UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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SANTA BARBARA • SANTA CRUZ

Shane N. White Telephone: (510) 987-9303 Fax: (510) 763-0309 Email: shane.white@ucop.edu Chair of the Assembly of the Academic Senate Faculty Representative to the Regents University of California 1111 Franklin Street, 12th Floor Oakland, California 94607-5200

December 5, 2017

SUSAN CARLSON, VICE PROVOST ACADEMIC PERSONNEL

Re: Report on the Negotiated Salary Trial Program

Dear Susan:

As you requested, I distributed for systemwide Senate review the report on the Negotiated Salary Trial Program (NSTP) from the Fourth Year NSTP Task Force. Nine Academic Senate divisions (UCB, UCD, UCI, UCLA, UCM, UCR, UCSB, UCSC, and UCSD) and six systemwide committees (UCAADE, UCAF, UCAP, UCPB, UCORP, and UCPT) submitted comments. These comments were discussed at Academic Council's November 29, 2017 meeting. They are summarized below and attached for your reference.

The five-year NSTP has been in effect since 2013 at the UCI, UCLA, and UCSD campuses. The program is modeled on the Health Sciences Compensation Plan (HSCP), and is intended to add flexible options for generating faculty salary funding by allowing eligible general campus faculty to supplement their income with certain non-state resources. Although data are inconclusive concerning the intended effects of the NSTP, the Task Force report cites anecdotal reports about its positive impact on specific faculty recruitment and retention cases at the pilot campuses. The Task Force recommends renewing the pilot for another term, expanding it to other campuses where there is interest, and renaming it the General Campus Compensation Program – the working title used for the program at UCSD.

The majority of Senate reviewers, including UCD, UCI, UCLA, UCM, UCR, UCSC, UCSD, UCORP, UCAP, UCPB, UCAADE, and UCPT, expressed at least conditional support for continuing the NSTP on a trial basis and expanding it to other campuses. UCB and UCSB were firmly opposed. Much of the majority support, however, was tempered by a variety of reservations and concerns that centered on the NSTP's potential to exacerbate salary inequities; undermine the merit and promotion system; and compromise the core mission of the University by shifting faculty effort from teaching, service, and graduate student support to revenue-producing research activities. In addition, many reviewers observed that the report lacked convincing data to support clear conclusions about either the program's positive impact on recruitment and retention or its detrimental impact on equity, faculty teaching effort, or graduate student support. There was general agreement that an extended trial period for the NSTP should

include measurable goals and metrics and a more robust collection and assessment of data related to these concerns.

Equity Concerns

Several Senate reviewers expressed concern that, by providing more competitive salaries for a select group of faculty participants, the NSTP could worsen existing salary inequities and create new inequities within and across departments. They noted particular concern for faculty in the humanities, social sciences, and other disciplinary areas with fewer external sources of research funds that could supplement salaries under this program. In addition, there were concerns that the NSTP could worsen salary inequities along lines of gender, race, and ethnicity since those disciplines with the most external funding also tend to be disproportionally white and male. Robust data on equity effects must be collected and analyzed.

Core Mission and Academic Freedom Concerns

Many reviewers expressed concern that the NSTP creates incentives that could fundamentally change the UC mission and culture, encourage privatization, and stifle academic freedom. They are concerned that the NSTP could shift faculty attention away from teaching, service, and graduate student support to revenue-producing research activities; push faculty to do the kinds of research more likely to attract outside funding; distract them from their core mission of providing quality education and advancing research in their primary area of interest or expertise; and over the long term, shift expectations towards requiring faculty to use external funding to support their base salary.

Reviewers also are concerned that the NSTP could undermine academic freedom within the research mission by incentivizing faculty to pursue grants in "fundable" areas of research rather than areas of academic and scholarly importance; it could shift activity and perspectives toward funding sources' interests. Doing so risks incentivizing private profit over public purpose. UCAF also notes that as faculty become more dependent on outside and especially private-sector funders for salaries, they may experience greater pressure to accept data embargos or publication restrictions.

Concerns about Effect on Merit and Promotion System

Several reviewers expressed concern that the NSTP could undermine the UC merit and promotion system by encouraging departments to favor certain kinds of research, by creating distinctions among faculty based on their ability to generate revenue rather than on scholarly accomplishments and teaching, and by shifting the cost of maintaining competitive salaries to a soft-money model. Reviewers observed that the NSTP increases the role of individual professors' negotiations with departments, but does nothing to support the systemwide faculty salary scales, the foundation of UC's rank-and-step system. They fear that the program will erode the assessment of faculty quality and productivity by undermining the merit review process and efforts to reduce salary gaps and lags via normal mechanisms. Moreover, unless suitable controls are in place, a program that ties faculty salaries to outside funding might subtly compromise the integrity of, and public support for, university-based research.

Unclear Data on Outcomes

Several reviewers cited a lack of convincing evidence in the report to support its claims that the pilot has enhanced recruitment and retention. Several divisions noted that their support for

continuing the pilot was contingent on more robust analyses of its effectiveness in recruitment and retention and its impact on institutional goals and culture. They noted the importance of having data at the end of the additional trial period to help determine whether the program has achieved its goals, and if the benefits outweigh any negative side effects. Reviewers suggested that an additional trial period include a plan for "success metrics." These metrics would serve to monitor the NSTP's effects on faculty recruitment, retention, and salary equity, and graduate student funding, mentoring, and advising. They also recommend that UC gather input from a wider sample of non-enrolled faculty members at participating campuses, and address how the NSTP will not supplant State support in maintaining competitive base salaries.

Rescindment

We note that once faculty members have been granted a new benefit, particularly one that enables them to increase their income, and which may have been key to recruiting or retaining them, it is difficult to rescind. It is also unfair to grant such a benefit to UC faculty on some campuses but not others. Creating a "pilot program" that allows faculty on a few campuses to increase their academic income by supplementing it from grant funds creates an imperative: the University cannot easily withdraw the entitlement, and it cannot justify not extending it to all UC faculty. Creating an "experimental pilot program" without a plan to end the program creates a systemwide policy by default. A rescindment plan needs to be created before the trial program can be extended.

Conclusions

- The Senate will support continuation of the pilot only if the subsequent evaluation adopts metrics to address concerns that the negotiated salary: 1) undermines the UC tradition of salary advancement based on peer review; 2) exacerbates inequalities between disciplines and campuses and increases gender and racial inequalities; 3) pushes faculty to engage in particular types of research that are more likely to result in outside funding; and 4) has negative impacts on teaching, graduate student funding, and mentoring.
- The Senate recommends further assessment of the NSTP to identify the proportion of URM and women faculty in the program and their corresponding negotiated salary increments to determine whether the program exacerbates current inequities among faculty members within the same field, particularly as these pertain to race and gender, and also whether the program deepens the salary divide between the humanities/social sciences/related disciplines and STEM fields. Solid objective non-anecdotal data must be collected and analyzed.
- The NSTP should not relieve UC from its obligation to pay a competitive salary for all faculty across all disciplines, including those disciplines for which external funding is less common, nor should it replace efforts to improve the UC faculty salary lag and the salary scales. Moreover, the NSTP must not be allowed to undermine a merit-based review process that is grounded in having salary scales with a relevant connection to the market.
- We join UCAF in recommending that participating campuses review or strengthen disclosure, conflict-of-interest, data-transparency, and related policies as they apply to NSTP program participants, particularly those whose funding comes from the private sector
- The Senate does not support renaming the NSTP "General Campus Compensation Plan." Elevating this program to the GCCP is inappropriate; unlike the HSCP, a large fraction of

faculty in those in units covered under NSTP will never have access to its benefits. Furthermore, by definition, it remains a trial.

- The decision to expand the pilot program beyond the currently included campuses must be left to each campus.
- The next phase should include a clear plan to unwind the program, if necessary. The program must continue to be treated as a trial, not a permanent program.

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

Sincerely,

Shane N. White, Chair Academic Council

Encl.

Cc: Academic Council

Senate Director Baxter Senate Executive Directors



November 17, 2017

SHANE WHITE Chair, Academic Council

Subject: Negotiated Salary Trial Program—Four-Year Report

Dear Shane,

On October 16, 2017, the Divisional Council (DIVCO) of the Berkeley Division considered the four-year report of the Negotiated Salary Trial Program (NSTP), informed by commentary of the divisional committees on Academic Planning and Resource Allocation (CAPRA), Budget and Interdepartmental Relations (BIR), and Faculty Welfare (FWEL). DIVCO strongly opposes the implementation of the program on the Berkeley campus. Our discussion highlighted the following concerns.

Equity

DIVCO is deeply concerned about the implications of the negotiated salary program for equity among faculty. Our discussion echoed the BIR commentary:

We are troubled that disciplinary difference in access to outside funding in the context of the Negotiated Salary Program would significantly increase salary disparities among disciplines beyond what already exists on campus. We can easily envision, as well, that disparities could be increased between faculty within individual departments depending on their precise area of research and availability of non-government sources of research funds that allow salary support.

Our campus has developed approaches to promote equity across campus; indeed, this is one of the hallmarks of BIR review. We believe the negotiated salary program would undermine this approach, and replace it with a system for which there is scant supporting data.

Berkeley has a long-standing, robust method of faculty recruitment and retention. The NSTP report does not include sufficient data on whether the program has a positive effect on faculty recruitment and retention. Given our campus's record in this regard, we see no value to adopting the program.

Perverse incentives

DIVCO discussed a number of deep concerns about the incentive structure implicit in the NSTP, and its potentially corrupting effect on the university. Specifically, we agree with FWEL and BIR respectively:

The program presents a privatization model to academic funding. While this could increase funding, committee members were concerned that it could also impinge on academic freedom or diversity of research pursuits. Faculty may face pressure to orient their research work where funding is available and towards possible funding sources' interests, unintentionally incentivizing private profit over public purpose.

... a Negotiated Salary Program would inevitably introduce incentives for faculty to shift their attention and efforts from teaching and service toward revenue-producing research activities. Because up to 30% of faculty academic time can be supplemented through the Negotiated Salary Program, there is the strong potential to undermine the limits on time commitment and summer-salary income put in place by APM-025.

We believe that any extension of this program should be particularly attentive to these issues.

Shared governance

We are deeply concerned about possibility that the program will erode the assessment of merit and quality by weakening our system of peer review—a cornerstone of Berkeley's practice of shared governance, and one that has served the institution well.

The concerns we have articulated about the potential effects of the program on our campus echo the concerns raised by Academic Council in its AY12-13 response to the program. In sum, we find the program to be damaging to the UC system as a whole. While we are not empowered to make decisions for other campuses, DIVCO believes the program runs counter to the University of California's commitment to equity and excellence.

