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*Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

December 21, 2011

SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL

Re: Proposed revisions to APM 670 (Health Sciences Compensation Plan)

Dear Susan:

The Academic Council discussed the proposed revisions to APM 670 at its meeting on December 14 after receiving comments from seven divisions (UCB, UCD, UCI, UCLA, UCR, UCSD, UCSF) and two committees (UCAP, UCFW). Council unanimously agreed that the following concerns should be addressed in a revised draft and submitted for a targeted and expedited review by those divisions and committees with interest and expertise in health sciences personnel issues.

Committees and divisions all focused on two major areas of concern. Both stem from an imbalance in the provisions for shared governance, and both must be addressed to gain Senate concurrence. First, the constitution of, and appointment procedures for, the advisory committee must be revised in accordance with the principles of shared governance. APM 670 allows half of the committee members to be appointed by the dean and half by another, undefined mechanism. This allows the dean to assert undue influence on the committee. While we value local flexibility, we recommend that the policy limit the dean's appointments to fewer than half of the members and that the APM more explicitly define the selection mechanism for non-administrative representatives to the committee. It is problematic that APM 670 is silent on the participation of non-Senate, clinical faculty. In addition, Council notes that the advisory committee is only *advisory* to the dean. Thus, the nominal right to appeal a dean's decision is a false promise.

Second, APM 670 states that participation in the HSCP is dependent on a faculty member being in "good standing," a status that is ultimately determined by the dean, again providing the dean with too much authority. Respondents objected that there is no role for the Senate in making this determination, and that it is vague and should be applied consistently across departments and the University. At the very least, the criteria for being in good standing and the circumstances under which a faculty member would fall out of this status should be more clearly defined and should not include inability to generate salary support.

In addition, respondents raised a number of technical issues that they wish to see addressed. First, the limits on outside professional activity should be defined by the number of days allowed, rather

than by a dollar limit. A Council member offered the example of a Nobel Prize winner who could easily reach the dollar limit by receiving honoraria for a few lectures. Another example is a nurse who needs more hours of professional practice than are available at his or her UC medical center to maintain a license. Linking limits on outside professional activity to the amount of time that faculty members devote to it is a more appropriate check on potential conflicts of effort. In addition, the APM should allow for exceptional circumstances. Second, outside professional activity should be defined clearly to clarify whether it is only professional activity for which the individual retains personal income *outside* the practice plan and whether the limit applies to outside activities for which the faculty member generates income that is retained by the plan. Third, some respondents (UCI, UCLA, UCSF) expressed concern about Section 670-18, which establishes a minimum of five members to make up an APU, preferring to maintain the current policy. However, UCFW is concerned that a lower minimum could encourage salary and pension spiking and strain the salary scales. I have enclosed all of the responses received so that you can consider additional, technical points that were raised.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert M. Anderson". The signature is fluid and cursive, with the first name "Robert" and last name "Anderson" clearly distinguishable.

Robert M. Anderson, Chair
Academic Council

Cc: Nancy Tanaka, Executive Director, Academic Personnel
Janet Lockwood, Manager, Academic Policy and Compensation
Academic Council
Executive Director Winnacker

Encl.



December 5, 2011

ROBERT ANDERSON
Chair, Academic Council

Subject: Proposed revision of APM 670 (Health Sciences Compensation Plan)

Dear Bob,

On November 28, 2011, the Divisional Council (DIVCO) of the Berkeley Division discussed the proposed revisions to academic personnel policy, APM 670 (Health Sciences Compensation Plan), informed by a report from our divisional Committee on Budget and Interdepartmental Relations (BIR).

In keeping with the concerns we raised about the proposed APM 668, we are also opposed to this proposal. Once again, the key points of concern are expressed well by BIR in its report. I am, therefore, appending the BIR report in its entirety.

In sum, while the effects of the revisions would be limited on our campus, they run counter to our long-held tradition of shared governance, as it relates to the evaluation and assessment of the faculty.

Sincerely,

Bob Jacobsen
Chair, Berkeley Division of the Academic Senate
Professor of Physics

Encl.

Cc: Benjamin Hermalin, Chair, Committee on Budget and Interdepartmental Relations
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations

October 27, 2011

ROBERT JACOBSEN, CHAIR
ACADEMIC SENATE, BERKELEY DIVISION

RE: Review of Proposed New Policy APM-670, Health Sciences Compensation Plan

We write in response to your request for comments on the proposed revision to APM-670, the Health Science Compensation Plan (HSCP). Although the revision appears to improve on the original proposal, we continue to have serious reservations.

Because the plan is intended primarily for “health sciences schools,” which are, for the most part, medical schools, the relevance of APM-670 to the Berkeley campus is limited. However, as it is presently formulated, nothing precludes Berkeley’s participation. At Berkeley, the School of Public Health (SPH), the School of Optometry, and the Department of Psychology (through its clinical psychology training programs) would seem potential participants.

Many of the concerns we raised in our comments about the proposed APM-668, the Negotiated Salary Program (NSP), also apply to APM-670. Rather than repeat them in detail, we refer you to the memorandum we sent you on APM-668 dated October 27, 2011. A quick summary of these overlapping concerns is that such compensation programs (i) potentially divert attention from other ways to close UC’s gap in salaries *vis-à-vis* peer institutions; (ii) potentially change how faculty allocate their time in ways that may not be in the University’s interest; (iii) will increase salary inequities; (iv) potentially complicate accountability and assessment; and (v) have the potential to change the character of the University in other ways.

A particular concern about APM-670 is that its envisioned operation is at odds with many of this campus’s cherished traditions concerning shared governance and our processes for the assessment of faculty. The revised APM-670 continues to delegate considerable authority to deans, with Senate faculty having limited say. APM-670-6(d) states, “The Dean is responsible for implementing and administering the school Plan, including the resolution of complaints and appeals.” Since part of implementation and administration is the determination of merit in the form of a faculty member’s “Good Standing,” this portion of the policy would appear to afford a dean more authority in this area than is the tradition on this campus. Although APM-670-6(d) requires the creation of a *school-specific* Advisory Committee, this committee is explicitly advisory, can consist of non-Senate members, and as much as half its membership can be chosen by a dean. The latter

two provisions are arguably at odds with the privileges of the Senate, at least on this campus.

On this campus, each unit's assessment of faculty merit, especially those assessments that affect salary, have been, by and large, subject to review by our committee. The HSCP is at odds with this. First, participation in the HSCP is dependent on a faculty member having "Good Standing." The school-specific Advisory Committee advises the relevant dean about this, and the dean makes the final determination. No role is envisioned for our committee with regards to review of this assessment of merit. Second, no role for our committee is envisioned with respect to review of the various components of a faculty member's compensation under the HSCP; review will be limited to the school-specific Advisory Committee. The absence of campus-level review, on both these dimensions, raises the issue of how campus-wide standards will be maintained. Moreover, such an absence complicates our ability to help assure the fair and equitable treatment of faculty from different units.

Because the applicability of APM-670 to the Berkeley campus is limited, we are somewhat reluctant to advocate that the Senate should oppose its adoption as a system-wide policy. We do, however, strongly advocate against its adoption on this campus.

Benjamin E. Hermalin
Chair

BEH/mg



OFFICE OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
TELEPHONE: (530) 752-2231

December 9, 2011

ROBERT ANDERSON, CHAIR

University of California
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: Systemwide Review of Proposal to Revise APM 670, Health Sciences Compensation Plan

The proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees within the schools and colleges for comment. Detailed responses were received from the Committees on Academic Personnel-Oversight (CAP), Faculty Welfare, and Planning and Budget. In addition, the Faculty Executive Committee from School of Veterinary Medicine commented.

