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

June 1, 2005

**ELLEN SWITKES, ASSISTANT VICE PRESIDENT
ACADEMIC ADVANCEMENT**

Re: Academic Council's Response on the Proposed Changes to APM Policies 760, 133-17, 210-1 and 220 Related to Work and Family

Dear Ellen:

At the May 18, 2005 meeting, members of the Academic Council reviewed the proposed changes to the above listed APM policies related to work and family and agreed that the changes proposed were long overdue and a step in the right direction toward improving the quality of family life for UC faculty. The language of entitlement that the proposed revisions contain is much needed, given the resistance to the implementation of these policies that unfortunately persists on many, if not all UC campuses. However, Council members cautioned that a continuing problem for UC faculty is the availability of appropriate, affordable childcare on the campuses, and that the enactment of these revisions should not be interpreted as the final solution to the problems faced by childrearing faculty. In fact, this is an issue that at least one Systemwide Senate committee plans to actively pursue next year.

In its discussion, the Academic Council noted that one of the major recommendations it made last year during the preliminary review period, which is not addressed in this revision, was to rectify the obvious inequity between the total leave benefit available to faculty at campuses on the semester system versus faculty at campuses on the quarter system. **In the interest of fairness and equity, the Academic Council strongly urges that the policy be revised to extend to one full academic year the total leave available to faculty on quarter system campuses so that it is equivalent to the one full year granted to faculty on semester campuses.** If you do not plan to include this change in the final version of the APM, the Academic Council specifically requests that the administration provide a detailed, written justification to the Council explaining why it makes sense to have a policy with very different implications among the various campuses.

Another concern that was raised by Council last year had to do with the difficulty of pro-rating scholarly productivity as a percentage of part-time appointments, particularly in disciplines where a book is the normal measure of productivity for advancement. While Appendix B attempts to address this problem, the guidelines could be made clearer in some sections. The University Committee on Academic Personnel has offered to work with the Office of Academic Advancement over the next several months to further develop and improve the language in Appendix B.

So that you have the full benefit of the specific comments and recommendations offered by the committees and divisions that chose to review these draft policies, I am pleased to forward their responses with this letter. But, the following general recommendations are worth highlighting here.

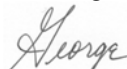
First, the Academic Council recommends that some implementation guidelines be formulated for use by department chairs, since a lack of uniformity in implementation tends to have a negative impact on faculty retention. In addition, department chairs should receive some form of training in order to make even-handed decisions regarding length of leave that are compliant with law, the APM policies, and departmental guidelines.

In a similar vein, the Academic Council recommends that there be a campus-wide administrative mechanism to ensure that departments and their faculties are not adversely affected, or perceived as being adversely affected, when a departmental colleague takes advantage of the Active Service Modified leave provision. This stems from Council's concern that small departments, in particular, might be adversely affected by this policy because they might not receive funding to replace the faculty member who is on Active Service Modified Leave. Consequently, a faculty member contemplating such a leave may fear that his or her departmental colleagues will be expected to assume that person's teaching responsibilities. This could have a negative effect on faculty morale and retention. The Academic Council strongly believes that every faculty member should have the right to take advantage of the Active Service Modified Leave provision without fear of unduly burdening his or her colleagues or compromising the department's instructional program.

Finally, with the recent issuance of the proposed APMs concerning sick leave, medical separation and leaves of absence (APMs 710, 808 and 700), there is a concern that some confusion may arise about the leave provisions related to those policies and the "active service modified duties" provision in the childbearing and childrearing policies. The Academic Council, therefore, strongly supports UCFW's recommendation that it be made clear in the sick leave/medical leave APMs that they are separate and apart from the childbearing and childrearing policies and do not negate the concept of "active service-modified duties."

Thank you for seeking Council's comments on these important policies. They represent an important step forward. Please let me know which of our recommended modifications we may expect to see included in the final APM policies.