Sincerely,

Barbara Spackman

Paphalfof-

Vice Chair, Berkeley Division of the Academic Senate

Cecchetti Professor of Italian Studies and Professor of Comparative Literature

Cc: Lisa Alvarez-Cohen, Chair, Berkeley Division of the Academic Senate Benjamin Hermalin, Vice Provost for the Faculty Jennifer Johnson-Hanks, Chair, Committee on Academic Planning and Resource Allocation

Michael Lucey, Chair, Committee on Budget and Interdepartmental Relations Terrence Hendershott and Caroline Kane, Co-chairs, Committee on Faculty Welfare

Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations Deborah Dobin, Senate Analyst, Committee on Academic Planning and Resource Allocation

Sumali Tuchrello, Senate Analyst, Committee on Faculty Welfare

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November 17, 2017

Shane White

Chair, Academic Council

RE: Review of Taskforce Report on the Negotiated Salary Trial Program

Dear Shane:

The Taskforce Report on the Negotiated Salary Trial Program was forwarded to all standing committees of the Davis Division of the Academic Senate. Four committees responded: Academic Personnel Oversight (CAP), Faculty Welfare, Planning and Budget (CPB), and the Faculty Executive Committee (FEC) of the School of Law.

CAP and CPB support the expanded trial program so that more data can be collected, but they maintain reservations about potential outcomes of the program. CAP continues to worry, as it did initially and with preliminary data notwithstanding, that the program might incentivize research to the detriment of teaching and service and could "shift expectations towards faculty being required to support their base salary with external funding."

Both CAP and CPB believe that UC should continue its commitment to improving salary scales and not consider this program to be a replacement for those efforts. CAP worries, too, that the program could "widen salary inequities and reduce egalitarianism among faculty," particularly in the humanities and social sciences; CAP suggests that options to "socialize the program more, perhaps through indirect cost management, should be considered." CPB notes that, at least at the Davis campus, "this program would not have a wide range of impact...there would be areas of campus that would never see this program implemented." As such, CPB "strongly oppose[s] renaming the program to the General Campus Compensation Program," particularly since that name would draw a "fallacious comparison" to the Health Sciences Compensation Plan.

All committees agree that this program should undergo a comparable full assessment after data is gathered for an additional four years. The FEC of the School of Law suggests that, prior to expanding the program or making it permanent, analyses be conducted to determine if "the underrepresentation of women, African American, Chicano/Latino(a)/Hispanic, and Native American/American Indian faculty in the program [is] statistically significant," and to determine if "the amounts of the salary increments negotiated under the program vary significantly along gender or racial/ethnic lines[.]"

The Davis Division appreciates the opportunity to comment.

Sincerely,

Rachael E. Goodhue

Chair, Davis Division of the Academic Senate

Racharl & Soodhus

Professor and Chair, Agricultural and Resource Economics

Enclosed: Davis Division Committee Responses

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate Hilary Baxter, Executive Director, Systemwide Academic Senate Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate

Committee on Academic Personnel – Oversight Committee Request for Consultation Response: Negotiated Salary Trial Program

The Committee on Academic Personnel (CAP) – Oversight Committee has reviewed the proposed recommendations from the Negotiated Salary Trial Program and has the following comments:

- 1. We share concerns expressed initially that a Negotiated Salary Program would widen salary inequities and reduce egalitarianism among faculty; shift expectations towards faculty being required to support their base salary with external funding; drive academic planning and hiring; and reduce faculty effort in teaching (despite preliminary data).
- 2. Any Negotiated Salary Program should be implemented as a selective tool for recruitment and retention, and not in lieu of the Administration's efforts to address lagging faculty base salaries across the UC system.
- Because of wide differences in the ability of disciplines (such as the humanities and social sciences) to take equal advantage of a Negotiated Salary Program, options to socialize the program more, perhaps through indirect cost management, should be considered.
- 4. From an academic review perspective, a Negotiated Salary Program would place more emphasis on research, which would be counterintuitive to the spirit of Step Plus and the balance of teaching, research, and service that UC Davis has made a priority.
 - Conversely, this Salary Program could address the concerns of faculty members who believe their merit or promotion warrants a Step Plus action solely based on research without having a balanced teaching and service record as well.
- 5. Although the Salary Program would stimulate entrepreneurship, UC Davis and other UCs that are not located in an urban setting could be at a disadvantage from their counterparts that are located in cities near more industry and where there are more opportunities to tap into funding sources.

Overall, given its potential value in retention, and support to further study the Negotiated Salary Program across the UC system, we agree that UC Davis should participate in the expanded trial program to allow more data to be collected with regard to outcomes in recruitment and retention, and to assess how the program could affect UC Davis and its faculty members.

Planning & Budget

November 13, 2017 12:54 PM

RFC: Negotiated Salary Trial Program

The Committee on Planning & Budget reviewed the documents related to the Negotiated Salary Trial Program. Committee members raised various concerns. These included: (1) the potential of replacing competitive salaries and weakening the commitment to improving the salary scales; (2) how salary information will get reported and perceived by the public, including an appearance that faculty will be getting paid more (i.e., when public salaries are reported through the Sacramento Bee); (3) the lack of enough data to truly evaluate the effectiveness of the program. Extending the trial program to collect more substantive data would help campuses make more informed decisions

CPB believes that the report it reviewed showed mixed responses towards this program and how it could or would impact retention within various departments. Some committee members felt that it would aid in retention, while others felt it could impact hiring and retaining faculty. There was also sentiment from the committee that this program would not have a wide range of impact on this campus and that there would be areas of campus that would never see this program implemented. This led CPB to strongly oppose renaming the program to the General Campus Compensation Program. This draws a fallacious comparison between the Health Sciences Compensation Plan, in which a large majority of heath sciences faculty participate by drawing up salary for a number of fund sources and the NSTP which will likely have a small participation on the General Campuses.

Lastly, if this is a trial program, CPB believes, as with the original trial, that there should be a timeline for the trial to end, a proposal to unwind the program and an additional assessment of the trial prior to and if this program were to be discontinued.

To: Rachael Goodhue, Chair, Davis Division, UC Academic Senate

From: John Hunt, Faculty Chair, UC Davis School of Law

Date: November 8, 2017

Law School Faculty Executive Committee response to request for Subject:

consultation on Negotiated Salary Trial Program report

The U.C. Davis School of Law Faculty Executive Committee suggests that evaluation of the Negotiated Salary Trial Program include analysis that would answer two apparently open questions:

- (1) Is the underrepresentation of women, African American, Chicano/Latino(a)/Hispanic, and Native American/American Indian faculty¹ in the program statistically significant? The report states at p.10 that the gender and race/ethnicity of program participants "did not appear to differ significantly" from the overall faculty composition of the participating departments, but it is not clear that this statement is based on a statistical analysis. If it is not, we suggest that such an analysis be conducted.
- (2)Do the amounts of the salary increments negotiated under the program vary significantly along gender or racial/ethnic lines? The report analyzes negotiated salary increments by academic rank² and by discipline,³ but apparently it presents no comparable analysis by gender or race/ethnicity.

We suggest that the analysis mentioned above be completed before the program is expanded or made permanent. In addition, we emphasize that this program should be appropriately vetted by counsel at all stages.

In support of our suggestions, we note that a significant amount of empirical research indicates that women are less likely than men to negotiate for salary. For example, Linda Babcock and Sara Laschever's book Women Don't Ask: Negotiation and the Gender Divide reports Babcock's study of Carnegie Mellon master's degree graduates, which found that eight times as many men as women negotiated starting salaries, and that these differences can have dramatic effects on cumulative income over time.4

¹ Negotiated Salary Trial Program (NSTP) Fourth Year Taskforce Report ("Report"), June 22, 2017, at p.10 and App. C p.6.

² Report, App. C, pp. 8-9.

³ Report, App. C., p. 10.

⁴ Linda Babcock & Sara Laschever, Women Don't Ask (Princeton 2003), at p.1.

The history of UC Davis contributes to the concern. As one senior faculty member recalls, a statistical study from the 1990s indicated that one-third of women's lower salaries at UCD could be explained by lower salaries at hire. In response, the UCD campus administration began to review all faculty salaries at hire, instead of leaving the decision entirely to individual departments. Around five years later, it was reported that women assistant professors' salaries were 96 percent of men assistant professors' salaries at UCD, while comparable figures for other UC campuses ranged from 90 to 92 percent. Reducing the role of individual professors' negotiations with departments reduced gender inequity.

A 2014 report on salary equity at UC Davis raises further questions about reliance on negotiated salary components. The report states that faculty members' academic progress through the merit system explained no more than 25% of the variability in off-scale salaries.⁵

We appreciate the excellent work of the Fourth Year Negotiated Salary Trial Program Taskforce in gathering and analyzing the data in the report and hope that our suggestions are helpful in further evaluating the Negotiated Salary Trial Program.

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⁵ Report of 2014 Joint Administration-Oversight Committee on Faculty Salary Equity Analyses, at 6, 9.



November 22, 2017

Academic Senate 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

Shane White, Academic Council 1111 Franklin Street, 12th Floor Oakland, CA 94607-5200

RE: Systemwide Review of Taskforce Report on Negotiated Salary Trial Program

Dear Shane.

At its meeting of November 21, 2017, the Irvine Division Senate Cabinet discussed the Negotiated Salary Trial Program Taskforce Report. The Council on Research, Computing and Libraries, the Graduate Council, the Council on Faculty Welfare, and the Council on Academic Personnel initially reviewed and generated comments on the task report. Based on discussions within the councils and the Senate Cabinet, the Irvine Division has identified the following issues:

- The Task Force report notes that they did not find sufficient data that the Negotiated Salary Trial Program positively impacted faculty recruitment and retention without generating any uninentended negative side effects, such as salary inequities, reduction in attention to teaching, and reduced graduate student support in order to supplement faculty salaries. This suggests that we do not have the data needed to be able to determine if in fact the Negotiated Salary Trial Program is achieving the aims it was designed to achieve.
- Our faculty expressed concern about the NSTP being an alternative funding mechanism used in lieu of providing a competitive salary plan for all faculty. Further, we are concerned about the impact of the NSTP on salary inequities across units that have access to the program versus those that do not.
- We would hope that reviews of the Negotiated Salary Trial Program would include qualitative measures of the impact of the program on graduate students, in the form of graduate student funding and its impact on graduate student mentoring and advising, both that provided by the beneficiaries of the Negotiated Salary Trial Program and within the departments and units where beneficiaries of the program reside.
- We were concerned about the use of professional fees to fund NSTP salaries. We
 are under the impression that professional fee revenues are to be directed to
 graduate students; to direct it to faculty salaries seems to be an inappropriate use of
 those revenue sources.

