

University Committee on Faculty Welfare

Minutes of Meeting

December 11, 2020

I. Consultation with the Office of the President – Academic Personnel and Programs

Susan Carlson, Vice Provost

1. Comparison 8 and CPEC Methodology

The California Post-Secondary Education Commission (CPEC) launched in the 1960s and was eliminated by Governor Brown in 2011-12. CPEC produced comparative salary analyses that were useful tools in illustrating faculty compensation gaps. The current Comparison 8 have been in place since 1988-89, and the current methodology has been in place since the mid-1990s. The Comparison 8 are Harvard, Yale, Stanford, MIT, University of Illinois-Urbana/Champaign, the University of Virginia, the State University of New York-Buffalo, and the University of Michigan-Ann Arbor, a mix of public and private institutions. UC continues to recreate a modified CPEC methodology for internal salary analyses. Salary analyses are general campus only, excluding medicine and law, but including business, economics, and engineering. The average salary is calculated by rank and by FTE, and then weighted. UC data are compared to aggregate public and private comparators, as well as to the average of the Comp 8. No individual line data is available; only summaries. The Comp 8 do not have steps, and data received from them are not separated by discipline. It is not possible to examine medians or percentiles.

Members noted that the scales remain uncompetitive despite several recent attempts to “close the gap”. Some Regents and members of the legislature, however, continue to think UC faculty are overcompensated. Members wondered why some of the Comp 8 are still considered a comparators, but any changes to the line-up could lead to a wholesale recasting which could disadvantage UC faculty. Members asked which comparators routinely poach the most UC faculty, and Stanford, USC, and Harvard perennially top the list. Available data will be prepared for sharing.

2. Management Consultation: Child Abuse and Neglect Reporting Act (CANRA), Proposed Technical Revisions

Kimberly Grant, Director, Academic Policy and Compensation

The proposed revisions are technical, in response to state compliance requirements. Those considered “mandated reporters” have been expanded, and certain groups will now receive targeted training. The two new categories of mandated reporters are 1) human resources employees who receive certain types of complaints, and 2) those who supervise minors in a workplace. UC will take a wide application approach, and is already developing training modules. Revised campus guidelines are underway.

Members asked if summer camps and summer sessions would be included in reporter requirements, and APP will confirm and report back. It is expected that adjunct professors will also be included as mandated reporters.

UCFW posed no objections to the proposed revisions.

3. COVID Impacts to Academic Advancement

UCOP is developing a benchmark of rates of promotion and salary increases to compare pre-, during, and post-COVID. Only advancement can be tracked, not non-advancement. UCOP is limited by the amount and type of data submitted by the campuses.

Members noted that expected rates of promotion could be deduced, making “on time” advancement a possible metric. Chair Halpain asked if stop-the-clock invocations and other deferrals were tracked centrally, but again, UCOP is limited by the data submitted by the campuses; end outcomes can be tracked, but not the process. Members encouraged the inclusion of health sciences faculty in the analysis.

Members noted that the lack of access to campus data was regrettable. System incompatibility issues might be overcome with a fully functioning UC Path.

II. Chair’s Announcements

Shelley Halpain, UCFW Chair

- The Academic Council will soon send more items for systemwide review, including an online teaching report and a review of the Innovative Learning Technology Initiative.
- The Academic Council also relayed Senate concerns over curtailment to senior leadership. The Senate’s call to “hold harmless” the highest average plan compensation (HAPC) for UCRP members was heard and acted upon. Some differential impact concerns remain for those in the 2016 UCRP tier who may lose employer contributions to their Savings Choice plan. UCOP has issued budgetary savings targets, and is allowing the campuses to determine their own way of achieving those goals within set parameters. Not every campus will enact workforce curtailment, and many are concerned that incumbent budgetary disadvantages will be exacerbated and codified absent concerted systemwide effort to re-establish and then maintain parity. Many are also concerned that any reductions in pay could occur absent a formal declaration of financial emergency, establishing a troubling precedent.
- The Academic Council is again considering faculty morale in the health sciences. UCSF has issued a white paper outlining several issues and recommendations.

III. Systemwide Review Items

1. Online Undergraduate Degree Task Force Report

- Approve draft response

Action: The response was approved as amended.

