

UNIVERSITY OF CALIFORNIA **ACADEMIC SENATE**
UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL
May 16, 2006 Meeting Minutes

Attending: Tony Norman, Chair (UCR)

Mary Croughan, Vice Chair (UCSF), Jack Talbott (UCSB), Daniel Mitchell (UCLA), J. Hampton Atkinson (UCSD), Chris Calvert (UCD), Charles Ribak (UCI), Margaret Walsh (UCSF), Allen Zych (UCR), Susan Gillman (UCSC), Rory Hume (Acting Provost), Ellen Switkes (AVP, Academic Advancement), Myron Okada (Director, Academic Personnel Relations), Michael LaBriola (Senate Analyst)

I. Consent Calendar

Action: The committee approved the minutes of February 7, 2006 with a few minor corrections.

Action: The committee voted to remove “UCOL’s Proposed Change to Senate Bylaw 185” and “UCAF’s Proposed Student Freedom of Scholarly Inquiry Principles” from the consent calendar for further discussion.

II. Consultation with Acting Provost Rory Hume

Acting Provost Hume joined the meeting. He said the Senate’s academic personnel review and advancement system is fundamental to the University’s excellence and strength. There is growing concern, however, that only a minority of UC faculty are actually being compensated according to the published salary scale system, and the original intent of off-scales ([APM 620](#) states that off-scales are to be used in exceptional situations for limited periods of time) is not being met. The University must return the salary scale system to a more regulated, rational, and transparent structure, which can be easily explained to the Regents and the people of California. The Regents are currently examining executive compensation practices, and the University may also face inquiries into how faculty are compensated.

AVP Switkes noted that UC faculty salaries for general campus disciplines lag UC’s “Comparison 8” institutions by 10%, and that gap will increase to 14% next year. Acting Provost Hume said UC must be open about the fact that campuses are using state money intended for new faculty FTE to fund competitive off-scales for the recruitment and retention of existing faculty, which is increasing the student-faculty ratio. The Compact agreement does not embrace changes to salary scales, and there will be no new state money this year for faculty salaries. In addition, UC has identified low student fees, graduate student support, and research as the highest priorities for new state monies. As a result, UC has essentially been left “on its own” to work with an antiquated faculty salary scale system.

Provost Hume said he and Senate Chair Oakley hope that UCAP and other Senate committees will work pro-actively to define principles and make recommendations to Academic Council and the University about how to change the salary scales to be more rational and equitable. The political and intellectual power of the Senate is vital to this effort. He also said it might be necessary to embrace the idea of breaking salary scales down by discipline, even so far as to place a Professor IV of Psychology and a Professor IV of History on different scales.

Members agreed that UCAP should be involved, along with the Senate committees on Faculty Welfare (UCFW) and Planning and Budget (UCPB). They noted that UC's salary scale system is facing a crisis and faculty salaries are not a priority for the University or the State. Moreover, the erosion of the student-faculty ratio is shortchanging students. It has been 12 years since UC was at parity with the Comparison 8, and several years since the merit and promotion system and salary schedules were coherent. It was recommended that the University engage the Legislature in a dialogue about faculty salaries, and point to the degradation of the student-faculty ratio as part of a concerted effort to add faculty salaries as a high funding priority.

Several campuses are addressing inadequate salaries by implementing their own creative strategies outside of UC salary scale policy. UC Berkeley has instituted a number of programs to address the failure of the salary structure to reflect market reality; including a separate comparative scale based on UCB's actual comparison institutions; and a promotion increment of \$6000 awarded to assistant professors upon receiving tenure. UC Irvine uses a "shadow scale," in which every faculty member up for a merit increase also receives an off-scale increment, calculated as the median for all faculty at that level at Irvine. Campus discussions have included varying levels of input from the Senate, and members agreed that a coordinated systemwide effort with greater faculty involvement is needed to bring greater uniformity across campuses.

UCAP members noted that competitive faculty salaries, along with low student fees, graduate support, and research are vital to the excellence of the University. To maintain its excellence, UC must elevate salary scales for all disciplines and fields to reflect market reality. All ten UC campuses should adhere to a similar salary schedule across disciplines, and salaries should be set according to market forces by discipline. If UC is already meeting market demands for some disciplines, the printed salary schedules that apply to those circumstances should be normalized. On the way to achieving these goals, UC needs a flexible transitional system, along the lines of that in place at UCI, which acknowledges the historical inequities. In general, problems must be dealt with in an open systematic way, and campus CAPs should have uniform levels of access to salary and off-scale information.

Ellen Switkes distributed data on the use of Above-and Off-Scale salaries for all general campus faculty ranks. Health Science faculty (including the entire UCSF campus) are excluded because they have a separate salary scale. It was noted that the Health Sciences compensation plan is a good model for transparency, but it doesn't necessarily translate to other disciplines. Finally, it was noted that fluctuations in the value of certain fields over time brings some risk to the idea of setting new salary scales by discipline. One member said it might be time to re-consider the traditional nine month salary, particularly at the onset of fully funded summer session.