In light of these concerns, the Irvine Division recommends continuation of the program for another four years. If the program is expanded to other campuses, additional information and data should be collected before any decisions about its future implementation are made.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

Maria Pantelia, Chair Academic Senate, Irvine Division



C: Linda Cohen, Chair-Elect, Academic Senate, Irvine Division Hilary Baxter, Executive Director, Academic Senate Natalie Schonfeld, Executive Director, Academic Senate, Irvine Division Laura Gnesda, Analyst, Academic Senate, Irvine Division



November 20, 2017

Shane White Chair, Academic Council

RE: Systemwide Review of the Negotiated Salary Trial Program

Dear Shane,

The Executive Board of the UCLA Academic Senate discussed the Systemwide Review of the Negotiated Salary Trial Program (NSTP) at its meeting on November 16, 2017. The Executive Board solicited comments from standing committees of the Senate, as well as the Faculty Executive Committees, to maximize faculty feedback. The individual responses from the various committees follow this summary.

The Board discussed the recommendations of the Task Force to determine whether the NSTP should be: (1) discontinued, (2) continued as an extended and/or expanded trial, or (3) made permanent. All of the committees except one felt that the program should be continued on a trial basis and expanded to include other UC campuses (the current trial is restricted to UCLA, Irvine, and San Diego). Everyone acknowledged and appreciated the goals of the program to recruit and retain outstanding faculty, which is a continuing challenge given UC's salary structure compared to other top public universities. However, these same committees raised a number of concerns that were not alleviated by the analyses presented in the Task Force report.

The most widespread concern was that the NSTP might contribute to even greater salary disparities along race, ethnicity, and gender lines (see the Committee on Diversity, Equity & Inclusion memo.) Increased faculty time devoted to securing grants, gifts, and other sources of extramural funding to boost one's salary over time could also erode faculty involvement in teaching and service, leading to disparities in faculty workloads. The Faculty Welfare Committee registered the most concerns about the NSTP, arguing that "this program will contribute to yet more unequal compensation for faculty and declining faculty involvement in undergraduate education, without substantially increasing faculty retention." Similarly, Graduate Council worried that the program would create a two-tiered class system". And despite the Report's assurances otherwise, some committees and Board members were concerned that the NSTP could undermine the merit review process and efforts to reduce salary gaps and lags via normal mechanisms. During the next trial period, it will be important for the Task Force to gather systematic data documenting the positive aspects of the NSTP and assuring that these benefits outweigh its costs.

Finally, there was general agreement <u>not</u> in favor of the proposed name change to General Campus Compensation Plan. Board members and d committee members felt that such a name confuses the core salary structure of the university and the additional compensation currently allowed through the NSTP. Supporting a name change, the Engineering FEC suggested "a name which clarifies the role of this program and differentiates it from the primary scale-based compensation."

The committees were thoughtful in their comments and the Executive Board urges you to read through the various responses. As always, the Executive Board appreciates the opportunity to opine. Please feel free to contact me should have any questions.

Sincerely, Sander Grahen

Sandra Graham

Chair, UCLA Academic Senate

cc: Hilary Baxter, Executive Director, Systemwide Academic Senate
Susan Cochran, Immediate Past Chair, UCLA Academic Senate
Joseph Bristow, Vice Chair/Chair-Elect, UCLA Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate



November 9, 2017

Professor Sandra Graham Chair, UCLA Academic Senate

Re: Faculty Welfare Committee's Responses to Systemwide Review of the Negotiated Salary Trial Program.

Dear Professor Graham,

The committee reviewed the Negotiated Salary Trial Report at its October 10th meeting. As so often happens, Senate committees were given a brief window of opportunity to comment on this report, yet at the same time the UC administration is initiating meetings to carry out the report's recommendations, for example an all-UC meeting of Academic Affairs campus and OP administrators held at UCI on September 29, 2017. We fear that this express train has already left the station, but we share the concerns of other UCLA and System-wide Senate committees that this program will contribute to yet more unequal compensation for faculty and declining faculty involvement in undergraduate education, without substantially increasing faculty retention.

Sincerely,

David Lopez

W1 8m

Chair, Committee on Faculty Welfare

cc: Members of the Committee on Faculty Welfare
Linda Mohr, CAO, Academic Senate
Valeria Dimas, Executive Assistant
Annie Speights, Committee Analyst, Committee on Faculty Welfare

November 8, 2017

Professor Sandra Graham Chair, UCLA Academic Senate

Re: Committee on Diversity, Equity and Inclusion's Response to Systemwide Review of Taskforce Report on Negotiated Salary Trial Program

The Committee on Diversity, Equity and Inclusion reviewed the Taskforce Report on the Negotiated Salary Trial Program at its October 9, 2017 meeting. The Negotiated Salary Trial Program (NSTP) allows ladder and in-residence faculty in participating schools and divisions such as faculty who hold at least half-time appointments in the Fielding School of Public Health or the Division of Life Sciences of the College of Letters and Science to voluntarily contribute external funding resources toward their total UC salary. The NSTP, like the Health Sciences Compensation Plan, utilizes external fund sources to support a portion of the total compensation for participating faculty, providing incentives to generate additional non-state funding.

We agree that the program aids in the retention of faculty and supports the taskforce recommendation to extend the program for four more years. However, we are concerned that negotiated driven salaries may lead to compensations disparities including gender, race and ethnicity disparities. While enrolled faculty did not appear to differ significantly by gender or race/ethnicity compared to the overall faculty composition in participating departments, the trend of lower percentages of women, African -American and Hispanic/Latino faculty participation warrants monitoring. We feel it is important to continue to monitor participation of underrepresented minority faculty carefully.

Sincerely,

Catia Sternini,

Chair, Committee on Diversity, Equity and Inclusion

cc: Members of the Committee on Diversity, Equity, and Inclusion
Linda Mohr, CAO, Academic Senate
Valeria Dimas, Executive Assistant
Annie Speights, Committee Analyst, Committee on Diversity, Equity and Inclusion



Academic Senate Executive Office Los Angeles Division 3125 Murphy Hall 140801

October 31, 2017

To: Sandra Graham, Senate Chair, Academic Senate

From: Patricia Ganz, Chair, Council on Academic Personnel

Re: CAP Response to Systemwide Review of Taskforce Report on the Negotiated Salary Trial Program

CAP reviewed the systemwide report on the negotiated salary trial program. While the UCLA CAP does not consider salary assignments in its review process, we frequently address acceleration requests. As such, the council believes that implementation of the negotiated salary trial program can have a favorable impact on the recruitment and retention of faculty, as well as reducing the frequency of requests for acceleration. Modest evidence to this effect was noted in the report, and for that reason we are supportive of the continuation of the program and its extension to other campuses, with ongoing evaluation.

Thank you for the opportunity to review and provide comment.

Sincerely,

Patricia Ganz, Chair 2017-18

Council on Academic Personnel

Patricia Bang

cc: Joe Bristow, Senate Vice-Chair/Chair-Elect, Academic Senate Susan Cochran, Senate Immediate Past Senate Chair, Academic Senate Linda Mohr, Chief Administrative Officer, Academic Senate Eric Malmquist, CAP Committee Analyst, Academic Senate



November 3, 2017

Sandra Graham Chair, UCLA Academic Senate

Re: Systemwide Review of the Taskforce Report on the Negotiated Salary Trial Program

Dear Professor Graham,

At its October 16, 2017 meeting, the Council on Planning and Budget (CPB) reviewed the Taskforce Report on the Negotiated Salary Trial Program.

Members noted that this program can present positive effects for recruiting efforts. Members recognize that the University faces challenges retaining faculty and consider that it is necessary to have more mechanisms to retain top faculty. It may also provide an incentive to acquire grants and ease the financial constraints on faculty.

CPB wishes to note, however, that there are potential inequities among departments with different capabilities to raise supplementary income. What are the ways in which the program can be promoted throughout the entire campus? Does the program create pay inequity among faculty across campus given that it would be very difficult for colleagues in certain departments to take advantage of the program?

Members believe that the University should do as much as possible to support endeavors to hire faculty and retain them. There should be mechanisms in place that allow faculty to increase their salaries while helping support graduate students. While some members were concerned that there is no exit strategy in place should we need to terminate the program, other members opined that there would not be a need for one.

Members observed that the positive and negative aspects of this program are difficult to measure, however, overall CPB members were in favor of expanding the program at least on a trial basis, if not implementing it on a permanent basis.

Thank you for the opportunity to review the report. If you have any questions for us, please do not hesitate to contact me at cbakhos@humnet.ucla.edu or via the Council's analyst, Elizabeth Feller, at efeller@senate.ucla.edu or x62470.

Sincerely,

Carol Baklus

Carol Bakhos, Chair Council on Planning and Budget

Cc: Joseph Bristow, Vice Chair, Academic Senate

Susan Cochran, Past Chair, Academic Senate

Elizabeth Feller, Committee Analyst, Council on Planning and Budget

Linda Mohr, CAO, Academic Senate

Members of the Council on Planning and Budget



October 30, 2017

To: Sandra Graham, Chair

Academic Senate

From: Julio Vergara, Chair

Graduate Council

Re: Taskforce Report on the Negotiated Salary Trial Program

At its meeting on October 6, 2017, the Graduate Council reviewed and discussed the Taskforce Report on the Negotiated Salary Trial Program. Members were concerned that the Negotiated Salary Trial Program would create a two-tiered class system that would increase salary inequities within and across campuses as well as motivate faculty to devote more time to look for and attract external funding sources while, at the same time, reducing teaching and mentoring. It is important to note that at the onset of the report the Taskforce embeds caveats about the role of the program in the UC salary structure; however, it provides no definitive evidence of how those caveats would be studied or addressed.

In addition, members were deeply concerned about the impact the Negotiated Salary Trial Program would have on the institution, its educational goals, and graduate students. Members would urge the Taskforce to consider the following questions:

- 1) Does the program benefit graduate students and postdoctoral scholars? If so, how much?
- 2) Is there any evidence that faculty who are augmenting their salary contribute more (directly or indirectly) to graduate education? If so, please present data in support of the Trial Program.
- 3) Are participating faculty taking on more (or less) students?
- 4) Are students being forced into certain research directions as a result? Has the program detracted from their ability to pursue work?

Members were in agreement that more concrete assessment of the program needs to be performed before it is recommended that the program be expanded.

Lastly, members were not supportive of renaming the program as the "General Campus Compensation Plan." They noted that identifying this type of plan as "general" is risky since it conveys the problematic message that faculty salary negotiation is a standard practice at the UC system. In contrast, the previous title, "Negotiated Salary Trial Program," stresses the optionality of the mechanism.

Thank you for the opportunity to review and comment.