The proposal to revise 670 received mixed response. The Committee on Planning and Budget found the proposal acceptable. CAP is concerned about the additional definition of "good standing" as it pertains to salary compensation. Faculty Welfare expressed concern regarding the composition of the Advisory Committee and the level of authority provided to the Dean concerning appointments to the Advisory Committee. The Faculty from the School of Veterinary Medicine opined that the requirement for approval by the Regents has been removed and authority lies solely with the President or the President's designee. The reasons and consequences of such a change are not obvious but perhaps should be clarified.

The proposed language appears to link the University-wide criteria for Merit Advancement and Promotions with the, heretofore, "member in good standing" criterion. This represents a change from long-standing practice whereby revenue generation is separated from academic performance. Further, the application of a metric that includes the vague term "negatively impact scholarship and teaching" may lead to multiple criteria regarding what constitutes scholarship that will vary by departments and lead to greater inconsistency throughout the University. The differential application of the new metric will lead to confusion and uncertainty for faculty members when CAP applies its own assessment of scholarship regarding a merit advancement or promotion. We recommend the language below in italics be eliminated from the new APM 670.

"All members of a clinical practice plan should be deemed in Good Standing until they encounter some circumstance in which their capacity to earn income is impaired. *A faculty member may fail to be in Good Standing only for conduct which significantly and negatively impacts the health sciences school's central functions of clinical care, scholarship, teaching, and University and public service.* Reasons for loss of Good Standing might include, for example, instances of misconduct, inability to generate salary support, refusal to participate in assigned duties, failure

to participate in mandatory training, loss of clinical privileges, or loss of licensure and/or credentials.”

Within UC Davis, the Advisory Committee plays an integral role in the placement of faculty within an Academic Personnel Unit (APU). APU placement largely shapes the compensation the faculty member receives. The principal problem with the proposed changes to APM 670 is the Advisory Committee needs more independence from the Dean. The Dean appoints more than half of the members to the Advisory Committee. If a faculty member is not satisfied with APU placement the recourse is appeal to the Advisory Committee. The decision making process in APM 670 gives too much authority to one person – the Dean. The problems with this plan would be substantially diminished if the Dean had less control over the membership of the Advisory Committee and key terms used in the evaluation of faculty, good standing stands out, were more clearly defined.

The concerns expressed are significant and require more information and a thorough review before the Davis Division is willing to endorse the proposal to revise APM 670.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda F. Bisson".

Linda F. Bisson, Chair
Davis Division of the Academic Senate
Professor: Viticulture and Enology



Office of the Academic Senate
307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-2215 FAX

November 18, 2011

Robert Anderson, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: UCI Senate Review of APM 670, Health Sciences Compensation Plan

At its meeting of November 15, 2011, the Irvine Division Academic Senate reviewed the proposed changes to APM 670, the Health Sciences Compensation Plan. The following comments were presented by the Council on Academic Personnel (CAP), the Council on Faculty Welfare, Diversity and Academic Freedom (CFW) and the Council on Planning and Budget (CPB).

The Senate Cabinet agreed with the concern that there is too much authority given to Deans and Department Chairs to determine the Good Standing criteria. We note that APM 670 specifies that "the Chancellor shall be responsible for assuring that affected Plan participants and the appropriate divisional Academic Senate committees shall be afforded the opportunity to review and comment on the proposed school Implementing Procedure." Further, "the appropriate division of the Academic Senate and other committee(s) shall be provided the opportunity to review and comment on any proposed exceptions to school Implementing Procedures which the Chancellor intends to submit to the President or the President's designee for review." Our comments may be clarified at that time, and we look forward to reviewing the Implementing Procedures.

Council on Academic Personnel (CAP)

CAP members offered the following two suggestions: (1) Plan participants must satisfy the Good Standing Criteria in order to be allowed to earn and/or retain income from professional, non-clinical activities. The policy calls for criteria to be established at the School or Department level on each campus, with some general expectations outlined in the APM. CAP members thought more specific, University-wide criteria would be helpful. (2) Although there are numerous references to Conflict of Interest and Conflict of Commitment and Outside Activities of Faculty Members throughout the policy with cross-references to the Political Reform Act of 1974 and APM-025, respectively, members thought APM-670 would be clearer if it

included specific definitions of these potential conflicts when explaining how they affect the HSCP.

Council on Faculty Welfare, Diversity and Academic Freedom (CFW)

CFW agreed that most of the revisions, new language and reordered sections seem to be editorial and technical in nature. Two issues of concern were noted:

- Under “d. Role of the Advisory Committee” (last paragraph on page 6 of the document), we suggest the addition of a reference to equal opportunity: “The Committee assists in assuring compliance with and resolving issues on outside professional activities, conflict of interest, and conflict of commitment, and equal opportunity.”
- Having a consistent definition of “good standing” is extremely important as it could become involved in a future issue of academic freedom.

Council on Planning and Budget (CPB)

The Council supports the proposed revisions by a strong majority, but believes the policy needs clarification on some provisions and requires technical corrections. A minority of Council believes that the HSCP should provide more details on procedures and should provide some restriction on the allowed Y and Z components of members’ compensation.

A particular concern is that the policy does not state that the HSCP must appropriately value and incentivize non-revenue-generating teaching, research, and service activities. This could be done, for example, by setting one or more components of members’ compensation based in part on demonstrated excellence in these non-revenue generating activities. We note that the details of the compensation plan implementation are left to a second step, the Implementation Procedure (IP), and we look forward to reviewing these.

We offer the following suggestions for improving the revisions.

1. The second paragraph of section 670-0 should be revised to reduce the latitude that Schools or Departments have to establish provisions that are so restrictive that the objective of having consistency across plans will not be met. An example of a potential problem with inconsistency is whether schools and departments would be allowed to establish substantially different criteria for “good standing.” The stated intent of the revised policy is that revocation of “good standing” should be based only on factors that would cause significant harm to the core functions of the school. There is some concern that policies that are too restrictive could be implemented very differently in units. We suggest rewording this paragraph as follows, in order to focus on the consistency of the possibly more restrictive conditions. “The participating health sciences schools, after discussion and comment by the participants, and consultation with the school Advisory Committee, may include

provisions that are more, but not less, restrictive than those outline herein, while being consistent with this policy.”

2. Section 670-6 (d) on the responsibilities of the Advisory Committee is inconsistent. The section states that the composition of the Committee, method for selection members, etc., shall be specified in the school IP. However, the next section 1) states that a responsibility of the Advisory Committee is to develop the school IP. It is not clear how the Advisory Committee can develop an IP that will define how the Advisory Committee will be chartered and its members selected.

3. Section 670-14 defines eligibility and mandatory membership requirements for the HSCP. This section had relatively minor revisions. The revised policy removed “Visiting Professor” from the titles that are required to be members of the plan. However, it does not indicate whether “visiting professor” faculty can elect to become members of the plan. The policy also includes sections on split appointment faculty and recall faculty that state that such faculty “may” participate in the plan. The statement regarding “may” should be changed to “may, but are not required” to be members of the plan, so the HSCPs cannot be written to require membership. Otherwise, it seems likely that this policy would be applied inconsistently across schools and campuses.