Best regards,



George Blumenthal, Chair
Academic Council

Encl: Comment letters from UCPB, UCFW, UCEP, UCAAD, UCAP, UCD, UCSF, UCSD,
UCB, UCLA and UCI

Copy: Academic Council
María Bertero-Barceló, Executive Director

GB:bjm



UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)
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April 13, 2005

GEORGE BLUMENTHAL
Chair, Academic Council

RE: Formal Review of Systemwide Academic Personnel Policies Related to Work and Family: APM 760, 133-17, 210-1 and 220

Dear George,

At its April 12, 2005 meeting, the University Committee on Planning and Budget discussed the proposed changes to the Systemwide Academic Personnel Policies Related to Work and Family, specifically APM 760, 133-17, 210-1 and 220. The committee believes these salutary changes are long overdue in the University, and therefore unanimously endorses the proposed policies.

Respectfully submitted,

Michael E. Parrish
Chair, UCPB

cc: UCPB
Executive Director Bertero-Barcelo



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
John Oakley, Chair
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April 26, 2005

GEORGE BLUMENTHAL, CHAIR
ACADEMIC COUNCIL

Re: UCFW's Final Comments on Academic Personnel Policies Related to Work and Family: APMs 760, 133-17, 210 and 220

Chair Blumenthal:

I am pleased to submit UCFW's comments on the revised APMs 760, 133-17, 210 and 220. These comments are based principally on the responses of UCFW members Sally Ness (UCR) and Robert Newcomer (UCSF) to my request that the membership review these proposed revisions individually and submit comments electronically. You received a preliminary draft of this letter on April 15th. Since then, UCFW has had an opportunity to discuss these proposed revisions face-to-face during our meeting on April 22nd. As a result, the draft letter has been revised to include several additional observations offered by the committee. Today's letter supersedes the draft letter of April 15th.

UCFW believes that the changes proposed by these policies would significantly enhance the academic environment and work/life situation of childbearing and childrearing faculty. The proposed additional quarter of "active service-modified duties" status is a major improvement in our response to the demands that childbearing or childrearing places on a faculty member. The language of entitlement that the proposed revisions contain is much needed, given the resistance to the implementation of these policies that unfortunately persists on many, if not all UC campuses. The clarification of part-time expectations, the extension of the timeframe for advancement for part-time appointees, and the provision of guidelines regarding their review and evaluation, are also significant improvements over the existing policies. The prohibition against offsetting the teaching relief that "active service-modified duties" status is intended to provide is also much needed.

While these changes take important steps in the right direction, they should not be considered the final solution to the problems faced by UC faculty in connection with childbearing and, more broadly, childrearing. In particular, the proposed revisions fail to address the difficulty in obtaining appropriate, affordable childcare, which is arguably the single greatest problem faced systemwide by childrearing faculty. Since this issue affects both faculty morale and retention, UCFW intends actively to address this problem next year. Therefore, UCFW is concerned that enactment of the present set of proposed "family friendly" revisions of the APM not be interpreted as closing rather than opening the door to further, and possibly more significant, revisions that the committee may recommend in coming months.

The proposed policies also fall short in the following other ways:

- **APM 760-28a.** The definition of “active service-modified duties” is ambiguous, which gives those department chairs who may not wish to comply with these policies the opportunity to do so. Until the definition clearly states that faculty are released from ALL teaching duties, as opposed to “partial or full relief,” this is likely to remain a weak and ineffective policy.
- **APM 760-28a.** There is an inequity for those faculty on the quarter system. Birth-mother faculty members on the quarter-system campuses will be afforded one quarter less on “active service-modified duties” status than those on semester-system campuses. The same period of time should be equal for birth mothers on all campuses, regardless of the term system employed.
- **APM 760-28,30,31 and APM 133.** No rationale is given for establishing age 5 as the cut-off age for newly adopted children to qualify a childrearing faculty member for “active service-modified duties” status. This or any cut-off age as to a minor child seems arbitrary. Any newly adopted child may require extra parental time and effort.
- **APM 760-25(b).** Pursuant to this policy, Senate members are eligible for leave regardless of length of service, yet non-Senate members are required to serve 12 consecutive months before they are eligible. Not only does this create inequity among Senate and non-Senate faculty but also seems unnecessary since the funding source for leave status is not specified and presumably includes the option of leave without pay. A system should be developed to accrue sick leave as a means of financing leave for non-Senate faculty or Senate faculty who may wish to take a longer leave with pay than the policy permits.