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Graduate School of Education & Information Studies

Moore Hall, Box 951521

Los Angeles, California 90095-1521

November 14, 2017

Professor Sandra Graham Chair, UCLA Academic Senate

RE: Systemwide Review of Taskforce Report on Negotiated Salary Trial Program

Dear Professor Graham,

On Oct 19, the Faculty Executive Committee of the Graduate School of Education & Information Studies discussed the taskforce report on the Negotiated Salary Trial Program. In our GSE&IS only two faculty participated in the program in Education, and no one from IS. As in prior discussions of this matter, a range of viewpoints were expressed by FEC members, with support expressed for some aspects of the program, but also some questions and concerns about others.

Consistent with the findings of the report, the Education chair reported that the program helped the department in efforts to retain two participating faculty, and that she has monitored and found no evidence of associated negative effects on teaching loads or GSR support.

The GSE&IS FEC was generally in support of extending the program trial to more campuses and a longer period. Nevertheless, the committee emphasized the importance in this longer evaluation period of closely monitoring the various potential negative effects that have been discussed. Particular concern was expressed about the possibility that teaching load enforcement could gradually drift as participants increase their research load for extended periods of time. Similarly, there is currently no strong conclusive evidence of positive impacts on retention and recruitment (beyond "customer satisfaction" reports from beneficiaries, and anecdotal reports from departments and schools.) While perhaps pessimistic, it is conceivable that the program could see diminishing returns during scale up, while unintended negative effects spread. For this reason, it will be important for the final report to help assuage such concerns.

The GSEIS FEC appreciates the opportunity to weigh in on this matter.

Sincerely,

Jose Felipe Martinez

Chair, GSEIS Faculty Executive Committee

cc: Linda Mohr, CAO, Academic Senate Val Dimas, vdimas@senate.ucla.edu.



FACULTY EXECUTIVE COMMITTEE College of Letters and Science

A265 Murphy Hall Box 951571 Los Angeles, California 90095

To: Sandra Graham, Chair, Academic Senate

Fr: Aaron Tornell, Chair, College Faculty Executive Committee

Date: October 27, 2017

Re: College FEC response to Systemwide Review of Taskforce Report on the Negotiated

Salary Trial Program

The College FEC appreciates the opportunity to comment on the Report from the Fourth Year Negotiated Salary Trial Program Taskforce. We reviewed the drafts of the policies at our meeting on October 20, 2017. We were joined by Assistant Dean Lauren Na to highlight the key revisions to the document. The committee voted to support the recommendations of the Taskforce (5 approve, 1 oppose, 1 abstain).

Committee members discussed different aspects of this trial program. Some expressed concerns that it may increase the income dispersion across faculty. However, others felt that it serves an important role in the retention of senior faculty. There were three main objections to the report. First, the committee was not convinced that continuing the program for another four years and expanding the number of campuses in this trial program would yield enough useful data to determine whether or not this program should be included in the APM. The second objection was that this appeared to be a salary boosting tool rather than a recruitment tool. The third objection was to rename the program the "General Campus Compensation Plan." Members felt that for the purpose of transparency, it should maintain the current name since this is not a general program, rather, it is a program that allows faculty to negotiate a deal.

As always, our membership appreciates the consultative process and welcomes the opportunity to participate in the discussion of important matters like this. You are welcome to contact me at tornell@econ.ucla.edu with questions. Mitsue Yokota, Academic Administrator, is also available to assist you and she can be reached at (310) 794-5665 or myokota@college.ucla.edu.

cc: Lucy Blackmar, Assistant Vice Provost, Undergraduate Education Initiatives Valeria Dimas, Executive Assistant, Academic Senate Linda Mohr, Chief Administrative Officer, Academic Senate Lauren Na, Assistant Dean, Academic and Staff Personnel
 From:
 Nishimura, Ichiro

 To:
 Mohr, Linda

 Cc:
 Tupaz, Kyle

Subject: Response_Dentistry: (Systemwide Senate Review) Taskforce Report on the Negotiated Salary Trial Program

Date: Friday, October 20, 2017 11:20:55 AM

Dear Linda:

Thank you very much for sharing the NSTP report. We, FEC of School of Dentistry, reviewed the report and discussed during our meeting held on 10/18/17. Here are the summary of our discussion:

<u>Taskforce Report on the Negotiated Salary Trial Program</u>

Linda Mohr from Academic Senate communicated for our comment on the NSTP report. It recommended to extend the NSTP trial for another 4 years and rename the program to General Campus Compensation Plan. The NSTP model is already being used at CHS (including UCLA SOD), and other schools on the UCLA campus are looking to adopt the NSTP model in order to recruit and retain quality faculty.

The FEC had the following comments:

- 1. At the School of Dentistry, there is concern among the faculty that those with a higher negotiated salary have less teaching duties.
- 2. Split appointments are generally frowned upon, but with the recent shift to interdisciplinary teaching/research models, split appointments may actually be desirable and even necessary. The consistent NSTP practice throughout the campus may make the faculty split appointment more realistic between UCLA SOD and non-Health Science departments.

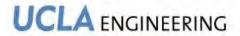
If you have any questions, please let me know.

Sincerely,

Ichiro

Ichiro Nishimura, DDS, DMSc, DMD FEC Chair, School of Dentistry

Professor of Dentistry and Bioengineering
Weintraub Center for Reconstructive Biotechnology
NeuroEngineering
California NanoSystems Institute
Jonsson Comprehensive Cancer Center
University of California Los Angeles
inishimura@dentistry.ucla.edu
310.794.7612



Henry Samueli School of Engineering and Applied Science

November 9, 2017

TO: Sandra Graham, Chair, Academic Senate

FROM: Jeff Eldredge,

Chair, HSSEAS Faculty Executive Committee

RE: HSSEAS FEC response to Taskforce Report on Negotiated Salary Trial Program

The Faculty Executive Committee (FEC) of the Henry Samueli School of Engineering & Applied Science (HSSEAS) discussed the Taskforce Report on the Negotiated Salary Trial Program at its October 13, 2017 meeting.

We appreciate the time and effort that has gone into the significant task of compiling and studying the data on the initial three years of the NSTP. The HSSEAS FEC is generally supportive of the NSTP and believes that it has the potential to serve as a valuable tool for the recruitment and retention of faculty. We agree with the Taskforce's recommendation to pursue an additional trial period of this program and its expansion to all interested campuses.

We have two concerns. The first issue pertains to the caveats raised on Page 2 of the report. We appreciate that these caveats have been expressed by the Taskforce. We believe that it is crucially important to remain vigilant in preserving our existing merit review process and to continuously push the UC to address salary lags via the normal scales. Therefore, in the Taskforce's pursuit of additional data during the proposed second trial period, we suggest that this pursuit specifically investigates whether these core principles are undermined by the NSTP.

The second issue is related to the first, and concerns the proposed name change to General Campus Compensation Plan. It is our committee's opinion that this name obfuscates the important distinction between the core salary structure and the additional compensation currently allowed through the NSTP. Though we agree that the name should be changed, we would suggest a name which clarifies the role of this program and differentiates it from the primary scale-based compensation.

CC

Myrna Reneau, Executive Assistant to SEAS Faculty Executive Committee Valeria Dimas, Executive Assistant to Academic Senate Chair

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CAROLE E. GOLDBERG JONATHAN D. VARAT DISTINGUISHED PROFESSOR OF LAW

SCHOOL OF LAW BOX 951476 LOS ANGELES, CALIFORNIA 90095-1476 Phone: (310) 825-4429

email: goldberg@law.ucla.edu

November 16, 2017

To Whom It May Concern:

On behalf of the faculty of the School of Law, we extend our support for the recommendation of the Fourth Year Negotiated Salary Trial Program (NSTP) Taskforce, that the NSTP be continued for an additional trial period of four years. Although faculty in the School of Law are not well-positioned to participate in NSTP, we understand the benefits that NSTP brings to UCLA schools and divisions whose faculty do participate. Those benefits, such as enhanced faculty recruitment and retention, strengthen the campus as a whole, including units with which Law School faculty collaborate. Furthermore, faculty who participate in NSTP typically generate extensive grant support that augments campus resources as a whole, resources that may be allocated to a variety of campus needs.

Sincerely,

Carole E. Goldberg

Jonathan D. Varat Distinguished Professor of Law

Chair, Faculty Executive Committee

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OFFICE OF THE ACADEMIC SENATE SUSAN AMUSSEN, CHAIR senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED 5200 NORTH LAKE ROAD MERCED, CA 95343 (209) 228-7954; fax (209) 228-7955

NOVEMBER 20, 2017

SHANE WHITE, CHAIR, ACADEMIC COUNCIL

RE: TASKFORCE REPORT ON THE NEGOTIATED SALARY TRIAL PROGRAM (NSTP)

The Taskforce Report on the Negotiated Salary Trial Program, and Provost Dorr's cover letter, were distributed to the standing committees of the Merced Division of the Academic Senate and the school executive committees. Comments were received from the Committee on Academic Planning and Resource Allocation (CAPRA), the Committee on Research (CoR), Diversity and Equity (D&E), Faculty Welfare and Academic Freedom (FWAF), Graduate Council (GC), and Undergraduate Council (UGC). Committee comments are appended. The remaining committees appreciated the opportunity to opine, but had no comment. Divisional Council discussed committee comments at its November 6, 2017 meeting.

Committee responses to the taskforce's recommendations varied. Two committees, CAPRA and GC, endorsed the taskforce's recommendations without qualification. One committee, CoR, endorsed extending and expanding the trial program, but with the goal of obtaining more data concerning potential positive and negative effects of such a program. Two committees, D&E and UGC, offered comments for consideration should the trial program be continued as recommended. One committee, FWAF, grounded its review in the history of this initiative and concluded that the taskforce's review almost completely failed to address concerns raised in 2011 in response to proposed revisions to APM 668¹, an effort that preceded and eventually led to the NSTP.

Following discussion of these responses, Divisional Council concluded that it could <u>only endorse the taskforce's recommendations</u> if metrics are adopted, for subsequent evaluation of the program, that address the three core concerns raised by the Senate in 2011². These concerns are as follows:

- 1. Negotiated salary undermines the UC tradition of salary advancement hinging on peer review as well as the standard that "all faculty are evaluated under one, common review process, regardless of discipline and campus" (Anderson letter). Instead, it gives substantial power to administrators to selectively reward faculty who are bringing in particularly lucrative grants or contract work to the university.
- 2. It exacerbates existing inequalities between disciplines and campuses by selectively awarding additional salary to faculty in those areas of research that tend to draw substantial outside (non-state) funding. There was also concern that this policy would increase gender and racial inequalities given that the disciplines that tend to draw the most external funding also tend to be disproportionally white and male.