4. Section 670-18 (b) defines the base salary (X and X') and Academic Programming Units (APUs). The policy states that Deans approve the faculty compositions of each APU and assignment of a salary scale to that unit. The current practice is to have faculty plan members propose the formation, membership and salary scale for an APU. This proposal is then reviewed by the department and compensation plan office, which makes a recommendation to the Dean for approval or disapproval. It is not clear from the revisions whether there was an intent to change the current practice, e.g., by having the Dean make the assignment of a salary scale based on the Department Chair's recommendation, or whether it would still allow faculty plan members to propose their salary scale based on their own assessment of the group's ability to meet the funding commitments. We expect that this will be clarified in the IP.

5. Section 670-18 states that the APUs should have a minimum of five members, with procedures for exceptions for smaller units. The current policy at UC Irvine is to require a minimum of three members. The revised policy also states “no individual faculty member may be moved from one APU to another without a significant change in duties or a change in department.” These provisions are stricter than current policies at UC Irvine. Implementing the revised policy is likely to require adjustments or changes in existing APUs. The revised policy should include provisions in the IP for a transition plan to allow for restructuring existing APUs before the more rigid controls in the revised policy are implemented. This is perhaps implicit in the restructuring.

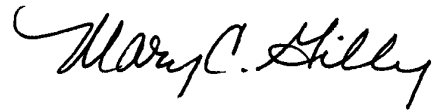
6. Section 670-20 has the title “Use/Terms of Employment/Conditions of Employment” but the whole section appears to be about Benefits. The section title

should be revised. Additionally, section c1 provides information on the salary to be paid during “extended illness,” specifying that it be at the base salary. The following section, c2, addresses “childbearing and childrearing”, but it only states that compensation during leave for childbearing should be consistent with APM 760-25, which requires that such compensation should be at least at base salary. It refers to campus policy regarding the question of base versus negotiated additional compensation. This issue and that of compensation during leave for childrearing should be clarified here or in the IP.

The Irvine Division appreciates the opportunity to comment.



Craig Martens, Senate Chair



Mary C. Gilly, Senate Chair-Elect

C: Martha Kendall Winnacker, Executive Director, Academic Senate

December 5, 2011

Robert Anderson
Chair, Academic Council

Re: APM 670, Health Sciences Compensation Plan

Dear Bob,

Thank you for the opportunity to opine on the recommended revisions to APM 670, the Health Sciences Compensation Plan. Upon receipt, I distributed the proposal to all standing committees of the Academic Senate, including the Faculty Executive Committees. Although all committees were welcome to opine, I specifically requested responses from the Faculty Welfare Committee (FWC), the Council on Academic Personnel (CAP), and the FECs from the David Geffen School of Medicine and the School of Dentistry.

The Board raised no objections to the proposal, although a number of the FECs and Councils requested specific modifications: 1) removal of the restriction on APUs smaller than five members; 2) retention of the Visiting Professor title within plan membership; 3) inclusion of provision for negotiating salary during sabbaticals; 4) replacement of the cap on the amount of outside earnings with a cap only on numbers of days devoted to outside activities; 5) clarification and strengthening of the role of the Advisory Committee, especially in APU formation and establishment of Good Standing; 6) reference to conflict of effort should be included (not just conflict of interest--for research faculty, there should be an understanding of how much effort is to be applied to teaching, research and service and for faculty with clinical responsibilities, expectations should be clear as to the percent time applied to patient care); and 7) the document should also make clear the consequences of problems associated with conflict of effort (not just conflict of interest), with regard to external activities and a loss of "good standing". I am attaching all responses that we received so that you can see these comments in detail.

As always, please do not hesitate to contact me if I can be of any further assistance.

Sincerely,



Andrew Leuchter
Chair, UCLA Academic Senate

Cc: Martha Kendall Winnacker, Executive Director, Academic Senate
Jaime R. Balboa, CAO, UCLA Academic Senate

UCLA *Academic Senate*

October 25, 2011

To: Andrew Leuchter
Academic Senate, Chair

From: Joel D. Aberbach
Faculty Welfare Committee, Chair

Re: Systemwide Review of APM 670, Health Sciences Compensation Plan

The Faculty Welfare Committee reviewed the Systemwide Review of APM 670, Health Sciences Compensation Plan at their meeting on Tuesday, October 11, 2011. The committee had no objections to the proposed revisions to the document.

We thank you for the opportunity to participate in this process.

Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Dottie Ayer, Assistant to Chief Administrative Officer, Academic Senate
Brandie Henderson, Policy Analyst, Academic Senate

UCLA *Academic Senate*

November 08, 2011

To: Andrew Leuchter, Chair
Academic Senate

From: Council on Academic Personnel

RE: Proposed APM 670

CAP has reviewed the proposed APM 670 our comments follow.

1. The document refers to conflict of interest but it does not refer to conflict of effort. The effort put into securing a negotiated salary should not conflict with the mission of the university or the responsibilities of the faculty member. For research faculty, there should be an understanding with the department how much effort is to be applied to teaching, research and service. For those faculties who have clinical responsibilities, expectations should be clear as to the percent time applied to patient care.
2. In terms of outside time spent away from university teaching, research and service (consulting, invited talks, legal work etc) , it should be clearly stated how compensation for these outside activities is compensated.
3. It is not clear how gifts for research or outside travel support from pharmaceutical companies for example will be addressed.
4. The vast majority of faculty in the Department of Medicine at all 5 affiliated hospitals in the School of Medicine are in the Health Sciences, Adjunct, and In-Residence series, which do not offer the opportunity for tenure. As they are on “soft money” regarding their base salary and delta (they do not receive state 19900 funding), it unclear how the compensation plan would address their compensation for effort in teaching and service. The In-Residence research faculty are evaluated under the same criteria as tenure-track faculty but are not compensated by the state for their teaching or service. This fact continues to be neglected in the APM as it pertains to salary negotiations and methods for compensation.

5. It is unclear at the University level (outside the Department), which entity outside the Department would review negotiated salaries each year to assure that inequities of pay are kept to a minimum and that “side deals” are kept to a minimum.
6. Throughout the document there are references to how abuse will be reviewed by the administration. However, the document should also make clear the consequences of problems associated with conflict of effort, with regards to external activities and a loss of “good standing” in terms of the faculty member’s commitment to the mission of the University.

UCLA *Academic Senate, Council on Planning and Budget*

November 3, 2011

Professor Andy Leuchter
Chair, UCLA Academic Senate

Re: Council on Planning on Budget Response to APM 668 and 670

Dear Professor Leuchter,

We had a lively discussion of the proposed revisions to APM 668 and 670 at our meeting of October 31, 2011. We began with a brief discussion of 670, the proposed revisions to the Health Sciences Compensation Fund. Most members...especially those not familiar with the details of the current HSCP...saw little in the revisions, beyond the elimination of verbiage that, while admirable in its sentiments, carried little governing force in the first place. One member knowledgeable about the process of review and revision leading to these changes lamented that earlier efforts to increase the role of peer review and transparency seem to have been abandoned in the final version. The new language apparently seeks to minimize the use of very small APS's, about which opinion was mixed.

APM 668 generated lots of comments, most of them unfavorable. The proposed Negotiated Salary Program provides a systemwide framework for campuses to develop specific programs to provide General Campus faculty with up to an additional 25% of their core salaries, funded by endowments, self-supporting program fees or research contracts and grants. One way to look at this is as the injection of new resources to retain or reward individual faculty members, above and beyond current resources. Another is that 668 would provide a more regularized framework for many practices currently being employed by chairs and deans, particularly in fields with high market demand. There are federal constraints on the degree to which grant money can be used for salaries, especially in some agencies. One of these constraints is that other sources for supplementary compensation must also be available, not just grants. Hence, this sort of broad-based program is essential if UC is to conform to federal rules about the use of federal contract and grant funding.