2. Proposed Revisions to Leave-Related Policies of the 700 Series of the Academic Personnel Manual (APM)

- Determine committee position

UCI Representative Dalton and UCLA Representative Li, Lead Reviewers

The proposed revisions represent a step in right direction toward a greater embrace of diversity. The changes align with state laws, and offer increases in the leaves for child rearing and bearing as well as new leave benefits for child bonding, bereavement, and jury duty. There is no age limit on dependent care, and even grandchildren leave has been added. More remains to be done.

Action: Analyst Feer will draft a response.

3. Proposed Revisions to Senate Bylaw 336.F.8 (Evidentiary Standard)

- Determine committee position

Vice Chair Hollenbach and UCR Representative Morton, Lead Reviewers

The proposed revisions are precise language changes intended to align with new federal regulations, which UC opposed. The next federal administration may issue different guidelines, or rescind these, but UC must act now to remain in compliance. New regulations require all involved in sexual violence/sexual harassment cases be adjudicated by the same evidentiary standard. At UC, faculty have been held to a standard of clear and convincing, while students and staff face a standard of preponderance of evidence. The proposal is to adjudicate faculty in SVSH cases according to the student and staff standard.

Insofar as these changes are legally mandated, UC has few options. Nevertheless, several issues remain implicated and worthy of consideration. The evidentiary standard discrepancy will remain in other disciplinary areas – as was noted by the state auditor, and due process concerns have been raised by internal stakeholders. Members seek to protect faculty rights, but others note that preserving the status quo also serves to preserve existing inequities in power and accountability. Civil law more typically uses the preponderance standard, which has been shown to be more favorable to women and those from underrepresented groups. Some assert that UC change in this area should be deliberate, not as a consequence of others' actions.

Action: Analyst Feer will draft a response.

4. Academic Planning Council Faculty Salary Scales Task Force Report and Recommendations

- Assign lead reviewers

Action: Chair Halpain, UCB Representative Odean, and UCSC Representative Orlandi will serve as lead reviewers.

IV. Retirement Administration Service Center (RASC) Concerns

Nico Orlandi, UCSC Representative

Harry Powell, CUCEA Chair

On-going issues with access and timeliness are leading to increased costs and emotional turmoil for retirees. Santa Cruz has submitted a memo outlining specific concerns and calling for an external review of the office along with deadlines. Faculty Representative to the UCRS Advisory Board Hendershott noted that this issue had come before that body, and Acting Vice President for Human Resources Lloyd acknowledged the issues and outlined her office's next steps. HCTF has also heard these concerns and assurances. Temporary help was hired for open enrollment, but the underlying issues have not been

seriously addressed yet. The loss of retirement counselors at the campus level has served to show the shortcomings of RASC.

V. Report: UCFW Health Care Task Force (HCTF)

Lisa Ikemoto, HCTF Chair

1. HCTF of November 20, 2020

- The Health Benefits Advisory Committee (HBAC) has sunsetted, but its final report and the determination of specific next steps remain in the hands of the Executive Steering Committee. Benefits strategy should be in the hands of systemwide Human Resources. Many stakeholders and leaders assert that UC employees should be steered into UC-sponsored health insurance plans. Price competition with other providers with greater market penetration in California remains an obstacle.
- The University's disability plan offerings are under review. A new RFP is expected to include overdue rate increases as well as plan design changes. HCTF requested additional data on faculty utilization rates and outcomes. The administration of disability benefits remains complex and slow.
- Behavioral health benefits questions will be included in the next UC Health benefits survey. HCTF is considering a dedicated working group to investigate access and utilization.

VI. Consultation with Academic Senate Leadership

Mary Gauvain, Academic Council Chair

Robert Horwitz, Academic Council Vice Chair

1. Policing

Senate leadership has raised the topic with President Drake and Regent Chair Perez. Campus working groups will be reporting their progress in implementing last summer's recommendations to UCOP early next year. A two-part safety symposium is being planned for January and March of next year. Preliminary discussions suggest a preference for fixing, not dismantling and reconstructing, police practices. The UC contract with the police union, FUPOA, is up for renewal next year.

UCSF has just completed a white paper on policing, and findings will be shared. Many are concerned about framing: defunding, abolishing, etc., may be unlikely to yield results. Student and staff experiences should be part of these conversations.

