA's CAP does not look at salaries, the EVC should have a plan. Not all CAPs were involved with developing the plans. UCSB's EVC developed the plan and the data do not translate into any action by the CAP. UCSD and UCI used similar methodology. An economist on one CAP described the methodology as "crazy" and recommended that UC faculty with expertise in pay equity issues should be consulted. One outcome of studying salary equity would be to identify the faculty impacted by inequities and determine appropriate remedies. Salary inequities within divisions and departments have also been analyzed at UCSC by the faculty welfare committee and another analysis that utilizes gender, ethnicity, and race will be conducted.

The point was made that the analysis does not explain why the inequities have occurred. A way for faculty to be identified or self-identified is needed, so that a faculty member can request a remedy such as a career equity review. One CAP discourages career equity reviews because some faculty have abused this. As long as CAPs understand that career equity reviews are not to be used to advance faculty more quickly, they can be valuable. The provost at UCI recognized that there was a loyalty tax on faculty who did not seek outside offers and the alternative "UCI scale" was created to ensure that these faculty are not punished for remaining at UCI. At UCSF, the analysis will probably be more difficult because UC faculty are at different campuses (e.g. at the V.A. or S.F. General) and their salaries are paid by those locations. Chair Green suggested that UCAP could write to the campuses that have not submitted comprehensive plans about the importance of undertaking this analysis. UCAP could ask for firm dates and deadlines for when this work will be conducted.

Since each plan is basically different, it will be difficult to make comparisons across the campuses. Campuses

with limited plans could be encouraged to consult with campuses that have developed metrics and conducted some analysis. A member commented that it can actually be useful for campuses to ask different questions and use different approaches because different issues may be uncovered. Chair Green would like UCAP to send a statement indicating that some of the plans are unacceptable and to encourage the campuses that have done little to do more. Campuses could be asked to share the issues related to equity that they are uncovering as well as what they can do if they find a lack of equity. It should be clarified that campuses are looking for differences, not for discrimination. Campuses should be asked to look at both how fast people go through the steps as well as how well they get paid as they go through the steps.

VII. Consultation with the Office of the President

- *Susan Carlson, Vice Provost, Academic Personnel*

The Vice Provost reported that the next roundtable on faculty diversity and STEM will be in San Diego, and representatives from UCAP will be invited. Last week the President's Council on Climate and Inclusion met and a good deal of time was spent on faculty issues, and this group is interested in UCAP's work on APM 210.1.d. One idea is to have a summit with CAP members and others from the campuses to discuss this policy, and this recommendation has been submitted to the president. Any changes to APM 210 would undergo a management review followed by a systemwide review. Academic Personnel is discussing taking certain policies from the APM that deal with things beyond personnel out of the manual such as the policy on whistleblowers or sexual harassment. The UC policy is not aligned with the federal policy on whistleblowers. The question is how to treat these systemwide policies that affect everyone. The vice provost reported that there are conversations about salary going on but no decisions have been made.

Another issue Academic Personnel is looking at is what to do with the scales. UCFW is considering what to do about the scales. The UCDC proposal to change the policy on visiting faculty is now being reviewed by Provost Dorr.

Discussion: There is a concern that the media could twist the truth around if something is done with the sexual harassment prevention policy. Chair Green shared UCAP's concerns that many of the campus salary equity survey plans are only plans to plan.

VIII. APM 241

One of the proposed changes to APM 241 deals with who appoints directors of MRUs. APM 241 is inconsistent with Regents orders and the Compendium. Currently the APM states that the chancellor at the lead campus of the Multi-campus Research Unit (MRU) or his or her designee appoints the director while in the Regents orders state that the president or his designee is responsible. UCAP may believe that the chancellors should be making decisions. Other minor edits are also proposed.

Discussion: Members did not have any objections to the main change that is proposed. A member indicated that the following sentence in section 241-80 should be clarified: "The President or Chancellor, as appropriate, shall conduct a review for each Faculty Administrator no later than once every five years to determine whether reappointment to another term is warranted." The member felt that "as appropriate" could mistakenly be applied to the five year review and members agreed to recommend that the sentence be revised as follows: "The President or Chancellor (as appropriate) shall conduct a review for each Faculty Administrator no later than once every five years to determine whether reappointment to another term is warranted."

Action: The chair and analyst will prepare the committee's response.

IX. Senate Bylaw SB 55

The agenda includes a letter from the UCSD division chair proposing to amend Senate Bylaw 55 to extend departmental voting rights on academic merit and promotion reviews to salaried non-Senate faculty in the Adjunct

Professor or Health Sciences Clinical Professor series. At UCR, a department can only vote to give the vote to all emeriti or no emeriti.