The broadest criticism of the NSP is that it would represent a fundamental culture change, a shift from our peer review-centered program to one in which individuals negotiate directly with their chairs and deans. Some thought it was more a reflection of changes that have already occurred in our local academic marketplace, though even they agreed that it could accelerate this change. Many committee members felt that such a system would be open to abuse and favoritism; others saw flexibility and potentially rapid response to outside offers. Most CPB members prefer that compensation continue to be provided largely or entirely within the

context of our pre-existing peer review system. On the other hand, many, and perhaps most, also recognize that chairs and deans play dominant roles in deciding actual compensation packages already. No one argued that compensation should be uncoupled from merit, but the consensus was that merit is best judged within the current peer review system.

Another criticism concerned the possible distorting effect of the NSP on faculty behavior, whatever the source of funding. For grant and contract income, it could impact the choice of research topics and funders, from pure research supported by NSF and research-oriented foundations, to more applied work funded by private entities. The earnings on research endowments might be re-directed from student support to faculty salaries (the same shift might be seen in the use of grant funds). Perhaps the most pernicious potential effect could be seen in funding from self-supporting programs, which, whatever the formal principles enunciated, would likely shift the balance of effort away from traditional undergraduate and graduate instruction toward professional and certificate programs.

A third dimension of the criticism involved the likely effect of increasing income inequality among faculty, both across and within units. Gender gaps could be enlarged and other inequality not based on generally recognized merit differences exacerbated.

CPB recognizes that there may be some perfectly good reasons to adopt a version of NSP at UCLA, especially given our generally precarious funding, the loss of faculty to other institutions, and the "drift" of eligible faculty to the Health Sciences so that they can be compensated under the HSPC. A minority of CPB members therefore favor adopting a version of the NSP. But the majority feel that it would be an unfortunate step to adopt the NSP at UCLA.

Respectfully,

A handwritten signature in black ink, appearing to read 'DL Lopez', written in a cursive style.

David Lopez
Chair, UCLA Council on Planning and Budget

cc: Linda Sarna, Vice Chair, Academic Senate
Ann Karagozian, Immediate Past Chair, Academic Senate
Jaime Balboa, Chief Administrative Officer, Academic Senate
Linda Mohr, Assistant Chief Administrative Officer, Academic Senate
Council on Planning on Budget Members

UNIVERSITY OF CALIFORNIA, LOS ANGELES

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October 31, 2011

SCHOOL OF DENTISTRY
 CENTER FOR THE HEALTH SCIENCES
 10833 LE CONTE AVENUE • BOX 951668
 LOS ANGELES, CALIFORNIA 90095-1668

Academic Senate Chair Andrew Leuchter
 C/O Jaime Ronaldo Balboa, Ph.D.
 Chief Administrative Officer
 UCLA Academic Senate
 Box 951408, 3125 Murphy Hall
 Los Angeles, CA 90095-1408

Dear Academic Senate Chair Andrew Leuchter,

The FEC of the School of Dentistry met on 10/26/11 and reviewed the draft – clean copy of the APM-670 Health Sciences Compensation Plan. The committee unanimously concurs with the revisions as written with the following exceptions:

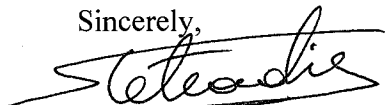
Page 12, Item (b): The committee recommends elimination of the requirement for Chancellor's approval for an APU comprised of fewer than 5 members. This committee believes that the approval of the APU should remain with the Dean regardless of the number of members. Deans are in the best position to identify the critical differences in teaching, research and clinical responsibilities that underlie the basis for establishing unique APUs and their appropriate faculty composition. Under the guidelines in the proposal, Deans additionally receive input on the establishment and composition of the APUs from Department Chairs and School specific Compensation Plan Committees that review APU related matters. Item (b) places an unnecessary layer of approval that will complicate, rather than facilitate, the process.

Pages 7-8, Item (a): The "Visiting Professor" appointment was eliminated from the membership requirement in the proposal. The committee is in agreement to retain the existing membership criteria, which includes the "Visiting Professor" series. This provides flexibility for recruitment and retention of faculty as they transition to one of the other title series.

Page 16, Item (c): The committee recommends revision to this section as follows: "Plan members who are eligible for sabbatical leave, leave with salary, or extended illness leave may be granted such leave at the Fiscal Year Salary Scale (HSCP Scale 0), or the Health Sciences Scales Base Salary rate (X, X') or total negotiated salary rate...." This added provision will allow the plan member to negotiate salary level with the Dean and APU director, taking into consideration reserve funds, APU income, School funds, etc. For example, if a faculty member proposes a sabbatical leave, but the APU does not have the resources (from all sources) to support the X' salary component, the Dean would not be able to grant the sabbatical. However, if the faculty member could opt to forgo the X' salary component, the Dean (and the APU Director) could grant the sabbatical leave.

Page 25 (2) The committee would like to clarify this section by recommending the following wording: "The University-wide Standard Requirement is that Plan participants shall be allowed to retain payments without submitting those payments for processing to the Health Science Compensation Plan from 21 days of service (other than patient care)....."

Sincerely,

A handwritten signature in black ink, appearing to read "Sotirios Tetradis", with a stylized flourish at the end.

Dr. Sotirios Tetradis
Chair, Faculty Executive Committee

UCLA MEMORANDUM

College Faculty Executive Committee
A265 Murphy Hall

November 3, 2011

To: Andrew Leuchter, Chair
Academic Senate

From: Michael Meranze, Chair 77
UCLA College Faculty Executive Committee

Re: **College FEC response to the proposed revision of APM 670 (Health Sciences Compensation Plan)**

Thank you on behalf of the College Faculty Executive Committee for the opportunity to review and opine on the UC Office of the President's proposal to revise Academic Personnel Manual 670 (Health Sciences Compensation Plan). We discussed the proposal over email and at our October 28, 2011 meeting. On October 31, 2011, a formal vote to endorse the comments of this letter was conducted electronically (12 approve, 0 oppose, 1 abstain). At present, the FEC generally endorses the revisions to the policy. The following summarizes the FEC's attempts to capture the tone of our discussion:

1. APM 670 should include greater transparency about the role of Academic Programmatic Units (APU's), since they play an important role in faculty UCRP contributions. In particular, the policy would benefit from offering a rationale for the need of different APU's as well as a process for establishing agreement between faculty and department chairs regarding APU assignments. The Advisory Committee should also be included when APU's are changed.
2. APM 670-10 (Standards/Criteria/Qualifications) should clarify whether the policy intends to single out only those members of a "clinical practice plan" or if the policy intends to be inclusive of non-clinicians as well. If the intent is to single out clinical practice plan members, then the FEC suggests the language of this paragraph be highlighted as pertaining ONLY to those members; and a separate paragraph be included to describe the terms of Good Standing for non-clinicians.
3. APM 670-10 (Standards/Criteria/Qualifications) should also clarify what is meant by "inability to generate salary support." The vague wording should be deleted or expanded to explain what is meant.
4. APM 670-14 (Eligibility) should specify the funding percentage of faculty salaries when the faculty appointment is more than 50 percent full-time in one or more of the participating health sciences units.
5. APM 670-18 (Salary) should include a definition and description of Total Negotiated Salary (TNS). In addition to a rationale for TNS, the section should also include guidelines on how to address exceptional circumstances that may warrant increasing or decreasing TNS (e.g.

cost of living increase, furlough). Assuming the policy allows TNS to be adjusted mid-cycle, than a process for obtaining a waiver should be developed and described and the Advisory Committee should be consulted prior to a final action.