Action: A draft will be developed as a starting point and circulated to members.

III. Formal Review of Proposed Revisions to Systemwide APM Policies related to paid sick leave, reasonable accommodation, medical separation and constructive resignation—APMs 700, 710, 711, and 080

AVP Switkes outlined a set of policies currently out for formal review that provide clearer guidance to faculty and departments about a number of work related matters. AVP Switkes said the policies have been developed over a two year period with the help and input of a

subcommittee of the University Committee on Faculty Welfare (UCFW). They deserve a careful consideration. The Senate needs to understand what they are agreeing to. Members also reviewed a letter from the University Committee on Privilege and Tenure (UCPT) forwarded to them by UCPT Chair Montgomery, which raised a number of concerns about the proposed policies.

APM 710 has been revised to give much needed clarification to campuses and faculty about the amount of sick leave ladder rank faculty are eligible for. The policy provides a guaranteed one year of sick leave for every ten years of service. APM 711 is a new policy outlining reasonable accommodation for Academic Appointments with Disabilities. APM 080 outlines procedures for the termination of faculty who are unable for medical reasons to continue work long-term because of a mental illness, disability or other reason. Separations would be determined on a case-by-case basis through procedures involving the campuses and Senate P&T committees. The medical schools were unable to commit to a year of sick leave.

The most controversial piece of the policy has been a revision to APM 700 providing guidelines for the “constructive resignation” of faculty who may be making excessive or inappropriate use of leave. UCPT’s letter noted that the policy stands in violation of the Regents Standing Orders guaranteeing the right to a hearing prior to dismissal. In rare situations a faculty member may stop showing up for work. AVP Switkes noted that it is unsupportable to have a policy that could keep a faculty member on payroll during a year-long Senate hearing process to remove that faculty member. Members noted that constructive resignation is a well established legal concept and in the limited circumstances of negligent behavior alluded to – the personal choice of a faculty member to stop coming to work without explanation – the institution is justified in taking steps to remove that faculty member from gainful employment without a prolonged and costly P&T process. Constructive resignation is not a punitive dismissal necessitating a P&T hearing; it’s a decision by an individual to make the elective choice to effectively resign by not coming to work. Members suggested that an example or examples of a constructive resignation be included in either the policy itself or an appendix to clarify the context.

Action: UCAP will submit comments to Council.

IV. Next Steps for Proposed Modifications to Systemwide APM Policies 220-18-b (4)

In March, Academic Council decided to discontinue review of several proposed amendments to APM 220-18b (4), which UCAP first submitted to Council in June 2005, and to withdraw its recommendation of July 2005. The matter was referred back to UCAP with a request that the committee advise Council about the need to revise the APM, taking into account the current APM language, the July 2005 Council position and all subsequent comments from this year’s formal review.

Council cited a “significant lack of consensus” among faculty across both Senate committees and divisions, particularly in regard to the question of how to denote the teaching criterion in APM 220. Teaching was a sticking point at Council both during its initial July 2005 review and in the formal review of March 2006. The July 2005 Council version sent out for formal review agreed with all of the modifications proposed in UCAP’s June 2005 original, with the exception that the words “or teaching” were added to the text, suggesting that great distinction in teaching either could be a possible sole criterion for advancement to Step VI or could be achieved at the

national/international level. Council members feared that the APM had de-emphasized the importance of teaching.

UCAP responded to Council's version during the formal review period in February by preparing a new and substantially different revision that opposed Council's view of teaching criterion in the text. This second UCAP version was widely circulated among all campus CAPs and was approved by 8 of 10. This UCAP new version however, brought some confusion to the review process.

UCAP opposed Council's July 2005 change based on current CAP practices on all campuses, opining that it was inaccurate to suggest that a candidate's national or international distinction in teaching alone would be sufficient for advancement to Step VI. Members also noted that taken as a whole, the language proposed by UCAP in February 2006 ramped up teaching by strengthening previous Step VI requirements for teaching, as well as for research and service, from "excellence" to "sustained excellence," indicating that the entire career should be taken into account for these advancements.

The present UCAP proposed re-submitting UCAP's 2-7-06 version to Academic Council. It was recommended that UCAP's new advice to Council be meticulous about describing and justifying the proposed changes. The original intent was to make the advancement practices more consistent across campuses and to bring the criteria in line with reality. There are significant differences among campuses in their advancement rates for faculty from Step V to Step VI, Irvine, Santa Cruz and San Francisco reveal a "bulge" of faculty stuck at Step V. The majority of UC campuses have endorsed Step VI as a barrier step and a career review based on sustained excellence.

Action: Members endorsed the February UCAP version, and will submit comments to Council.

V. UCOL's Proposed Amendment to Senate Bylaw 185

UCAP members reviewed a proposal from the University Committee on Library (UCOL) for an amendment to Bylaw 185 that would expand UCOL's charge to include oversight of "issues related to scholarly communication." University Committee on Privilege and Tenure Chair Montgomery contacted UCAP to express concern about the proposal, noting that faculty oversight of scholarly communications issues would involve the *evaluation* of scholarly communication, which she said is more appropriately in the purview of UCAP and divisional CAPs.