General Recommendations:

- Guidelines should be established for department chairs to implement these policies. While it is important that chairs have discretion regarding family leave and promotion (due to budget constraints, meeting departmental teaching obligations, or other factors), lack of uniformity in implementation tends negatively to impact faculty retention. It would be helpful to have set and equitable guidelines for disability salary continuance within departments. In addition, department chairs should receive some form of training in order to make even-handed decisions regarding length of leave that are compliant with law, the APM policies, and departmental guidelines.
- The waiting periods for employee-paid supplemental disability benefits (currently 7, 30, 90 or 180 days) are either too short or too long. These benefits may be the only means of replacing income lost during a childbearing leave. (See proposed APM 760-25(a).) A waiting period of 45 and/or 60 days should be added to increase employee options and help employees to maximize their benefits coverage.
- To eliminate confusion, UCFW strongly recommends that there be clear distinctions made in the APMs between the leaves related to childbearing and childrearing and those related to leaves of absences and sick leave. UCFW members were concerned that the proposed revised and new APMs concerning absences/sick leave, medical separation and leaves of absence (APMs 710, 808 and 700), which are currently undergoing an informal review, be redrafted to make it clear that they do not negate the concept of “active service-modified duties” and thus create an unfair situation for birth mothers.

Sincerely,

/s/

John Oakley, Chair

University Committee on Faculty Welfare

Copy: UCFW



UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY (UCEP)
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April 14, 2005

GEORGE BLUMENTHAL, CHAIR
ACADEMIC COUNCIL

Re: Proposed Revisions to APM Policies Related to Work and Family

Dear George,

At its April 11, 2005 teleconference meeting, UCEP reviewed proposed revisions to APM policies related to work and family.

UCEP submitted comments to Council on these policy revisions last year during the informal stage of the review. We were very supportive of the changes, but also noted what seemed to us to be an inconsistency in the active service modified duties benefit given to faculty members on a semester system and those on a quarter system. The section of the policy in question is:

"An academic appointee is eligible for a period of active service-modified duties of up to one quarter (or one semester) for each event of birth or placement for adoption or foster care. (The birth or placement of one or more children at the same time constitutes a single event of birth or placement.) An academic appointee who is a birth mother is also eligible for an additional quarter (or semester) of active service-modified duties to enable a full recovery from the effects of pregnancy and childbirth."

The policy allows for one quarter (or semester) for childbirth and one additional quarter (or semester) for recovery. On one hand, this policy would seem reasonable, since a quarter or a semester is the minimum time that can be allocated to each of these activities. However, the inequivalence becomes clearer when those two activities are combined, as in Chart I on p. 30 of <http://www.universityofcalifornia.edu/senate/underreview/apm.work.family.0305.pdf> "Up to 2 quarters (or 2 semesters) active service-modified duties and childbearing leave."

Last year, UCEP requested that two quarters be extended to three quarters in the interest of equivalency. However, it appears that this change was not included in the current version of the proposal. Therefore we must ask again that the benefit available for women faculty on quarter system campuses correspond to what is available for UCB and UCM faculty members.

Sincerely,

A handwritten signature in cursive script that reads "Joe Kiskis".



UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION AND DIVERSITY
ROSS FRANK, CHAIR
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April 12, 2005

GEORGE BLUMENTHAL, CHAIR
ACADEMIC COUNCIL

Re: APM Policies Related to Work and Family

Dear George,

UCAAD has reviewed UCOP's proposed revisions to systemwide academic personnel policies related to work and family, which aim to spell out what types of family accommodation are available to faculty, clarify definitions and standards of active service modified duties; and emphasize that faculty who take an ASMD or additional time off the clock for childrearing should not be decelerated or otherwise treated unfairly.

Members agreed that the changes are generally very positive, will improve the quality of life for faculty, and may have a differential impact on retention of women and underrepresented minority faculty at the University. As awareness of family and diversity increase as issues of importance, such "Family Friendly" personnel policies are more important than ever to the university and a productive academic environment.