6. APM 670-6 (Role of the Advisory Committee) should include guidelines for the development of the school's Implementing Procedures, including the establishment of Good Standing criteria, APU assignments, and APU Scales (including changes to APU scales that may occur over time).
7. APM 670-80 (Procedures/Review Procedures) should specify which HSCP Salary Scale has been assigned to the Plan member's APU as well as the rationale for the assignment.
8. Appendix C should list State funds, since some faculty receive 19900 funds as part of their base salary.

Our membership appreciates the consultative process and welcomes the opportunity to opine on future drafts or responses to the issues highlighted in this letter. In the meantime, you are welcome to contact me at meranze@history.ucla.edu with questions. Kyle Stewart McJunkin, Academic Administrator, is also available to assist you and he can be reached at (310) 825-3223 or kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Lucy Blackmar, Assistant Vice Provost, Undergraduate Education Initiatives

UCLA Engineering

HENRY SAMUEL SCHOOL OF
ENGINEERING AND APPLIED SCIENCE

M E M O R A N D U M

Faculty Executive Committee

TO: Jaime Balboa, CAO
Academic Senate
3125 Murphy Hall

FROM: Alan J. Laub, Professor
Chair, HSSEAS FEC



DATE: November 3, 2011

RE: RESPONSE TO ACADEMIC SENATE - SYSTEMWIDE REVIEW APM 668 &
APM 670

We have read the proposed revisions to APM 668 and APM 670 and have the following comments:

We have no comment on the specific text used. However, with regard to APM 668, we wish to be on record as raising the issue of fairness to faculty who do not have grants to charge.

Dear Jaime -

The DGSOM FEC discussed these APM revisions at our meeting last night, November 2nd, and the Committee asked that the following feedback be communicated to you and the Senate leadership.

With regard to APM 670, it became apparent that many of the good qualities of the original version were being clarified, and the FEC was supportive of these improvements, and especially appreciated the table comparing the old and proposed texts. Further, it was reassuring to see that the feedback from the stakeholders had led to many of these modifications.

One potentially-concerning issue dealt with an apparent cap on the Outside Professional Earnings with an approval threshold of \$40,000 or 20% of the HPCP salary (page 29 and 30 of the clean copy of the APM). The FEC would benefit from clarification on which component of the salary this cap applies to: X, X', or Y, or some combination thereof. Additionally, concern was expressed regarding the limited earnings potential for faculty who work within the 21 day maximum but who might be compensated generously for highly-specific activities during that time. One example included a potential Nobel laureate who might command relatively large honoraria for a speaking engagement and whose activities might reach the threshold with one or two talks, well within the 21 day limit and without presenting a worrisome conflict of commitment or interest issue. The Committee noted that such lectures are of great benefit to the visibility and stature of the Institution, and as such, a threshold would seem to be counterproductive.

In fact, the University has recognized that recruitment and retention of outstanding faculty requires appropriate financial recompense, including innovative approaches to such funding as have been recommended in the new APM 668, discussed below.

Our recommendation would be to focus on the conflict of commitment issues, as addressed with the 21 day limitation, and allow flexibility as to the amounts of compensation that may be linked to activities pursued within that time frame.

With regard to APM 668, as mentioned above, the Committee was supportive of permitting multiple sources of salary support, including through non-state funded mechanisms. As is clear, the UC system Medical Centers have used this approach successfully for many years. However, the Committee noted that care must be taken to avoid a "slippery slope" condition with eventual lack of funding from state sources, as non-state monies might be substituted for state support.

This could change the character of the University from one with a public mission to more of a private university model.

With regard to APMs 200 and 205, the Committee was supportive of these proposed changes, as many members reflected on the great value of recalled faculty for teaching, research, clinical, and administrative help for departments, enabling active faculty to pursue forward-looking

activities to build the future of the University. The Committee noted the 43% cap, with the understanding that this was for health insurance reasons.

The Committee, Chair, and Vice-Chair of the DGSOM FEC appreciate the opportunity to vet and comment upon these important changes in UC policy.

Sincerely,

Ian A. Cook, M.D.
Chair, DGSOM FEC

Jonathan S. Jahr, M.D.
Vice-Chair, DGSOM FEC

UNIVERSITY OF CALIFORNIA, LOS ANGELES

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SANTA BARBARA • SANTA CRUZ

FACULTY EXECUTIVE COMMITTEE
UCLA SCHOOL OF PUBLIC HEALTH
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LOS ANGELES, CA 90024
TELEPHONE: (310) 794-0910
EMAIL: SWallace@UCLA.EDU

October 14, 2011

TO: Executive Committee, UCLA Academic Senate

FROM: Steven P. Wallace, PhD
Chair, UCLA School of Public Health
Faculty Executive Committee

A handwritten signature in blue ink that reads "Steven P. Wallace".

RE: Various APM Revisions (September 19, 2011 email)

Thank you for soliciting our input on the proposed revisions to APM sections 200, 205, 668, and 670. Given the work that the School of Public Health has done in the past on trying to develop its own compensation plan based loosely on the School of Medicine plan, we were especially interested in APM 668 which would formalize a compensation plan for all units.

We considered each of the three sets of proposals and unanimously (7-0-0) voted to endorse each of the sets of proposed changes.



Memorandum

Faculty Executive Committee, School of Theater Film and Television

November 9, 2011

Andrew Leuchter, Chair, Academic Senate

Dear Andrew,

Below are the responses from the Faculty Executive Committee of the School of Theater, Film and Television for the five review items we have recently received.

Item #1 - Review of New APM 668, Negotiated Salary Program

After extensive dialog the committee opposes the implementation of the proposed "Negotiated Salary Program". The committee expressed the following concerns:

- 1) That the NSP policy/program weakens the central administration responsibility to provide fair and appropriate salary for its entire faculty.
- 2) That the NSP policy/program has the potential to create large disparities between "marketable" and "non-marketable" disciplines.
- 3) That the NSP policy/program would generate additional burdens on academic departments because of the required one/two year commitment stipulation.
- 4) Confusion about the mechanism by which Chairs would engage in "NSP negotiations" and approve "NSP proposals".
- 5) Confusion about the potential use of "Professional Fees" for NSP.

Motion: We applaud and appreciate the President's and Chancellors' efforts to increase salaries for faculty across the board. However, we do not endorse this proposal to increase compensation through resources that the faculty themselves are required to earn or secure for the school.

The motion passed. The vote was unanimous.

Item #2 – Review of New APM 670, Health Sciences Compensation Program

The faculty found the proposed APM discipline-specific and decided to abstain from responding.

Motion: To abstain from responding.

The motion passed unanimously.

Item #3 – Analysis of UC Pay Equity by Sex and Among Men, Ethnicity 2009-2010

The committee reviewed the data and conclusions of the study conducted by Professor Pauline Yahr.

Motion: To encourage the university to continue to understand the dynamics according to ethnicity and gender and to take actions to bring fair and equal levels of pay for its entire faculty.

The motion passed unanimously

Item #4 – Revision by UCEP to Senate Regulation 610 addressing “Residency”

The committee reviewed the proposed policy clarification and new policy language.