2. Additional Updates

- A Human Resources Transition Advisory Committee has been established by UCOP. Mercer is serving as an external consultant to the group. Senate participation is being negotiated.
- Curtailment: UCRS HAPC will be held harmless. The campuses will have flexibility to meet savings targets. The Senate has raised concerns about system integrity on several

occasions. The Senate has advocated for the granting of extra sabbatical credits as partial reward for service during COVID.

- Fossil Fuel Divestment: The Senate continues to push for principles to guide this process and practice, not a “bottom line” assessment. The Senate will redirect its memo asking for banking contract transparency to the Chief Financial Officer. A more concerted approach is necessary.
- Aggie Square: This proposed development by Davis is receiving renewed scrutiny due to questions about the efficacy of carbon off-sets.

VII. Report: UCFW Task Force on Investment and Retirement (TFIR)

David Brownstone, TFIR Chair

1. TFIR of November 16, 2020

- Fossil Fuel Divestment: The Office of the Chief Investment Officer (OCIO) has divested from funds they control – the endowment, the pension, and STIP/TRIP. TFIR has asked OCIO to examine 403(b) and 457 plan holdings now. How far “downstream” to divest is a subject of on-going discussion. TFIR has also asked for disclosure requirements and suggested alternatives for those so interested. In September, however, the federal government proposed a ruling that directed divestment efforts would have to meet high fiduciary standards; the proposal is open for public comment.
- Valuations: Each November, the Regents receive valuations of the pension and retiree health systems. The retiree health debt looks significant on paper, but since UC uses the pay-as-you-go method, the accumulated debt is of lesser consideration. Since the benefit is not vested, however, it is an easy target for cuts. The pension benefit is guaranteed, and cannot be dropped retroactively. The pension currently nearly 80% funded, which is good, especially for a public pension. Current contribution levels do not meet Regents policy, which includes payment on amortized debt. The University has been borrowing funds to supplement contributions, but a gap remains. Some Regents want to increase employee contributions, but UCOP has successfully argued against any increases recently.
- Student Debt: TFIR is investigating the Public Service Loan Forgiveness Program. Reports indicate the rejection rate is nearly 95%. TFIR is also investigating whether it is possible to pay such debt with pre-tax funds, or an employer matching contribution. Only federally subsidized loans would be eligible for such options; private loans, including refinances and some consolidations, lose repayment protections. Bankruptcy never applies to student loans.

VIII. COVID Impacts to Dependent Care, Work-Life Balance, Academic Advancement

Both short-term and long-term impacts from COVID have been noted. UCFW will communicate to the Academic Council its position that these issues must be addressed directly and pre-emptively. Members noted that systemwide guidance would be helpful in ensuring Shared Governance is respected at the

campuses. Others noted that people in similar circumstances can experience drastically different COVID outcomes, putting the utility and fairness of impact statements into question. Current processes often require the dean to approve leave accommodations – a process which can often be problematic, and some departments do not have the budget flexibility to make such accommodations. A coordinating committee to oversee equity in implementation is one of the UCFW recommendations to the Council.

Any such committee must be joint to be effective, and decision-rule guidance is also needed. Looking beyond immediate bottom-line concerns must be encouraged. Central oversight is also needed to avoid haphazard, unequal, or unfair local practices. Communications must be clear, and records maintained.

IX. Campus Updates

Members reported concerns about funds deposited during 2020 into Flexible Spending Accounts for dependent care which was then not needed due to COVID restrictions. Some have thousands of dollars “trapped” in these accounts, subject to forfeiture.

Action: HCTF will address this issue with Human Resources.

X. New Business

Note: Item not addressed.

Adjournment 3:30 p.m.

Minutes prepared by Kenneth Feer, Principal Analyst

Attest: Shelley Halpain, UCFW Chair

Attendance:

Shelley Halpain, UCFW Chair

Jill Hollenbach, UCFW Vice Chair

Terry Odean, UCB

Vladimir Filkov, UCD

Terry Dalton, UCI

Huiying Li, UCLA

Jayson Beaster-Jones, UCM

Pat Morton, UCR

Shantanu Sinha, UCSD

Lindsay Hampson, UCSF

Denise Segura, UCSB

Nico Orlandi, UCSC

Lisa Ikemoto, HCTF Chair

David Brownstone, TFIR Chair

Harry Powell, CUCEA Chair

Terry Hendershott, UCRS Advisory Board Representative