However, a concern was raised about the apparent discrepancy between the total leave benefit available to faculty at campuses on the semester system—Berkeley, and soon Merced—and faculty at campuses using the quarter system. Extending the leave to one full year for semester campuses but only two quarters for quarter campuses constitutes a 50% greater recovery time for childbearing women at UCB and UCM. Therefore, we recommend that the total leave available to faculty on quarter system campuses be extended to one full academic year in the interest of fairness and equity.

Sincerely,

Ross Frank
Chair, UCAAD

RF/ml

cc: Academic Senate Director Bertero-Barceló
UCAAD members



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
ALAN BARBOUR, CHAIR
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April 18, 2005

GEORGE BLUMENTHAL, CHAIR
ACADEMIC COUNCIL

Re: Proposed "Family Friendly" APM Revisions

Dear George,

UCAP has reviewed the proposed revisions to APM policies related to work and family. Like last year's UCAP (see its February 2004 letter to Council), the current UCAP is generally very supportive of the revisions. Family accommodation policies for childbearing and childrearing are important to a productive academic environment at the University as well as to the successful recruitment and retention of faculty. However, we would also like to offer a few comments and suggestions that we believe will clarify and improve the document.

First, in APM-760-28-a (pg. 20-21 of the PDF file), the policy continues to equate "two quarters" with "two semesters" and "one quarter" with "one semester" with regard to "active service-modified" duties for childbirth and recovery. UCAP noted this inconsistency in its February 2004 letter. This discrepancy between campuses on a semester system and those using a quarter system in this regard should be resolved, and in the interest of equity we recommend that the ASMD benefit for faculty on quarter system campuses be increased to three quarters for those circumstances in which semester-based campuses are allowed two semesters.

New language in APM-220-18-b (pg. 52 of the PDF file) states: *Personnel reviews that are deferred due to a candidate's family accommodations as defined in APM -760 should be treated procedurally in the same manner as personnel reviews conducted at the normal period of service and shall be evaluated without prejudice.* We are not sure whether to interpret "procedurally" in a strict sense, as merely the handling and management of the personnel file, or in a broader sense, meaning how the file is evaluated at different levels of review. If the intent was the latter, this could work to the disadvantage of faculty members with deferrals.

APM-760-30 deals with "stopping the clock". Although there are indicators in the revised document about the conditions under which this can be done and about when it can be requested, there is little indication in the policy text on how to initiate this request. Presumably, it is done through an individual's department, but this could be made more explicit by adding a phrase or single sentence to this section.

Likewise, APM-133-17-h should be clarified by indicating that “stopping the clock” also applies to other Senate faculty that fall under the eight-year rule but do not have tenure in the strict sense. Faculty members in the In Residence series and the Clinical X series, for example, still face the critical barrier of promotion to Associate Professor.

Finally, the new Appendix B to APM-220 (pg. 55-57 of the PDF file) discusses the difficulty of pro-rating scholarly productivity as a percentage of part-time appointments, particularly in disciplines where a book is the normal measure of productivity for advancement—the “half a book” problem. Appendix B captures some of the concerns we raised last year and is a commendable start, but we think that the guidelines in the Appendix could be clearer in some sections. For example, how do we identify a “culture” that expects “more than a full-time commitment,” since it seems possible to identify such expectations in most, if not all disciplines? The recommended practice of producing a Memorandum of Understanding between the candidate and the campus at the time of the initial appointment or change of appointment is a good and useful idea, but there may be a risk for the faculty member (and ultimately for her or his department and campus) if the language of a Memorandum that aims for “flexibility” is overly vague about contingencies. To address these concerns, UCAP offers its collective services to work together with the Office of Academic Advancement over the next couple of months to further develop and improve the language of this Appendix.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Barbour', with a large, stylized initial 'A'.

Alan Barbour
Chair, UCAP

AB/ml

cc: UCAP Members
Executive Director Bertero-Barceló



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May 6, 2005

George Blumenthal, Chair
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Oakland, CA 94607-5200

Dear George,

In response to the March 18, 2005, request for review, the only substantive response received from committee review is a question of who is going to pay for implementation of this policy. I quote the question of a highly respected female faculty member: "Who pays for this? I am assuming that individual departments and units are NOT responsible for the costs but that it is a university-wide responsibility. Other wise I could anticipate some discrimination in hiring women of reproductive age."