Motion: To endorse the policy revisions as written.

The motion passed unanimously

Item #5 – BOARS Policy on Transfer Admissions

The committee had an extensive dialog regarding the proposed policy. Concerns were expressed about the potential student pool limiting factor of the proposal. The committee also felt that the proposal does not generally apply to the fields of study in our School. Yet, generally it was seen as a positive step for the University.

Motion: To endorse the proposed BOARS policy as a mechanism to more effectively bridge the transfer process and to facilitate graduation in the appropriate time.

The motion passed unanimously

Sincerely,

Fabian Wagmister

Associate Professor, Department of Film, Television and Digital Media

FEC Chair, School of Theater, Film and Television



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

MARY GAUVAIN
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RIVERSIDE, CA 92521-0217
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SENATE@UCR.EDU

November 18, 2011

Robert Anderson
Professor of Economics and Mathematics
UC Systemwide Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Dear Bob:

RE: SYSTEMWIDE REVIEW OF APM 670 (Health Sciences Compensation Plan)

The UCR Senate Committees on Academic Personnel and Faculty Welfare and the Executive Committee of the Division of Biomedical Sciences reviewed and commented on the proposed revisions to APM 670. Their responses are attached and a summary of their comments, with explicit description of the detailed comments from the Division of Biomedical Sciences (for which the page and line numbers refer to the *Draft – Clean Copy* version), is below. Editorial suggestions have been forwarded in a separate cover to Martha Winnacker.

1. We recommend that any committee that reviews or hears a case regarding a Plan Member suspected of not complying with APM 670 include a majority of Senate members.
2. Regarding proposed 670-2c (p.2), we prefer the original version that includes the statement, "...as well as generation of income", which recognizes contributions regardless of whether they produce income.
3. Regarding proposed 670-6d, it is critical that all Advisory Committee members are elected from members of the Academic Senate and not appointed by the dean. The deans have administrative authority of the schools and it is important that their advisory committee speaks with an independent voice.
4. Regarding proposed 670-10b, the meaning of the word "only" (p.5, line18) is unclear and seems to contradict the prior sentence. In following line, it is unclear how a significant impact would be defined, we recommend the following revision: "A faculty member may also fail to be in Good Standing for conduct which negatively impacts the health sciences school's..."

5. On p. 9, line 10, the meaning of the term “memorialized” is unclear, if the intent is to have this information recorded in writing this should be stated directly. Also, the next paragraph, beginning with the line “Determination of and responsibility for...” should be added to the preceded paragraph.
6. Regarding proposed 670-18a, last paragraph, we suggest noting that in some cases off-scale salary may be warranted.
7. Page 27, the section beginning with “The school procedures may allow departments...” is confusing. If the school can set more restrictive limits than 21 days, how can the limit at the same time be no less than 21 days?

Sincerely yours,

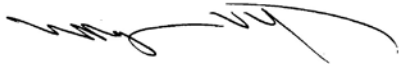
Mary Gauvain
Professor of Psychology and Chair of the Riverside Division

CC: Martha Kendall Winnacker, Executive Director of the Academic Senate
Sellyna Ehlers, Director of UCR Academic Senate office



November 3, 2011

To: Mary Gauvain
Chair, Riverside Division Academic Senate

From: 
Marylynn V. Yates
Co-Chair, Committee on Academic Personnel

Re: Comments on proposed revisions to APM 670 – Health Sciences Compensation Plan

CAP discussed the proposed revisions to APM 670 – Health Sciences Compensation Plan on October 12, 2011. We have no comments on this proposal.

November 4, 2011

To: Mary Gauvain, Chair
Riverside Division of the Academic Senate

From: Irving Hendrick, Chair
Committee on Faculty Welfare

Re: Systemwide Review of APM 670

Although it is not the case at UCR, the Committee is aware that the University has considerable experience with health science compensation plans. We are further aware that this history is long on the discretion of deans. The proposed revisions to APM 670 constitute a marked improvement in shared governance within health science schools.

With specific reference to 670-6d, we believe that further strengthening of health science Senate faculty roles are in order, first by the election of *all* Advisory Committee members, understanding that the Advisory Committees may include a significant minority of clinical faculty. Since deans have administrative authority, it does not seem reasonable that they should have a role in appointing up to half the persons who advise them. The advisory prerogative belongs to faculty who are members of the Academic Senate, much as is the case with the way the administration and Senate operate on other issues aside from courses and curricula.

With regard to monitoring and enforcement under APM 670, it is noted that the Dean may take appropriate corrective action in cases where a department chair or the dean has reason to believe that a Plan member has not complied with the school Implementing Procedures or Guidelines on outside professional activities. The Committee has no problem with this so long the procedure for hearing and resolving disputes about corrective action involves a hearing by a committee which includes a majority of Senate members.

November 1, 2011

To: Mary Gauvain, Chair
Academic Senate
Riverside Division

From: Daniel S. Straus, Chair
Biomedical Sciences Executive Committee

RE: **Systemwide Review of Academic Personnel Policy 670, Health Sciences Compensation Plan**

The BMSC Executive Committee reviewed this document. We have the following comments. Page numbers refer to the Draft Clean Copy. We have also suggested editorial changes in the Draft Clean Copy (Word version, attached).

Page 2, 670-2c: We prefer the original version, "...as well as generation of income". The previous version recognized people's contributions whether or not they produced income. The new version says that the encouragement is only to recognize those activities that generate income.

Page 5, line 18, 670-10b: Meaning of the word "only" is unclear: as written this sentence seems to contradict the preceding sentence. Also, in the next line it isn't clear how a significant impact would be defined. We recommend changing to: "A faculty member may also fail to be in Good Standing for conduct which negatively impacts the health sciences school's..."

Page 9, line 10: "memorialized" If intended meaning is "in writing", say "in writing": "...the faculty member's salary must be jointly agreed to in writing by the Chairs..." Also, it seems that the paragraph beginning "Determination of and responsibility for the faculty member's salary..." should be part of the preceding paragraph.

Page 10, 670-18a, last paragraph: In some cases off-scale salary may be warranted. Examples include making a competitive recruitment offer to an excellent job candidate, and recommendation for off-scale salary coming from CAP, in order to give an additional ½ step to a faculty member with an outstanding merit or promotion file.

Page 11, 670-18b, first paragraph: A few changes are suggested in the document to improve the clarity of the definitions of X and X': see marked up Clean Copy, page 11.

Page 27: "The school Procedures may allow departments or organized research units to set more restrictive limits, but such limits shall not be less than 21 days of compensated outside professional activity." This section is confusing. If the school can set more restrictive limits than 21 days, how can the limit at the same time be no less than 21 days? Or, have we misread this?

Page 34: “Compensation established in accordance with the specialized Health Sciences Salary Scales (commonly referred to as X compensation) shall not be reduced as a corrective action unless the Plan member is placed, by Chancellorial exception, on the fiscal year salary scale.”

If this is intended to mean base salary, it should read:

“Compensation established in accordance with the specialized Health Sciences Salary Scales (commonly referred to as X + X' compensation) shall not be reduced as a corrective action unless the Plan member is placed, by Chancellorial exception, on the fiscal year salary scale.”

X is not correct here because X is defined earlier in the document as Scale 0, also called the fiscal year salary scale.