¹ See appended FWAF memo.

² See the appended letter from Senate Chair Robert M. Anderson to Vice Provost Susan Carlson, December 21, 2011.

3. The policy has conflict of effort and academic freedom implications in that it might directly or indirectly push faculty to engage in particular types of research that are more likely to result in outside funding (and hence the possibility of extra salary). Such a compensation plan gives the administration a lever by which to push faculty to engage in some types of research over others. More broadly, by mixing public and nonstate outside funds as part of a faculty member's salary, APM 668 further blurred the distinction of the UC as a public university.

Notably, the adoption of metrics to address these concerns would also address recommendations offered by D&E and CoR as part of this review. These committees urged continued monitoring of potential impacts on diversity and other inequities such as differences between male and female faculty member salaries.

In closing, we note that UGC raised the concern that, by recruiting faculty talent purely based on research, the NSTP could potentially create a tiered system that unintentionally distorts priorities in ways that negatively affect the quality of undergraduate education. DivCo observes that such a shift may not be captured by the measures of teaching effort used in this (and future reviews), and encourages consideration of such a possibility going forward. Finally, DivCo notes UGC's suggestion that the salary enhancement practices of comparable universities be provided as context in future reviews of the program.

We thank you for the opportunity to opine.

Dis WAmerson

Sincerely,

Susan Amussen, Chair **Division Council**

CC: **Divisional Council**

Hilary Baxter, Executive Director, Systemwide Academic Senate

Laura Martin, Executive Director, Merced Senate Office

Encl (8)

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UNIVERSITY COMMITTEE ON RESEARCH POLICY (UCORP) Jeffrey D. Richman, Chair Email: jdrichman@ucsb.edu

University of California Academic Senate 1111 Franklin Street, 12th Fl. Oakland, California 94607-5200

November 17, 2017

SHANE WHITE CHAIR, ACADEMIC COUNCIL

Re: Taskforce Report on the Negotiated Salary Trial Program

Dear Shane,

The University Committee on Research Policy (UCORP) discussed the Taskforce Report on the Negotiated Salary Trial Program at both its October 16 and November 13 meetings. We also formed a subcommittee of UCORP members to examine the Taskforce report with particular care and to lead our final discussion at the November 13 meeting.

UCORP concurs with the Taskforce, which "recommended an additional term and expansion of the program to include all interested campuses in order to evaluate the impact of the program systemwide." We agree that additional experience and data from this program will be helpful in assessing its impact. We also believe that expanding the assessment to more UC campuses is highly prudent for such a program. Finally, we would like to commend the Taskforce for its hard work in preparing a detailed report on this important issue.

Sincerely,

Jeffrey D. Richman

Chair, University Committee on Research Policy

Jeffrey D. Richman

cc: Robert May, Academic Council Vice Chair Hilary Baxter, Academic Senate Director UCORP members

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DYLAN RODRIGEZ
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November 15, 2017

Shane White, Chair, Academic Council 1111 Franklin Street, 12th Floor Oakland, CA 94607-5200

RE: Systemwide Senate Review - Taskforce Report on the Negotiated Salary Trial Program

Dear Shane,

The Riverside Executive Council discussed the NSTP Taskforce Report at its most recent meeting, in dialog with VPAP Ameae Walker and Prof. Mary Gauvain, both of whom participated on the Taskforce. There was an extended and substantial discussion, addressing a broad range of concerns, including matters of the NSTP's potentially adverse effects on salary equity/disparity, as well as multiple issues concerning local implementation. In addition to the comments provided via committee memos, Council noted and reiterated concerns about academic freedom in relation to this program. Due to an oversight, Chair Rodriguez will request review and comment from the Committee on Academic Freedom and subsequently provide the Riverside Division response regarding NSTP. A number of Standing Committees provided feedback on the Report, which i have summarized below.

Planning and Budget offered five specific requests in the event that NSTP continues, covering matters of data collection, ethical oversight for conflicts of interest, review criteria for faculty members from under-represented groups, and tracking of supplemental salary sources.

Faculty Welfare voted in favor of the four-year extension of NSTP, with affirmative voters citing the usefulness of the program for UCR's ability to recruit/retain high quality faculty members. The dissenting member cited the potential exacerbation of salary inequity through the program. Faculty Welfare echoes Planning and Budget's concerns with data collection, specifically that which would verify whether NSTP is actually successful in its goal of increasing faculty retention/recruitment. Further, Faculty Welfare is concerned that NSTP could have a negative impact on graduate and post-doctoral student funding, although again, the issue is one in need of more data collection. Crucially Faculty Welfare was unanimous in noting that "NSTP should not be considered a remedy to the larger issue of the UC salary lag."

The Committee on Academic Personnel had substantial concerns about extending NSTP, and requests that the Taskforce "provide a clearer articulation of the intended scope of this policy and that it put in place

safeguards to secure academic freedom and equity across Schools and Departments in relation to tenure, promotion, and merit as this policy enters its next trial phase." CAP's concerns include the long-term effects of NSTP on worsening inequities between Schools and Departments where outside funding is normative, and those for whom such funds are generally far less available, and not normative. There could thus be a negative effect on the culture and internal discourse of promotion, tenure, and merit, which are intended to be uniform across campuses, Schools, and Departments. On a related, but broader scale, CAP expresses serious concern that NSTP will allow the UC to be less vigilant in addressing the ongoing problem of the UC salary scale's competitiveness with peer institutions. In addition, the program might create a larger institutional expectation that "soft money" salary supplementation should become an increasingly normative aspect of faculty salaries, which would fundamentally abrogate the mission and purpose of the UC. Finally, CAP is highly concerned that NSTP's friendliness to private contracts can undermine the foundations of academic freedom within the university research mission, while also incentivizing faculty to pursue grants in "fundable" areas of research rather than areas of academic and scholarly importance.

The Committee on Diversity and Equal Opportunity voted in favor of the four-year extension, with affirmative voters also citing the program's enhancement of UCR's ability to compete in the larger academic job market. However, dissenting negative voters offered that this program "shifts" the burden of the ongoing problem of salary inequity to the faculty rather than the UC itself. Importantly, this dissent notes that NSTP only benefits those faculty who are in fields that rely on large external grants, and this program may compound the existing salary inequities at UCR. CoDEO repeated the concern over data collection, as well.

The School of Public Policy Executive Committee, Graduate School of Education EC, College of Humanities and Social Sciences Executive Committee, and the College of Natural and Agricultural Science EC all support the Report's recommendations, though the both the CHASS and CNAS EC's note the need for further data collection and a larger concern that the program may divert UCOP's attention from "the bigger issue associated with the broken UC salary scale."

peace

Dylan Rodríguez

Professor of Media & Cultural Studies and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate Cherysa Cortez, Executive Director of UCR Academic Senate Office





TO: Dylan Rodriguez, Chair Riverside Division

FR: Kurt Schwabe, Chair

Executive Committee, School of Public Policy

RE: [Systemwide Review] Report Review: Taskforce Report on the Negotiated Salary Trial Program

Date: October 6, 2017

The Executive Committee of the School of Public Policy voted unanimously in support the recommendations listed in the "Report on the Negotiated Salary Trial Program (NSTP) from the Fourth Year NSTP Taskforce." Specifically, we were in support of the recommendation to "expand and study further" this program at other UC campuses that are interested in participating in the program.



PLANNING & BUDGET

October 26, 2017

To: Dylan Rodriguez, Chair

Riverside Division

From: Christian Shelton, Chair Chair Chair

Committee on Planning and Budget

RE: (Systemwide Senate Review) Taskforce Report on the Negotiated Salary

Trial Program

The Committee on Planning & Budget reviewed the Negotiated Salary Trial Program (NSTP) on October 24, 2017. The program is relatively new and its full effects may not yet be realized. The Committee had five requests if the program were to continue:

- 1. Proper data should be collected regularly from both participants and non-participants in order that the program can be comprehensively reviewed again in the near future.
- 2. The Committee would like to know if there are any mechanisms for moral or ethical oversight in place to prevent conflicts of interest.
- 3. It would be beneficial to add review criteria about benefits for under-represented groups.
- 4. The source of supplemental salaries should be tracked for future reviews.
- 5. Data should be collected to monitor whether state support for positions in these fields, participants and non-participants, declines.



October 4, 2017

TO: Dylan Rodriguez, Chair

UCR Academic Senate

FROM: Jan Blacher, Chair

GSOE Executive Committee

SUBJ: Review of Task Force Report, Negotiated Salary

The Executive Committee of the Graduate School of Education (GSOE) met yesterday to discuss the Task Force Report on Negotiated Salary. Going forward, Executive Committee members would like to see UCR participate in the next phase of the pilot study.

Thank you for the opportunity to comment on this proposal.



October 31, 2017

To: Dylan Rodriguez

Riverside Division Academic Senate

From: Daniel Jeske, Chair

Committee on Faculty Welfare

Re: Task Force Report on the Negotiated Salary Trial Program

The Committee on Faculty Welfare reviewed the material provided and concur with the recommendations of the Task Force. Additionally, the CFW voted +6-1-1 in consideration of a four-year extension of the trial program and expanding the trial to the Riverside campus. Those in favor of the program felt that the ability for UCR to provide an additional mechanism to compete with other university and market salaries might make a difference with UCR's ability to recruit and retain faculty. The dissenting member noted that the program would aggravate salary inequity issues already present within departments and further compress and invert salaries within and between ranks. One member abstained citing that more data is needed to make a definitive decision.

Our concerns with the NSTP are shared with the Task Force in that insufficient data are available to determine if the NSTP successfully achieves its primary goal of increasing faculty retention and recruitment. Although yet to be a demonstrable problem, the CFW is also concerned with the potential impact of NTSP on graduate student and post-doctoral funding. Here again, there are too few data available to draw any conclusions either way. Expanding the program to other campuses for four years will hopefully provide those necessary data.

All members feel the NSTP should not be considered a remedy to the larger issue of the UC salary lag, but felt this tool may bring temporary flexibility to campuses while the larger issue of lagging salaries is being considered by Systemwide.



November 1, 2017

To: Dylan Rodriguez

Riverside Division Academic Senate

From:

Suveen Mathaudhu, Chair J. M. Committee on Diversity & Equal Opportunity

Re: Taskforce Report on the Negotiated Salary Trial Program

CoDEO reviewed the material provided and voted +4-2-1 in consideration of a four-year extension of the trial program and expanding the trial to more UC's including Riverside. Those in favor of the program felt that the ability for UCR to provide an additional mechanism to compete with other university and market salaries would make a difference with UCR's ability to retain faulty. Members not in favor of the program cited that the program shifts the salary inequity issue to the faculty rather than the UC. Some noted the program only benefits specific groups of people that have the opportunity to obtain grants and will compound the salary differential and inequality issues already present at UCR. One member abstained citing that the program is experimental and more data is needed on the benefits of retention and equity to make an informed judgement on if the program should be extended.