Sincerely,



Daniel L. Simmons
Professor of Law and
Chair of the Davis Division
of the Academic Senate



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Leonard Zegans, MD, Chair
Deborah Greenspan, DSc, BDS, Vice Chair
Jon Levine, MD, PhD, Secretary
Jean Olson, MD, Parliamentarian

George Blumenthal, PhD
Professor and Chair, Academic Council
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May 5, 2005

Dear Chair Blumenthal:

I am forwarding to you the UCSF response to your request for review and comment on proposed changes to APM Policies 760, 113-17, 210-1 and 220 Related to Work and Family. A special UCSF Task Force was formed with representatives from Faculty Welfare, CAP and each of our four School Faculty Councils to review and consider the proposed changes to these sections of the APM. I enthusiastically support and concur with the recommendations of the Task Force related to suggested changes to the sections of the APM under review.

Thank you for the opportunity to review this important matter before the UCSF Division. Please do not hesitate to contact me should you have any questions.

Sincerely,

Leonard S. Zegans, MD
Professor and Chair
UCSF Academic Senate

/enclosure- Communication from the UCSF Academic Senate Task Force Reviewing the APM Polices Related to Work and Family

cc: Maria Bertero-Barcelo, Executive Director, Academic Council
UCSF Academic Senate Task Force Reviewing the APM Polices Related to Work and Family



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**COMMUNICATION FROM THE TASK FORCE REVIEWING APM POLICIES
RELATED TO WORK AND FAMILY
Candy Tsourounis, PharmD, Chair**

May 4, 2005

Leonard S. Zegans, MD
Professor and Chair
UCSF Academic Senate

Re: Faculty Comments on APM Policies Related to Work and Family

Dear Dr. Zegans:

At your request, we have reviewed the proposed revisions to the APM Policies Related to Work and Family that were submitted to the San Francisco Division for feedback by the Academic Council. Overall, the Task Force was very pleased with revisions to the APM that would make UC a more "family friendly" institution. The systemwide Senate should be applauded for undertaking this very important issue. The Task Force believes that these policies will not only increase satisfaction among existing faculty, but they will also assist in efforts to recruit talented new faculty.

The Task Force identified a number of areas where the proposed APM revisions could be strengthened to ensure fairness and equity for all UC faculty. Our comments and recommendations are outlined below.

- 1) **As drafted, the APM Policies Related to Work and Family only apply to Ladder rank Academic Senate series faculty.** The Task Force feels that these policies should apply to all faculty regardless of rank or series. This is especially true at UCSF, where a vast number of faculty are in the Clinical series. Family concerns are not unique to tenure-track Senate faculty. On the contrary, junior faculty just starting their careers and families are most likely to need the accommodations provided by the policies.
- 2) **The policy language should be neutral in order to encompass diverse family situations.** The APM Policies Related to Work and Family should apply equally to all families, regardless of gender, sexual orientation or other factors. For example, gender-specific pronouns should not be used and the term "parent" should be favored over "mother" or "father." In addition, the policy language should reflect the needs of same sex parents, adoptive parents and faculty members caring for an elderly parent or teenager with special needs. Finally, child rearing responsibilities should be treated

similarly to those associated with child birth. The Task Force recommends a line by line review of the policies to ensure this type of neutrality and fairness throughout.

- 3) **UC faculty promotion criteria should not be weakened in terms of quantity or quality of scholarly work. However, the 8-Year Rule should be extended more than two years.** There is a clear possibility for conflict between the desire to maintain the academic integrity of UC and the goal of these policy revisions to allow faculty greater opportunity to focus on family. In order to maintain the excellence of the UC faculty, the Task Force feels strongly that the promotion criteria currently used by Divisional Committees on Academic Personnel must not be altered. All faculty being considered for promotion must be held to the same high standards regarding quantity and quality of work.