UCAP members noted that the proposal will do nothing to change practices related to the assessment and evaluation of scholarship quality, which will remain under the purview of CAPs, who as always, will continue to evaluate the impact of both electronic and print publications. Librarians are best qualified however, to make evaluative choices about what scholarly journals to purchase based on their scholarly impact.

Members noted that UCOL is best positioned to embrace a charge to review and oversee "The rapidly evolving nature of scholarly communication" and the issues raised by the Special Committee on Scholarly Communication (SCSC) in its White Papers.

Action: UCAP will send to the Academic Council comments and an endorsement of the bylaw change as originally written.

VI. UCAF's Proposed Student Freedom of Scholarly Inquiry Principles

Action: The committee unanimously endorsed UCAF's document.

VII. Research Collaborators and the Academic Personnel Process.

A UCAP subcommittee is considering new APM language that will provide clearer guidance to CAPs in their evaluations of academic personnel candidates who may have made important research contributions as collaborators, but who did not demonstrate "independence" within the project as senior author or principal investigator.

UCSF has also recommended changing the Professional Research Series, APM 310-4, to agree with current practice and not exclude collaborators. The criteria for advancement in APM 310-4 require individuals to display independence equivalent to a Professor. In practice however, CAPs usually assume that the promotion criteria for Professional Researchers include non-independent collaborative efforts. Alternatively, the Project Scientist series may be a more appropriate place for collaborators because it does not require appointees to be independent, but it is not available or widely used on all campuses. Professional Researchers are considered a special problem because they are held to the same (or similar) standards as regular faculty and go through an academic review process, but are not given all the benefits of faculty status.

Some faculty hold the Professional Research and Project Scientist titles part-time. Faculty who buy out teaching with grant funds are put into a Professional Research title for the period of the buy-out, and summer faculty paid from research grants are also coded as professional researchers. The UCAP subcommittee was seeking data on tenure track faculty who hold Professional Research and Project Scientist titles on a permanent "split appointment" basis, in which their appointment and advancement are reviewed according to the requirements of these series.

UCAP discussed how CAPs evaluate the teaching contributions of those in the professional research series. There is confusion about how to interpret Professional Research Series APM language stating "Appointees do not have teaching responsibilities"—and whether this means individuals are not allowed to teach or whether they do not have teaching assignments.

Members agreed that faculty deserve to have broader APM definitions of collaboration in the Professor, Project Scientist and Professional Research series. Faculty should be in the right series based on their job description and therefore get promoted appropriately for what they do.

Action: Professors Mary Croughan and Chris Calvert will continue work on the subcommittee project. Committee Analyst will get information from campuses that have written their own individual interpretations of the Professional Research, Project Scientist and Professor series.

V. Member Items

UCI representative Ribak asked UCAP members to discuss CAP practices for reviewing files from Arts faculty where CDs and DVDs are provided. Most CAPs have access to a computer,

which they can use to review media and gain information not included in the file about organizations and prizes. UCAP members were also asked to compare how CAPs evaluate a merit increase in the Professor 1-5 range for faculty whose number of publications over a four or five year period equal that expected for a two or three year period. Members noted that CAPs usually base their review on accomplishments and activity since the last advancement action, until the Step VI and other high-level reviews, when the concept of sustained productivity is given greater weight.

VI. Memo from UCAAD – Implementation of Changes to APM 210, 240, and 245

UCAP members reviewed a memo sent to them from the University Committee on Affirmative Action and Diversity (UCAAD), noting that UCAAD was considering how to implement modifications to APM 210, 240, and 245. UCAAD suggested one concrete action that would move implementation forward would be for the Academic Addendum, or Bio-Bibliography forms from each campus to include language about the modifications and to have a section on the form itself for information about activities regarding diversity. UCAAD asked UCAP to help ensure that campus forms included a section to discuss diversity activities (in line with APM 210) and that the Call for materials point the faculty member and Chair to this new section.

Members endorsed the idea in principle. They suggested local diversity committees implement it at the campus level and contact local CAP chairs and staff for input.

UCAP will meet by conference call on June 6 from 10-12.

The meeting adjourned at 3:00 PM.

Minutes prepared by Michael LaBriola

Attest: Tony Norman

Distributions

1. Use of Above & Off-scale Salaries Professional Series – All Ranks, General Campus Faculty
2. email from UC Berkeley representative James Hunt
3. Proposed Revisions to APM 700, 710, 711, and 080
4. UCPT Comments on Proposed Revisions to APM 700, 710, 711, and 080
5. Review of UCOL's Proposed Modifications to Bylaw 185
6. Review of UCAF's Proposed Student Freedom of Scholarly Inquiry
7. Review of Proposed Modifications to APM 220-18, Divisional and Committee comments 2005-2006