November 8, 2017

To: Dylan Rodriguez, Chair

Riverside Division

From: Ward Beyermann, Chair, Executive Committee College of Natural and Agricultural Science

Re: Systemwide Review: Taskforce Report on the Negotiated Salary Trial Program

The committee reviewed the taskforce report on the negotiated salary trail program during its October 17, 2017 meeting. The trial found no evidence that support for the teaching effort or graduate students was reduced with the participates in the program. Presumably, the data were too limited to address the primary reasons for the program, to strengthening faculty recruitment and retention, and for this reason the taskforce recommends continuing the trail. While there was some concern that the pilot diverted UCOP attention from the bigger issue associated with the broken UC salary scale, the CNAS Executive Committee supports the taskforce's recommendation. We also recommend that UCR participate in the trail.

Yours sincerely,

Ward Beyermann, Chair

Ward Beyerm

CNAS Executive Committee

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EXECUTIVE COMMITTEE: COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

RIVERSIDE, CALIFORNIA 92521-0132

October 27, 2017

TO: Dylan Rodriguez, Chair

Academic Senate

FROM: Kate Sweeny, Chair

CHASS Executive Committee

RE: Systemwide Review of Taskforce Report on the Negotiated Salary Trial Program

The CHASS Executive Committee discussed the Systemwide Review of Taskforce Report on the Negotiated Salary Trial Program at the regular meeting on October 18, 2017. The committee raised concerns about inequities the salary program might create across colleges and departments, with social science, arts, and humanities faculty benefiting least from the program. The committee felt the trial program should be extended to allow any campus to join but should not replace efforts to find equitable solutions to salary deficiencies systemwide.

Kate Sweeny, Chair

CHASS Executive Committee



October 23, 2017

To: Dylan Rodriguez

Riverside Division Academic Senate

From: Vyjayanthi Chari, Chair

Committee on Academic Personnel

Re: Taskforce Report on the Negotiated Salary Trial Program

On October 16, 2017 Committee on Academic Personnel discussed this report. The Committee had some concerns about the extension of the trial program, which we articulate in this memo.

First, while we can understand the need for this program in certain areas, such as clinical work in the School of Medicine, where the externally funded work informs and augments the work for the university, we are concerned about future plans that may include implementing this program more widely. Right now, the percentage of faculty enrolled in the program is quite small (14-16%) and as the trial is extended and implemented at more campuses, this may also lead toward inclusion of a greater percentage of the faculty. We take note that during the three years of the trial, the amount of negotiated salary increased (\$3.7 M, \$6.7M, \$7.9M). We are concerned that more extensive use of this program will create inequities in the long term between Schools and Departments where such outside funding is common and those for which such funds are not available. One of the purposes of Committee on Academic Personnel is to ensure that there is unity across campuses for promotion, tenure, and merit advance expectations, and we are concerned that this program could erode this culture. Although the policy notes that this program will "not supplant the regular merit review process," Committee on Academic Personnel felt that it had the potential to exacerbate inequity across disciplines through its influence on people's time and resources, which would thus skew evaluations even while they continued to follow the regular processes.

Committee on Academic Personnel has further concerns on two related points. The first one is that in the long run, the University will not be sufficiently vigilant in ensuring that the salary scales for all faculty remains competitive. The second is that the outside salary program could eventually lead to the expectation that faculty in some disciplines always supplement their income in this way. We feel that both situations would create inequities in the conditions of employment and might increase precarity for newly hired faculty in the future. We take note that the report of the Taskforce indicates that surveyed non-participating faculty similarly indicated a concern that this program was "the first step on

a slippery slope toward all faculty in some disciplines being on soft money, which would be a condition not aligned with the education mission and raison d'etre of the University."

Finally, given that the policy allows for funding to be provided by private contract, the Committee on Academic Personnel is concerned that this policy will undermine the values of academic freedom and a research culture that is grounded in peer review, publication, and collaborative exchange of ideas. Partnerships with private corporates could create hazards such as: the privatization of knowledge produced at a publicly funded university; issues related to Intellectual Property and trade practices which might mandate research be kept secret; pressures that direct research programs in ways inconsistent with scholarly priorities; and at least the perception, if not the reality, that research results lack independence and hence objectivity. We take note that the Taskforce report similarly indicates that surveyed, non-participating faculty articulated a concern that this program would "result in faculty choosing areas of research for their fundability rather than their intrinsic importance."

Given these concerns, we respectfully request that the Taskforce provide a clearer articulation of the intended scope of this policy and that it put in place safeguards to secure academic freedom and equity across Schools and Departments in relation to tenure, promotion, and merit as this policy enters its next trial phase.



November 21, 2017

To: Dylan Rodriguez, Chair

Riverside Division of the Academic Senate

From: John S. Levin, Chair J. When

Committee on Academic Freedom (CAF)

Re: Negotiated Salary Trial Program (NSTP)

The Committee on Academic Freedom considered the Negotiated Salary Trial Program Report ("Report from the Fourth Year Negotiated Salary Trial Program Taskforce," June 22, 2017). There were concerns about the report and the NSTP from members of UCR's CAF; however, given the short notice for review not all committee members opined.

First and foremost, concerns were raised that pertained to academic freedom. One concern addressed, if not a conflict of interest then, a split loyalty between a private sector business/industry and one's university (or indeed the public) with salaries derived from private sources. Another concern was over the potential for either censorship or self-censorship in public disclosure (through media, public presentations, teaching) of findings from research based upon either pressure from a private employer-funder or self-censorship, if not anything else, arising from a conflict of interest and a split loyalty [to the private sector on one hand and to the public on the other]. So, I agree that there is a potential impact on academic freedom if this program continues to expand and caution needs to be exercised."

Second, there was concern expressed not focused necessarily on academic freedom but on salary inequities and resultant (or exacerbated) stratification among faculty. "I'm concerned the program exacerbates salary inequities on the campus. First, by advantaging faculty that work in areas where grant money is more widely available, and second by advantaging faculty who write large grants and are more likely to have the agencies accept the relatively small increment in salary request." This concern could be attached to academic freedom to the extent that those with higher status have more capital and thus have more influence on university decisions, whereas those with lesser status have limits on their ability to speak out and give voice to their values. Thus, a university

may be run by an elite group of faculty, based upon their status which is largely the result of compliance with economic interests of the university.

There was no consensus on whether or not the program should be extended or even expanded. One member's view supported the extension of the current NSTP trial program and expansion to other campuses. Such extension and expansion will help in the assessment of the effects of NSTP. Another's view suggested the expansion of the trial even without more analysis but opined that more analysis of the effects could occur with expanded trial results.

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ACADEMIC SENATE Santa Barbara Division 1233 Girvetz Hall Santa Barbara, CA 93106-3050

(805) 893-4511 http://www.senate.ucsb.edu Henning Bohn, Chair

November 20, 2017

To:

Jim Chalfant, Chair

Academic Council

From: Henning Bohn, Chair Henning Bohn
Santa Barbara Division

Santa Barbara Division

Re:

Taskforce Report on the Negotiated Salary Trial Program

The Santa Barbara Division distributed the Taskforce Report on the Negotiated Salary Trial Program (NSTP) to twelve Councils and Committees and specifically requested comments from the Committee on Academic Personnel (CAP), Council on Planning and Budget (CPB), Council on Faculty Issues and Awards (CFIA), and Council on Research and Instructional Resources (CRIR).

Of the 9 Senate groups that responded, most echoed each other's concerns about the NSTP's potential to undermine the University's peer reviewed merit and promotion process, erode safeguards against conflicts of interest or otherwise compromise research, further stratify faculty salaries, adversely impact graduate student support, and generate disadvantageous perceptions within the State Legislature. Most respondents were also quick to point out that the data provided in the report were inconclusive, making it impossible to adequately assess the effects of the Trial Program, but several groups indicated that they would support its continuation and expansion to other campuses, if certain conditions were met.

For example, CAP's support for expansion of the program to the UCSB campus on a trial basis, is contingent on the following:

- 1) The extension of the NSTP to additional campuses must not be allowed to undermine UC's merit-based review process. However, there is a surprising lack of reflection in the report on the long-term effects of the NSTP on the aforementioned process, and a complete absence of comments from campus reviewing agencies other than participating departments.
- 2) As a reviewing agency, CAP seeks to match reward to merit. After examining the limited data available after three years of the NSTP, it remains unclear how campus reviewing agencies should

be expected to evaluate the contributions of participating NSTP faculty, above and beyond their normal duties, in order to justify further merit advancement. If the negotiated salary augmentation is 30%, and therefore not subject to the merit-based review process, how much of a candidate's dossier should consequently be considered in a merit-based personnel review? The financial benefits of the NSTP for participating faculty may eventually prove to have a significant Achilles' heel, moreover, as reviewing agencies could choose to reduce or eliminate permanent salary increases normally awarded when faculty win major grants, if these grants are producing NSTP (i.e., academic-year) salary augmentation for those same faculty.

- 3) The report suggests (p. 18) that with salary savings from this program the University could potentially increase the pay of, or hire more, faculty in "disciplines where it is difficult to participate in the NSTP." Although this is a fourth-year review of this trial program, the report makes no reference to a transparent budgetary mechanism that would ensure an equitable redistribution of any salary "savings" from NSTP across disciplines and divisions. CAP finds that without such a mechanism in place any redistribution could only be arbitrary and therefore contrary to the principles upon which the UC is built.
- 4) CAP remains deeply concerned that the NSTP, if it were to become permanent, could mark the first phase in the shifting of the fiscal cost of maintaining competitive salaries to a soft-money model in some disciplines, particularly engineering. The 30% ceiling on salary augmentation through the program must be fixed for the longer term, e.g., at least a decade, in order to forestall any possible attempts to raise it in times of future financial stress for the UC system.

The Faculty Executive Committee (FEC) of the College of Engineering supports many of the recommendations, and echoes many of the caveats, put forth by the Taskforce. The FEC agrees that an additional trial period, perhaps on additional campuses apart from the initial participating one, is warranted given some of the outcomes of the trial period. The FEC does, however, agree with the concerns listed by the Taskforce. Namely, the FEC recommends: (i) that proper evaluation of the efficacy of the program and its impact on the institutional goals and culture be conducted. The FEC specifically recommends that a robust study be designed with quantifiable metrics defined and control groups identified prior to deployment of the extended trial period. The FEC agrees with the Taskforce that the increased participation by extending the program both within current participating and additional campuses will assist with the statistical significance of any conclusions drawn from the study. (ii) That the UC system addresses in detail how the new salary program will not supplant support from the State in maintaining competitive base salaries so as to align with the mission of world-class institutions. Specifically, the FEC recommends that a long-term analysis be conducted on how the complete compensation package would depend on the extramural funding landscape, particularly in the context of graduate student support during times of flat, or even decreasing, federal research budgets. (iii) That the concern of faculty inequities within and across campuses (with distinct academic and research foci) be given increased attention and discussion, both in terms of total salary as well as potential impact on retirement compensation. Finally, the FEC hopes that informative campaigns are developed and sustained at each participating campus to properly educate current and new faculty about the program.