Discussion: Some departments or units at UCLA and UCB do this already and the vote is reported separately. The current proposal is to allow these faculty to have their votes not differentiated – that their votes should be just like everybody else under the model of the emeriti. One CAP is concerned that individuals not conducting research may not value research as much which may affect voting, especially on appointments, which will hurt the research mission of the university. Another concern is that, because the adjunct title is not unique to the medical schools, this change may lead adjuncts in other units to request this right. This proposal also does not solve the problem that some faculty feel like second class citizens since some departments may accept their vote while other departments might not accept those votes. At UCLA there has not been a groundswell to make the change that UCSD is proposing. In the clinical departments UCLA lets adjunct and clinical series faculty have votes on all promotions and actions for their departments and these votes are addressed in CAP. It was noted that the distinction made between Senate and non-Senate members is not artificial as the letter states and there is also a false assumption that the ability to vote will make these individuals Senate faculty. A member pointed out that the reason for these different series was due to the specific role that faculty in these series have, not because they are second class citizens.

At UCSF the distinction between the ladder rank faculty and faculty in the other series is becoming less clear, while at UCLA the distinction is very clear. UCSF faculty are losing funding and moving into the clinical series. The UCSF, UCLA and UCSD representatives do not think the proposal will change what the CAPs do. The UCM CAP would want to separate the vote of adjunct faculty since these faculty may not understand the criteria by which appointments would be made. Nine members voted against the proposal and two voted in favor of UCSD's proposal. What UCSD is proposing is not currently done by any other campus.

X. UCAP Priorities and Goals for 2013-2014

Chair Green invited members to discuss goals for next year.

Discussion: One goal is to reach a resolution of the issues related to APM 210.1.d.

XI. Campus Reports/Member Items

UCI: The representative has questions for other UCAP members with law schools. Some of the specific issues with the UCI law school have to do with appointments. The dean of the law school has decided that for a beginning appointment the law school telephone interviews are used instead of outside letters. For initial appointments at other UC law schools, are outside letters needed? Another issue is related to advancement to Step VI and above scale which the law school wants to treat like any other merits and put on the consent calendar. How common are accelerations combined with above scale at other campuses? What is the role of teaching and service when it comes to accelerations?

UCSC: There are people at step IX who do not want to be reviewed for above scale and request a salary increase. How do other campuses handle this? The faculty member does not want to put his file in for above scale because he does not think this will be approved. The representative also asked what the average increase is for people going from Step IX to above scale.

Discussion: Members indicated that outside letters are needed at their law schools. UCB needs three letters. UCB treats advancement to Step VI for the law school faculty the same way it is treated for everyone else. The initial appointments at UCB are at a much lower step so there is more headroom before a professor reaches Step VI. UCLA has discussed eliminating Step VI as a barrier step. At UCLA accelerations combined with above scale are common. Accelerations in time are rare at UCB. At UCR, it has been decided in the call that promotions are not accelerations, so a jump from professor I to professor VI would not be considered an acceleration. If teaching is mediocre or poor, other campus CAPs will not consider accelerations. At UCB, a

normal step is when someone is strong and balanced in all three dimensions and a half step acceleration means someone is strong and balanced in the three areas and there is a clear area of excellence.

UCSB just implemented a rule that allows a faculty member only two increases in salary at a given step. The amount of the increase could be a step's worth of salary. At some campuses, faculty at Step IX just stay at this step with no increases. At UCSB, the standard within above scale and going to above scale is 5%, these reviews happen every five years and everything else is an acceleration. At UCR when you go from IX to above, the step is about the same as going from VIII to IX. When the UCR CAP deliberates on above scale cases, the levels voted on are 5, 7.5 and 10%. For faculty just elected to the national academy the increase is a flat 10%. The review is every four years. At UCB, going from IX to above scale is a ten thousand dollar increase and at every subsequent review, a person can be given a whole, half or quarter increment. In very rare cases, some faculty have received two whole increments. At UCD, until last year, a faculty member denied a merit would actually start losing a fraction of the off scale. UCR has a policy called return to scale, which means that if a faculty misses an on-time merit, they begin to lose the off scale. For faculty who are in above scale, UCSC gives an increase of 2.7% per year salary increase. UCSC's CAP has seen approximately nine cases involving faculty at Step IX asking for salary increases. At UCSD, for faculty above scale the normal pay increase is a step from VIII to IX not a percentage and a two step increase is very rare.

XII. New Business

There was no new business.

Meeting adjourned at: 2:40 PM
Minutes prepared by: Brenda Abrams
Attest: Harry Green