OFFICE OF THE ACADEMIC SENATE

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December 12, 2011

Professor Robert Anderson
Chair, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

Subject: Proposed New Personnel Policy APM 668, Negotiated Salary Program and
Proposed Revision to APM 670, Health Sciences Compensation Plan

Dear Bob,

The proposed new personnel policy APM 668, Negotiated Salary Program and the proposed revision to APM 670, Health Sciences Compensation Plan, were sent to the appropriate Divisional committees, and the Senate Council discussed the proposals at its December 5, 2011 meeting.

APM 668: After considerable discussion, a majority of Senate Council members endorsed the proposed new APM, noting that the new policy could give added flexibility in retention cases and that it could provide incentives to faculty members who administer their grants through non-UCSD agencies to administer their grants through UCSD. Members raised three central concerns. There were concerns about how the proposal would influence the allocation of effort of faculty members. There were concerns that the proposal would create inequities between the small subset of the faculty who could take advantage of the NSP and others. Finally, there were concerns about the implementation of the plan.

Some feared that the plan would encourage faculty members to pursue interests that were inconsistent with the mission of UC or reallocate existing funds away from graduate student or postdoctoral support. In particular, the Committee on Faculty Welfare notes that APM 668 should be revised to include a thorough delineation of which funding sources may be used for negotiated salary, a clarification of a mechanism that prevents funding from sources whose agenda may not be consistent with the mission of UC, and an explicit statement of how the negotiated salary decision will be made subject to peer review.

Reviewers and members worried that such a salary program could amplify any salary inequities between various disciplines, perhaps leading to a system in which faculty members with less external funding would be less valued. Some members expressed concern that this would distort the hiring priorities of administrators.

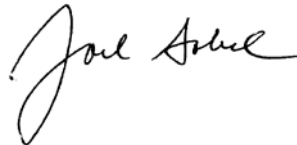
Members also commented that the proposed program, while seeming to provide flexibility to campuses for retention situations, may be limited in use to offers based on extramural funding.

Most reviewers thought that there were strong counterarguments to these concerns. External granting agencies place limitations on faculty salaries, which would require faculty members to generate additional funding in order to participate in the NSP. No one disputed the proposal's potential to create new salary inequities, but most reviewers believed that these inequities would come only if the NSP succeeded in generating more resources for the campus. Those familiar with the HSCP reassured the Council that an effective implementation plan would reduce potential inequities or misallocation of effort.

Senate Council felt that many of the above concerns must be addressed in a detailed implementation plan. All members agreed that the implementation of the salary program should be left to the discretion of individual campuses. Furthermore, the Council agreed that the policy should instruct the campus administration to consult extensively with the Divisional Senate during the development of implementation plans.

APM 670: The Committee on Faculty Welfare registered concern over the provision that allowed the Dean to appoint up to half the members of the Advisory Committee charged to assist the Dean in resolving issues dealing with the implementation of the Plan. It was also noted that faculty appeals regarding the implementation and administration of the Plan are referred to the Advisory Committee for fact-finding, which does not allow for an independent grievance process. Finally, the Committee on Faculty Welfare noted the need to clarify the "good standing" criteria and circumstances under which a faculty member could lose "good standing."

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Sobel". The signature is fluid and cursive, with the first name "Joel" being more prominent than the last name "Sobel".

Joel Sobel, Chair
Academic Senate, San Diego Division

cc: Divisional Vice Chair Masters
Executive Director Winnacker

Office of the Academic Senate

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Robert Newcomer, PhD, Chair
Farid Chehab, PhD, Vice Chair
Brad Hare, MD, Secretary
Anne Slavotinek, MD, Parliamentarian

December 5, 2011

Robert Anderson, PhD
Chair, Academic Council
Academic Senate, University of California
1111 Franklin St., 12th Floor
Oakland, CA 94607-5200

Re: Proposed Changes to APM 670 (Health Sciences Compensation Plan) and Proposed New APM 668 (Negotiated Salary Program)

Dear Chair Anderson:

As requested, the San Francisco Division has reviewed the proposed changes to APM 670 (Health Sciences Compensation Plan or HSCP) and the proposed new APM 668 (Negotiated Salary Program or NSP). The Division review included discussion among seven committees and faculty councils including Academic Planning and Budget (APB), Academic Personnel (CAP), Faculty Welfare (CFW), and the Faculty Councils of the Schools of Dentistry (SOD FC), Medicine (SOM FC), Nursing (SON FC) and Pharmacy (SOP FC). Their responses are incorporated in the summaries below. In addition, we have reviewed the UCSF Academic Affairs responses submitted on November 18, 2011 to Susan Carlson, Vice Provost, Academic Personnel. We concur with their recommended revisions, some of which are referenced here.

Proposed Modifications to APM 670 – Health Sciences Compensation Plan (HSCP)

Responsibility (revised APM 670-6)

The responsibility of the Academic Senate in HSCP oversight is specified in the following sections of the revised text:

1. Revised APM 670-6 b: Review and comment by appropriate Division Academic Senate committees as part of the Chancellor's oversight of implementing and monitoring school Implementing Procedures.
2. Revised APM 670-6 c: "The President shall consult with the appropriate Academic Senate committee(s) concerning revisions of this Plan. The appropriate division of the Academic Senate and other committee(s) shall be provided the opportunity to review and comment on any proposed exceptions to school implementing Procedures which the Chancellor intends to submit to the President or President's designee for review."

The San Francisco Division supports these opportunities for Academic Senate review and comment. However, we are concerned that HSCP

faculty would not be sufficiently represented on school-specific Advisory Committees (revised APM 670-6 d) and recommends that the sentence, "No more than fifty percent of the voting members may be appointed by the Dean.", should be replaced with, "The majority of the voting members will be appointed by members of the Plan and the remainder of the members will be appointed by the Dean. All faculty series in that School's Health Sciences Compensation Plan should be represented on the Committee and all voting members of the Committee must have a faculty appointment." (in concurrence with the UCSF Academic Affairs recommendation).

Furthermore, we recommend that changes to HSCP Implementation Plans should be subject to a review and vote by the members of that specific HSCP (i.e. as administered by an individual department or school) rather than merely receiving a report from the Advisory Committee as currently described in revised APM 670-6 d 4.

Good Standing Criteria (revised APM 670-10)

Members of our Division found the following statement to be troublesome, "Reasons for loss of Good Standing might include, for example, instances of misconduct, inability to generate salary support, refusal to participate in assigned duties, failure to participate in mandatory training, loss of clinical privileges, or loss of licensure and/or credentials." Based on this sentence, faculty could potentially not be in Good Standing due to circumstances over which they have no control, despite "performing the duties assigned at the time of hire, as well as reasonable new duties assigned by the department." We do not feel that faculty should be prohibited from earning outside income if they are performing their jobs satisfactorily. We would recommend that the "inability to generate salary support" be deleted from the above statement.

Off-Scale Salaries (revised APM 670-18 a)

In agreement with UCSF Academic Affairs, we reiterate that off-scale salaries are inconsistent with the intention of the Health Sciences Compensation Plan and recommend that revised APM 670-18 state, "Off-scale salaries are not permitted." to replace the sentence, "Generally, off-scale salaries are not awarded."

Academic Programmatic Units (APU) (revised APM 670-18 b 2)

Supporting UCSF Academic Affairs' recommendation for revised APM 670-18 b 2 b, we concur that the minimum number of members of an Academic Program Unit should be three instead of five. This will help smaller departments at UCSF which have fewer than ten faculty members.

In revised APM 670-18 b 2 d, we recommend removing the word "typically" so that the final sentence states "An APU moves down no more than one scale at a time."