Graduate Council perceived potential positive and negative effects on graduate student training, and claimed that impacts were difficult to gauge based on the limited data. The Council therefore suggested that, if the trial program is to be continued, it would be advisable to solicit input from graduate students in research groups of participating faculty. Members also stressed that safeguards should be included to limit the potential influence of outside entities on faculty and their research.

CFIA members recognized the need to retain high-performing faculty in the sciences who might be lured away from UCSB by better-funded universities and that the Negotiated Salary Program might well be one way to do so (though the data does not yet support the claim made by chairs of participating departments that the NSP is effective on this score). Like the Task Force reviewers, CFIA recognized that any full and fair assessment of the program needs more and better data, which justifies its renewal on a trial basis. The Council also recognized that, with such a renewal, the program would become further entrenched, thus making it harder to terminate, if future data indicated unsatisfactory or detrimental consequences. CFIA was especially concerned about the negative impact the program might have on funding for the university as a whole, particularly for the arts and humanities, since the NSTP exacerbates already existing salary inequities and could thus lower morale.

CPB members opined on the question of whether the trial program should be extended for another four years with the expectation that a decision as to whether or not UCSB should join the program would be addressed in a separate round of Senate review at a later date. Members expressed opinions ranging from opposition to the program to qualified and full support of a second trial period.

Supporters of a second trial period for the program point out that it can be an important tool for recruitment and retention, particularly in highly competitive fields. Although, individual anecdotal experience reports from council members included both cases where the program appeared to have, and have not, made a difference in faculty applicants' decisions between a UC with the trial program in place and UCSB. Supporters further commented that in light of UC salaries having fallen below our peer institutions, the program allows for more competitive salaries for participants. It was also noted by some members that the program may incentivize additional grant writing.

Critics of the program pointed out that NSTP is based on the principle that the financial responsibility of making faculty salaries competitive with respect to peer institutions can be moved to the individual faculty members, rather than residing with the State of California and with the university administration. This shift in responsibility and the associated financial pressure placed on participating faculty has several negative consequences: a) by placing additional financial pressure on the research programs of participating faculty, it potentially distracts them from their core mission of providing quality education and advancing research in their primary area of interest or expertise; and b) even if the program achieves the stated goal of making some faculty salaries equitable with respect to peer institutions, faculty may still be recruited away by universities that can fully fund similar salaries.

Another concern is that, basing salaries on faculty ability to obtain grants would increase salary disparities within departments and across disciplines, thereby circumventing the UC merit-based peer review process, a process based on metrics of performance and reviewed by multiple agencies, including the Academic Senate. It poses the risk that the Legislature and UCOP would come to rely upon this soft money and further erode the core salary component of UC's budget. This is a dangerous condition in an increasingly unstable grant-funding landscape.

CPB was in agreement on the following points. The last review process appears to have been narrow, with the majority of respondents limited to participants; enthusiasm for the program seemed to increase up the administrative ladder. If the program is continued, the subsequent assessment must be comprehensive, and include a much broader base of faculty respondents. CPB emphatically stresses the importance of self-governance, peer-review, and the UC merit-based system, and that these processes must be preserved.

Members of CRIR's Committee on Research Policy and Procedures had widely ranging opinions, including a concern that there might be encroachments on academic freedom as a result of deriving portions of faculty salaries from outside entities that might wish faculty to adopt their own agendas. The committee ultimately narrowed the discussion to the question: if the UC system decides to retain this program, would we want it on our campus? Due to the diversity of opinions, no consensus was reached.

Only the College of Letters and Science Faculty Executive Committee was absolutely opposed to the continuation or expansion of the NSTP. When Provost Dorr initiated the Trial Program, she acknowledged the need for vigorous data collection during the trial period to enable an informed determination of the program's future. For this reason she extended the trial program from four years to five, with a full review to occur during year four, i.e., 2016.

Despite the Provost's calls for vigorous data collection, the evidence presented in the report does not appear to support the Taskforce's recommendations to expand or even continue the pilot. Significantly, the Fourth Year Review Taskforce had to create its own survey to enable assessment of the trial program's impact on its stated goals of improving recruitment and retention. The Report notes, "Although department chairs and administrators endorse the program on these grounds [i.e., that the program is a useful tool for recruitment and retention], there is currently little direct evidence of this effect." The FEC wonders if there is any direct evidence to support a claim that the pilot has the desired effects, cautioning that evidence-based policy-making should be an important norm here as in other matters of UC policy. In the FEC's assessment, the program's original intent to enhance recruitment and retention has not been proved, and the data do not argue for the program's continuation or expansion.

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November 21, 2017

Shane White, Chair Academic Council

Re: Systemwide Review of Taskforce Report on the Negotiated Salary Trial Program

Dear Shane,

The Santa Cruz Division has reviewed and discussed the Report from the Fourth Year Negotiated Salary Trial Program (NSTP) Taskforce. Our Committees on Academic Personnel (CAP), Faculty Welfare (CFW), and Planning and Budget (CPB) have responded. Although the Division generally agrees with the Taskforce that the pilot program should be expanded to include additional campuses and departments for an additional four years, we recognize that the program does not offer equal opportunity across divisions on each campus. The Santa Cruz Division remains committed to the UC goal of bringing UC faculty salaries up to the level of the "Comparison Eight" institutions, and therefore emphasizes that this program should in no way relieve UC from its obligation to pay a competitive salary for all faculty across all disciplines, including those disciplines for which external funding is less common.

The Santa Cruz Division views positively a possible additional source of faculty compensation, which would presumably help boost campus extramural funding levels and bring additional resources to each campus from the respective overhead. However, the Division is concerned that extending the program for another trial period could easily become a backdoor means of making the program permanent without adequate formal review. Despite this concern, UCSC is generally in support of the proposal to extend the trial program for an additional four years, contingent on a robust assessment of the effects of this extended trial period. Specifically, it will be important to track the consequences of the NSTP, so as to have data at the end of the additional trial period about whether the NSTP program achieves the outcomes it is designed to achieve, and whether those beneficial outcomes outweigh any negative side effects the NTSP program may have. These data will be of critical importance in assessing whether the NTSP program should become permanent. If expanded, the Santa Cruz Division further recommends that divisional inequalities on each campus be addressed by earmarking some of the additional overhead generated by the program from extramural funding.

Sincerely,

Ólöf Einarsdóttir, Chair Academic Senate

Santa Cruz Division

cc: Carla Freccero, Chair, Committee on Academic Personnel Stefano Profumo, Chair, Committee on Faculty Welfare Carl Walsh, Chair, Committee on Planning and Budget

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November 20, 2017

Professor Shane White Chair, Academic Senate University of California 1111 Franklin Street, 12th Floor Oakland, California 94607-5200

SUBJECT: Negotiated Salary Trial Program Fourth Year Report

Dear Shane:

The Negotiated Salary Trial Program (NSTP) Fourth Year Report was circulated to San Diego Divisional Senate standing committees for review, and the San Diego Divisional Senate Council discussed the report at its meeting on November 13, 2017. The San Diego Divisional Senate Council supported the continuation and expansion of the NSTP, but had concerns that are summarized below.

Reviewers acknowledged the possible positive effects of the NSTP, and its *potential* usefulness as a retention tool. However, reviewers were concerned at the program's potential impacts on the existing salary gap issue. It needs to be noted that concerns were expressed about the *actual* usefulness of the program with respect to retention, as well as recruitment. The program was designed with these issues in mind, but actual evidence concerning its effectiveness was scarce in the report: this needs further study, with the hope that results will be compelling. Reviewers expressed concern that the program could further exacerbate the existing salary gap issues, particularly between faculty members in fields that tend to have more grant opportunities, and those faculty in fields where similar grant opportunities do not exist.

Additionally, there were concerns that faculty may disproportionately tailor their research to the most "fundable" areas. Reviewers expressed concern that research could become too tailored, potentially running the risk that the campuses could be perceived as an arm of the entity that funded the research. Reviewers also expressed concern that this program might have an unintended effect on teaching if faculty members begin to divert attention from teaching towards grant writing to support salaries. Reviewers acknowledged that there is no evidence of such activity thus far, but expressed concern that the risk of such activity occurring might increase as the program expands, and campuses continue to deal with funding issues.

Reviewers also encouraged the collection of more data, including seeking input from a wider sample of non-enrolled faculty members at participating campuses. It was striking that there was decreased participation of non-enrolled faculty within participating departments, but the interpretation that this "may suggest a growing acceptance of the NSTP…" is undermotivated by the evidence.

Sincerely,

Farrell Ackerman, Chair

fam A

Academic Senate, San Diego Division

cc: H. Baxter

R. Horwitz

R. Rodriguez

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UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION, DIVERSITY, AND EQUITY (UCAADE)
Tanya Golash-Boza, Chair
tgolash-boza@ucmerced.edu

ACADEMIC SENATE University of California 1111 Franklin Street, 12th Floor Oakland, California 94607-5200

November 17, 2017

SHANE N. WHITE ACADEMIC COUNCIL CHAIR

Re: Taskforce Report on the Negotiated Salary Trial Program

Dear Shane,

UCAADE endorses the recommendation of the Taskforce for an additional four-year trial with expansion to other campuses. However, the committee has some equity concerns and proposes the following considerations of the program during this continued trial period:

- Review of the program should consider whether it exacerbates current inequities among faculty members within the same field, particularly as these pertain to race and gender, and also whether the program deepens the salary divide between the Humanities and the Sciences.
- Policies for humanities and humanistic social science funding should be reviewed in conjunction with the program to provide comparisons. In most cases, faculty who receive external fellowships from institutions like the National Endowment for the Humanities, ACLS, SSRC, and the Guggenheim are expected to use sabbatical credits to top off their salary or accept a lower annual salary for their fellowship year. These fellowships are treated as partial salary replacement rather than salary supplements.
- The program is essentially encouraging faculty to seek external funding to increase their overall salary and self-fund raises. The next review should examine whether doing this on a larger scale has implications for the overall investment that the university makes in the faculty.
- The program should include a component of mentoring between participating faculty and their colleagues in order to share their expertise in successful grant-writing.