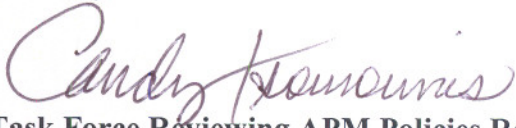
The Task Force proposes that the 8-Year Rule be extended more liberally as a means to achieve some measure of flexibility for faculty who reduce scholarly activity due to family obligations. The current proposal would extend the 8-Year Rule up to two years. The Task Force recommends that the Senate consider an extension of up to four years. In addition, it may be helpful to institute some mechanism for further extension of the 8-Year Rule under extenuating circumstances. Such a mechanism should be codified in a written policy.

Appendix B to APM – 220, Appointment and Promotion offers guidelines to address issues that may arise during the review and evaluation of part-time appointees. The Task Force feels that these guidelines are too vague to provide individual campuses with meaningful guidance regarding promotion of part-time faculty. **To the extent that these guidelines permit each campus to devise its own promotion scheme for part-time appointees, the Task Force further recommends that you create an ad hoc committee to develop UCSF Divisional promotion criteria for part-time faculty.**

- 4) **The revised policy language equates a quarter-based system to a semester-based system.** As drafted, the policies would provide for leave and other benefits on a disproportionate basis depending on whether the specific institution operates on a semester or quarter basis. The Academic Council should thus consider policy revisions that would account for the differences between quarter and semester-based systems.
- 5) **Review of the APM Policies Related to Work and Family should be included in the Checklist for New Faculty Appointments.** As a Divisional recommendation, the Task Force suggests that the Committee on Academic Personnel (CAP) be asked to modify the Checklist for New Faculty Appointments to include a mandatory review of the APM Policies Related to Work and Family. This will help to ensure that Department Chairs provide new faculty with information about these important policies. It would also be helpful to post the final versions of the APM Policies Related to Work and Family on the UCSF Academic Senate website.

The members of the Task Force believe that the above recommendations will strengthen the APM Policies Related to Work and Family significantly by ensuring that policy language is neutral and applicable to all faculty series, academic systems and unique family circumstances. Thank you again for the opportunity to review these important policies. Should you have any questions or concerns, please do not hesitate to contact Candy Tsourounis at (415) 502-5091.

Sincerely,

A handwritten signature in cursive script that reads "Candy Tsourounis".

Task Force Reviewing APM Policies Related to Work and Family,

Candy Tsourounis, PharmD, Chair (Committee on Faculty Welfare, Pharmacy Faculty Council)

Joseph Guglielmo, PharmD, Task Force Member (Committee on Academic Personnel)

Arnold Kahn, PhD, Task Force Member (Dentistry Faculty Council)

Carmen Portillo, PhD, RN, FAAN, Task Force Member (Nursing Faculty Council)

Lydia Santiago, PhD, Task Force Member (Committee on Equal Opportunity)

Wade Smith, MD, PhD, Task Force Member (Medicine Faculty Council)



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May 9, 2005

PROFESSOR GEORGE BLUMENTHAL, Chair
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SUBJECT: Review of Systemwide Academic Personnel Policies Related to Work and Family: APM 760, Family Accommodations for Childbearing and Childrearing; APM 133-17, Computation of Years of Service; APM 210-1, Instructions to Review Committees which Advise on Actions Concerning Appointees in the Professor and Corresponding Series; APM 220, Professor Series

Dear George:

The Senate Council of the San Diego Division received comment from the cognizant committees and considered the Academic Personnel Policy proposals related to work and family at its May 2, 2005 meeting. The Council endorsed the proposals.

Members were especially pleased that the new Appendix B to APM 220 states that the expectations for advancement for faculty with permanent part-time appointments should reflect the part-time nature of the appointment rather than reflecting a decreased or pro-rated amount of scholarly productivity. The flexibility afforded by the proposals was seen as a welcome and needed approach to work and family issues.

The Divisional Committee on Faculty Welfare pointed out one related aspect that remains unaddressed. While perhaps not appropriate for inclusion in these specific APMs, the issue of access to childcare is significant for younger faculty. Availability of childcare is especially important to this group of our colleagues as they work to establish their professional identities, their University careers and trajectories, and their families.