Categories of Income from Occasional Outside Activities Which May Be Retained (revised APM 670-19 b)

We recommend that the schools and/or departments should have flexibility to allow their faculty to engage in outside activities to maintain professional licensure and/or accreditation. By definition, those activities will coincide with the expertise for which they are employed at the University of California. Not all skills may be practiced within the UC System and may need to be maintained in contexts outside the University of California. We recommend that department chairs have the authority to approve external professional employment agreements, as necessary, and that all such agreements be subject to review by the Dean of the school.

The School of Nursing Faculty Council recommends adding the following language as APM 670-19 b 7: "Through an agreement between the faculty member and department chair (approved by the Dean) which permits no greater than x hours [to be set by the most restrictive of credentialing requirements] of clinical practice outside of the University setting. In no case will Plan participants be allowed to retain income from patient care activities outside of these agreements."

In addition, we recommend that HSCP faculty who are employed at less than 100%, individual schools and/or departments should be allowed to determine the types of activities in which their faculty members may engage outside UC.

Compensation Limit on Occasional Outside Professional Activities (revised APM 670 Appendix B 3 d 2)

We support raising the compensation limit to \$40,000 per year, but do not support the alternate limit of 20% of an individual's HSCP salary scale per year, in agreement with UCSF Academic Affairs. We recommend the removal of the phrase, "... or 20 percent of the Health Sciences Compensation Plan Salary Scale for an individual faculty member's rank, step and APU, whichever is greater."

At UCSF, there has been some confusion and inconsistency regarding the treatment of the income that falls within the compensation limit for outside professional activities. We therefore recommend that APM 670 Appendix B include a specific statement that the faculty member "is entitled to keep the entire amount of this compensation up to the stated limit without Dean or Department taxes".

We support adjusting the approval threshold in accordance with the California Consumer Price Index. However, "adjusting for inflation on a periodic basis" could be left open for interpretation about how long the period should be. We recommend that the period should be four years and that the phrase "on a periodic basis" should be replaced with "every four years".

Furthermore, we understand that in the future Appendix B may be removed from revised APM 670 and added to APM 025. We support a revision of APM 025 and concur with our UCSF Academic Affairs colleagues that until APM 025 is revised, the text currently in revised APM 670 should remain.

Proposed New APM 668 – Negotiated Salary Program

The Division supports the creation of a Negotiated Salary Program for faculty appointed outside of Health Sciences Schools with the caveat that the proposed language should be revised to specify that the NSP would *not* be available for faculty whose primary appointment is in a Health Science School, whether they are HSCP members or not.

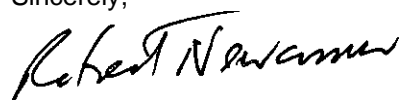
Furthermore, the footnote on the first page of the supporting document says "General Campus faculty refers to faculty who are *not in the Health Sciences* and not covered by the University's Health Sciences Compensation Plan." We agree with UCSF Academic Affairs that this should be revised to reflect that some departments at UCSF (e.g. Biochemistry) are in a Health Sciences School, even though on most UC campuses this would not be considered a "Health Sciences" department.

We recommend that all NSP provisions should be equitable with those of the Health Sciences Compensation Plan, providing no more or fewer benefits for different groups of faculty across the UC System. For example, if the University establishes an Employer/Employee matching contribution to the Defined Contribution Program for NSP faculty, it should also be extended to HSCP faculty.

Finally, we reiterate the correction noted by UCSF Academic Affairs, for the response for Question 6 of the supporting document. It incorrectly states, "*The HSCP demands that all faculty in a participating school take part, on the assumption that they are all taking part in duties that include generation of external funds (clinical funds, grants and contracts, consulting, etc.).*" At UCSF, faculty who are appointed in a HSCP School at 50% of full time or less are *not* HSCP members per APM 675 014 a "Individuals in health sciences schools, disciplines or specialties ... shall be members of this Plan if they hold a University appointment at greater than 50 percent of full time."

We appreciate the opportunity to review and comment on these proposed changes.

Sincerely,



Robert Newcomer, PhD, Chair
San Francisco Division of the Academic Senate



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
Katja Lindenberg, Chair
klindenberg@ucsd.edu

Assembly of the Academic Senate
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Phone: (510) 987-9466
Fax: (510) 763-0309

October 31, 2011

BOB ANDERSON, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED CHANGES TO APM 670

Dear Bob,

During its October 11th meeting, UCAP discussed the proposed revisions to APM 670 and concluded that the changes are reasonable. Members recommended that the Senate should be part of defining good standing and that the criteria for conflict of interest should be clearer.

Sincerely,

A handwritten signature in cursive script that reads "Katja Lindenberg".

Katja Lindenberg, Chair
UCAP



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
William Parker, Chair
william.parker@uci.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
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Phone: (510) 987-9466
Fax: (510) 763-0309

December 2, 2011

**ROBERT ANDERSON, CHAIR
ACADEMIC COUNCIL**

RE: Proposed Changes to APM 670 (Health Sciences Compensation Plan)

Dear Bob,

The University Committee on Faculty Welfare (UCFW) continued its discussion of APM 670 (Health Sciences Compensation Plan (HSCP)), and in particular, of the current proposed revisions to it. The committee does not endorse the current draft and urges changes that address our concerns discussed below. While UCFW has several specific textual concerns, we emphasize instead the conceptual gaps between the previously articulated – and unchanged – Senate position and the administration's proposal.

First, the committee believes there is insufficient Senate involvement in the important decision making processes. The Advisory Committee is the most important organization for reviewing APU criteria and assignment of faculty to the appropriate APU. Since membership in the APU is a critical criterion for compensation, the Advisory Committee essentially determines faculty compensation. As constructed, the Advisory Committee has neither the authority nor the composition to express views and opinions genuinely independent of that of the dean. The dean will appoint up to half of advisory group members. The lack of any constraints on qualifications of members, on the method of selecting members, and on terms of service create the possibility of the dean influencing the membership in such a manner as to limit the independence of the Advisory Committee. Second, according to 670-10-b, the dean makes the determination that a faculty member is not in Good Standing with the opportunity for the faculty member to appeal the decision to the Advisory Committee. But the Advisory Committee is only advisory to the dean, rendering the appeal process ineffective.

Third, the committee renews its deep concern with the concept of the "good standing" criterion. UCFW asserts that "good standing" is, in practice, not a rigorous and discrete finding. Rather, experience suggests that "good standing" is too easily politicized. Given the lack of oversight and review noted above, such politics is a most dangerous game.

Finally, the committee requests clarification regarding the limits on outside professional activity (OPA). The committee finds too much flexibility in the implementation guidelines and even an inconsistent use of definitions, such as for determining what is standard and non-standard OPA, again underscoring the need for meaningful review procedures. The committee also notes that some restrictions on OPA may inadvertently lead to a lack of "good standing", given the continuing licensure and certification requirements in many fields. Inconsistent or improper application of this

type of restriction may also hinder professional development, along with recruitment and retention efforts.

Finally, the committee is concerned about the number of faculty to constitute an APU. Lowering the number could encourage salary and pension spiking, as well as exacerbate strain on the salary scales, broadly considered. Neither of these is a positive outcome.

UCFW remains committed to facilitating a successful outcome of this process.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Parker". The signature is fluid and cursive, with a long horizontal stroke at the end.

William Parker, UCFW Chair

Copy: UCFW
Martha Winnacker, Executive Director, Academic Senate