We appreciate the opportunity to review the report.

Sincerely,

Tanya Golash-Boza Chair, UCAADE cc: Robert May, Academic Council Vice Chair Hilary Baxter, Academic Senate Executive Director UCAADE Members

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UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB) Joshua Schimel, Chair josh.schimel@lifesci.ucsb.edu

Assembly of the Academic Senate 1111 Franklin Street, 12th Floor Oakland, CA 94607-5200 Phone: (510) 987-9466 Fax: (510) 763-0309

November 20, 2017

SHANE WHITE, CHAIR ACADEMIC COUNCIL

RE: Report on the Negotiated Salary Trial Program

Dear Shane,

The University Committee on Planning and Budget (UCPB) has reviewed the report on the Negotiated Salary Trial Program (NSTP) from the Fourth Year NSTP Task Force. UCPB's views on the task force recommendations are summarized below. On the whole, the committee supports extending the pilot, although member opinion was mixed and UCPB offers its support somewhat reluctantly.

We understand that the five-year NSTP has been in effect at the UCI, UCLA, and UCSD campuses since 2013. It is modeled on the Health Sciences Compensation Plan and is intended to add flexible options for generating faculty salary funding by allowing eligible general campus faculty to supplement their income with certain non-state resources such as grant funds and endowment earnings. The Fourth Year Task Force concluded that the NSTP has enabled hiring and retention actions; it recommends renewing the pilot for another term and expanding it to other UC campuses where there is interest. In part, we support this recommendation because we do not believe the University could cancel it in places where it is already in effect; and to allow it at some campuses but not others would "bake in" inequities across the system, which we oppose.

The majority of UCPB members support the task force's recommendations. They are persuaded by evidence cited in the report that the NSTP has helped specific departments and disciplines address faculty recruitment and retention cases, and has not, as some had feared, affected faculty teaching effort or diverted funding from graduate student education. They believe that extending the program and allowing additional UC campuses to experiment with negotiated salaries will enhance recruitment and retention efforts and benefit the University systemwide.

UCPB opinion on the usefulness of the pilot was not uniform, however. Some committee members are deeply concerned that the advantages of the NSTP may not outweigh its potential harms. They note that the NSTP benefits a select group of faculty who are able to obtain outside funding for salaries, and could worsen salary inequities by giving one subset of faculty differential access to compensation. They also note that the NSTP reduces the University's incentive to address the larger

faculty salary competitiveness problem, gives the Governor a pass to further reduce salary support for the University, and could undermine the UC merit and promotion system by further reducing the momentum to repair the systemwide salary scales. We also note that there is no metric for the success of the program—how would you know that it is successful?

UCPB knows that the University must be effective at recruiting and retaining excellent faculty to maintain its academic quality. The committee also understands that maintaining competitiveness requires the University to be more creative and resourceful as State support declines and UC faculty salaries fall further behind the market. UCPB does not doubt the report's claim that the NSTP has been an effective strategic tool for campuses in specific recruitment and retention cases. And we know that it would be difficult as a practical matter to terminate the NSTP now, after it has enabled apparently supported hiring and retaining at least some valuable faculty members.

However, UCPB is also concerned that the program does nothing to support the systemwide faculty salary scales, the backbone of UC's rank-and-step system and its best tool for enhancing faculty quality and productivity. The strength of the merit review system is grounded in having salary scales with a relevant connection to the market. Restoring the relevance and integrity of the scales is central to maintaining UC's excellence and preserving the sense of UC as one University. Indeed the need for tools like the NSTP supports the case for raising the scales.

UCPB recommends that the University proceed cautiously to renew and expand the NSTP. Implementation should include a plan to develop "success metrics"; to monitor the NSTP's effects on recruitment, retention, and salary equity; and to track how faculty and graduate students are affected by the program to further evaluate its effectiveness. We also urge UC to renew its efforts to develop a plan for addressing the faculty salary and total remuneration gap that focuses on improving the competitiveness of the published salary scales.

Thank you for the opportunity to comment.

Sincerely,

Joshua Schimel, Chair

UCPB

Encl.

cc: UCPB

Executive Director Baxter

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UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF) Christopher Elmendorf, Chair cselmendorf@ucdavis.edu

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November 20, 2017

SHANE WHITE, CHAIR ACADEMIC SENATE

RE: Negotiated Salary Trial Program from the Fourth Year NSTP Taskforce

Dear Shane,

UCAF has not quite reached a consensus view about the proposed extension of the NSTP. Most members of the committee are concerned, however, that the programs such as NSTP that tie faculty salaries to outside funding—and particularly private-sector funding—*might* subtly compromise the integrity of, and public support for, university-based research, unless suitable controls are in place. We appreciate that salary supplementation already occurs in many ways: through summer salary taken from grants; indirectly through consulting contracts; and through the health sciences programs that were the template for the NSTP. But if anything the commonness of the practice warrants more rather than less attention to potential risks—at least in cases where the money comes from private-sector actors who may have a financial or ideological stake in funded research.

We do not accuse, or even suspect, any faculty member of selling their conscience or intentionally distorting their research in return for higher pay. But we worry that as faculty become more dependent on outside and especially private-sector funders for their salaries, faculty may experience greater pressure to accept data embargos or publication restrictions, or to deviate from "best practices" that support the credibility of published findings (registration of pre-analysis plans, public release of datasets and code, etc.). We also worry about public confidence in the integrity and independence of UC research. These concerns are nonexistent when the outside funder is a public agency committed to transparent, credible research, such as the National Science Foundation or the National Institutes of Health, but if recent events in the think-tank world are any indication, the risks are nontrivial when the private sector delivers the money. ¹

Insofar as salary supplements from funders may compromise research, at least in the public's eye, the NSTP program implicates academic freedom. Academic freedom has both personal and collective

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¹ See, e.g., Kenneth P. Vogel. "New America, a Google-Funded Think Thank, Faces Backlash for Firing a Google Critic." *N.Y. Times*. Sept. 1, 2017; Eric Lipton & Brooke Williams. "How Think Tanks Amplify Corporate America's Influence." *N.Y. Times*. Aug. 7, 2016.

dimensions.² The collective component generally concerns university self-governance in relation to the educational mission, but it also serves to support the individual faculty member's scholarly freedom. There is a necessary connection between individual academic freedom and the intellectual health of the university ecosystem as a whole. If the public loses confidence in production of knowledge through universities, individual faculty members will gradually lose the support structure—research funding, engaged and productive colleagues, and an audience within the larger society—on which their ability to contribute to knowledge depends.

The risks identified in this letter are speculative. UCAF is not aware of any studies showing, for example, that research produced by faculty who receive certain salary supplements is any less replicable than research produced by otherwise similar faculty who do not receive the supplements. Indeed, one member of UCAF deems the risks too speculative to warrant a response. But most members of our committee think the risks at least warrant *consideration* by campus and UCOP officials charged with implementing the next four years of the NSTP trial. Campuses may wish to review or strengthen disclosure, conflict-of-interest, data-transparency, and related policies as they apply to NSTP program participants, particularly those whose funding comes from the private sector.³ And officials who perform the next evaluation of the NSTP program should respond to the concerns raised in this letter—concerns which, regrettably, went unaddressed in the current task force report on the NSTP program.⁴

Sincerely,

Christopher Elmendorf, Chair

UCAF

² Euben, Donna R. "Academic Freedom of Individual Professors and Higher Education Institutions: The Current Legal Landscape." AAUP. May 2002. https://www.aaup.org/issues/academic-freedom/professors-and-institutions.

³ *Cf.* Summary Statement of Principles and Policies on Institutional Conflict of Interest in Research, RPAC Memo No. 11-05, June 1, 2011,

 $[\]underline{http://ora.research.ucla.edu/RPC/Documents/UCOP\%20ICOP\%20Principles\%20Memo\%206-1-11.pdf.}$

⁴ The report notes the risk that "faculty will tailor their research to fundable areas," but then dismisses it summarily: "the practical reality is that faculty already have to tailor their research endeavors to what is fundable." Negotiated Salary Trial Program (NSTP) Fourth Year Taskforce Report, p. 19. June 22, 2017. This response strikes us as, at best, incomplete. The risk is not only that faculty will "tailor" their research to topics of interest to funders. The further, and to our mind more concerning, possibility is that the integrity of that research will be compromised, in fact or in public perception. Replicability, reproducibility, and transparency are the core concerns, not choice of research topic.

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UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP) Michelle Yeh, Chair mmyeh@ucdavis.edu

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November 16, 2017

SHANE WHITE, CHAIR ACADEMIC COUNCIL

RE: Negotiated Salary Trial Program from the Fourth Year NSTP Taskforce

Dear Shane,

UCAP reviewed the Task Force Report on the NSTP during our October 11th meeting. Committee members agreed that: 1) continuing the NSTP for another four years and expanding it to additional campuses are reasonable and will allow UC to gather more data on its impact; 2) continuing the NSTP will make it more difficult to eliminate the Program in the future if further study recommends such course of action.

Beyond the consensus stated above, different opinions existed among UCAP members. Some supported the program and did not see any negative impact, while others expressed serious concerns. There were two concerns. First, the NSTP may exacerbate existing inequities within and across UC campuses. For the most part, the NSTP does not benefit faculty who do not have access to grants, especially those in the Arts, Humanities, and some disciplines in Social Sciences. It is in this sense that the NSTP does not seem to accord with UC's overarching goal of diversity. The second concern for some members was that the administration of the Program is likely to increase staff workload; this should be considered in the implementation and the calculations of the overall cost of this Program.

Sincerely,

Michelle Yeh, Chair

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UCAP

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Nancy E. Lane

Chair, University Committee on Privilege and Tenure

Email: nelane@ucdavis.edu

Academic Senate University of California 1111 Franklin Street, 12th Floor Oakland, California 94607-5200

November 21, 2017

ACADEMIC COUNCIL CHAIR SHANE WHITE

Re: UCPT comments – Systemwide Review of the Taskforce Report on the Negotiated Salary Trial Program

Dear Shane:

The University Committee on Privilege and Tenure (UCPT) discussed the Taskforce Report on the Negotiated Salary Trial Program at its meeting on November 14, 2017, and the following are UCPT's comments.

<u>Continue</u>, <u>under careful supervision</u>. UCPT agrees that the Negotiated Salary Trial Program should continue with careful supervision.

<u>Data reported in terms of diversity.</u> UCPT requests that information by gender and racial diversity be analyzed and reported from a demographics standpoint, as well as the effects and outcomes.

Thank you for allowing UCPT to provide comments on this report.

Sincerely,

Nancy E. Lane. MD

Marry E. Lane, M.D.

Chair, UCPT

cc: UCPT members