Council's specific comments on the APMs were as follows:

- o 760-35.f(3), General Provisions – Reinstatement Following Childbearing or Parental Leave. The Council wondered if the phrase “definite end date” could be interpreted to apply to academic appointees who have end dates based on funding constraints. This phrase seems to only make sense in the context of a terminal appointment.
- o 133-17.j. The word “arbitrarily” should be removed.
- o 220, Professor Series. This APM refers only to faculty members in the Professor series. The Council assumes that similar changes are contemplated for the APMs covering equivalent series.

Sincerely,

Donald F. Tuzin, Chair
Academic Senate, San Diego Division

cc: J.B. Minster
ChronFile



May 10, 2005

GEORGE BLUMENTHAL
Chair, Academic Senate

Subject: Proposed revised family friendly policies

At its meeting on May 9, 2005, the Divisional Council of the Berkeley Division considered the proposed revised family friendly policies, and the comments of the Committee on Budget and Interdepartmental Relations (BIR) and the Committee on University Welfare (UWEL).

While there is consensus that the revisions are needed and should enhance the working environment for faculty in the UC system, four issues came to the fore with respect to the proposed policies:

Active Service-Modified Duties (ASMD)

A number of concerns focus on the definition and implementation of Active Service-Modified Duties. The definition of ASMD is still ambiguous and subject to varying interpretations by faculty members and department chairs.

UWEL noted that a number of terms and concepts in the policies are unclear or used inconsistently:

“Childbearing leave” versus “ASMD” is still confusing. One paragraph describes the former as “at least six weeks” while another describes it as “up to six weeks.” Meanwhile, later paragraphs that refer to a “childbearing leave” that will be excluded from a service record would be clearer if described as “non-ASMD childbearing leave.” The APM guidelines should articulate a consistent policy with consistent and clarifying language when making the distinction between ASMD and other kinds of parental leaves.

Similarly, while many portions of the document say that a faculty member is eligible for ASMD if s/he is providing a “substantial” amount of childcare, another portion says that the faculty member must provide “more than half.” (See, in particular, Sections

760-35b and 133-133-17h(1).) DIVCO echoed UWEL's recommendation that the policy consistently use the phrase "at least half" or "50% or more" in all of these instances.

Temporary Reduction in Percentage of Time

DIVCO discussed at length the implications of policies related to the temporary reduction in a faculty member's percentage of time. The BIR in its comments expressed its concern about the proposed changes to APM 220-10. Specifically:

Proposed changes suggest that part-time faculty can negotiate "an extended time frame for review." This proposal seems to assume that the scholarly output of half-time faculty is expected to be half that of full-time faculty ... In the present context, we want to stress the importance of distinguishing as clearly as possible between reductions in work load for family reasons and all other half-time appointments. The summary sheet provided with the materials is misleading: it stipulates that what is being proposed is to "amend current policy to allow for an extended time frame for advancement of all part-time appointees in this series." We hope this means "advancement of all part-time appointees on reduced time for family reasons," as we would not want expectations of scholarly production to be reduced for those who are on half-time for other reasons (such as, for example, the running of a business).

Many on Divisional Council took exception to this position, supporting instead an extended timeframe for review of faculty with reduced appointments, whatever the reason. While there was no consensus on this point, there was broad agreement that in the case of all part-time appointments the terms and expectations with respect to merit and promotional reviews must be negotiated from the outset and made explicit in the agreement between the faculty member and the department.

Fairness and Equity Concerns

DIVCO expressed concerns about fairness and the equitable treatment of faculty under the proposed policies. As noted by the BIR: "... in our experience the actual amount of teaching and service reduction accorded a particular faculty member often depends upon the size and makeup of her or his department. Experience suggests that faculty members in large departments may receive more relief from duties than do faculty members in smaller departments." DIVCO agreed both with BIR's observation and with their proposed remedy that ASMD agreements between faculty members and chairs should be subject to decanal review.

BIR also expressed concern about the implications for merit and promotion reviews:

The proposed new version of APM 220 16d stipulates that "the appointee shall execute a memorandum of understanding [with the department]... [and] the memorandum of understanding...shall specify expectations as to workload, productivity, reviews, and any other applicable conditions of the appointment." Because these proposed terms affect the evaluation of faculty members for merit increases and promotions, we believe that such memoranda of understanding should be sent to campus Committees on Academic Personnel (CAPs) for review.

There was consensus among DIVCO members that a year of ASMD should be the standard systemwide, regardless of whether the campus is on the semester system or the quarter system.

Finally there was general agreement that, in the interest of fairness, fathers and adoptive parents should be extended the same ASMD as birth mothers. Specifically, there should be a standard term, recognizing that additional accommodation may be necessary in special circumstances.

Health Sciences Compensation

When faculty members who are members of a health sciences compensation plan, in which base salary differentials are funded from pooled patient care income in a department, go on active service-modified duties, and if modified duties involve reduced patient care activities, and hence a lower contribution to the departmental pool of patient care income, the agreements about compensation should remain in effect. Section 760-28c refers to this issue, but seems vague. This is a small point for the Berkeley campus, as it affects only our School of Optometry.

Sincerely,



Robert C. Knapp
Chair, Berkeley Division of the Academic Senate

Cc: Janet Broughton, Chair, Committee on Budget and Interdepartmental Relations
Yale Braunstein, Chair, Committee on University Welfare
Jean Fitz, Manager, Committee on Budget and Interdepartmental Relations
Dmitry Gudkov, Senate staff, Committee on University Welfare

UCLA's Comments on Work-Family APM Proposals

Sent: Tuesday, May 10, 2005 11:50 PM

To: William L. Oppenheim, M.D.; Diaz, Yasmine; Brunk, Clifford; Davis, Paul; Eligio Martinez; Haberland, Margaret E.; Ingersoll, Raymond V.; Kaplan, David B.; Komar, Kathleen; McDonald, William; Michelle Sugi; Peplau, Letitia Anne; Post, Jonathan F.S.; Rigby, David L.

Subject: RE: Draft Exec Brd Agenda - Thursday, May 12

Bill -- Thanks for your input. I understand your concern about advancement for part-timers, but let me suggest a different way of looking at it. Our advancements are based on both quality (or level of distinction) and quantity. The way I read it, the policy says that a part-time person must reach the same level of distinction, but may in some circumstances not be required to maintain the same quantity of output to be advanced. Does this mean that part-time people are getting away with lower standards? Well, keep in mind that part-timers (lets says half-time for the sake of argument) are being PAID HALF AS MUCH! If they are held to the same quantity as well as quality, they will take TWICE AS LONG to advance to a given level, and therefore their compensation will be considerably less than half as much as a full-time person. I don't think this issue is at all straightforward, and it appears to me that the policy is trying to recognize the inherent difficulties, enable flexibility, and build in procedures for coming to advance agreements on expectations for promotions.

Sorry you won't be at Exec Board to discuss.

-- Adrienne

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=====

-----Original Message-----

From: William L. Oppenheim, M.D. [<mailto:woppenhe@ucla.edu>]

Sent: Tuesday, May 10, 2005 3:12 PM

To: Diaz, Yasmine; Brunk, Clifford; Davis, Paul; Eligio Martinez; Haberland, Margaret E.; Ingersoll, Raymond V.; Kaplan, David B.; Komar, Kathleen; Lavine, Adrienne G.; McDonald, William; Michelle Sugi; Peplau, Letitia Anne; Post, Jonathan F.S.; Rigby, David L.

Subject: Re: Draft Exec Brd Agenda - Thursday, May 12

I cannot be there, but I pre read the material. Here is my 2 cents, perhaps not worth that much.

I agree with the IRB report which concludes as we did that a cultural change needed in the IRB process before it is looked at as promoting safe research, as opposed to braking all research.

I agree with the concerns about licensing each foreign student to each research technology. The bureaucracy is stangling enough and costly enough already. Once a student/fellowship visa has been approved, that person should be allowed to be a student. If there is a security concern, don't approve the student in the first place. Micromanaging of a University laboratory by a government personnel manager is not feasible, except in hindsight, and perhaps should be restricted to the National Labs and other high security concerns where everyone has to undergo security screening as part of those special environments..

As to family leave issues, it is hard to not buy the apple pie agreements. I certainly have no problem with the compensatory policies regarding issues of childbirth, particularly when applicable to both genders. Or military serve, or for the mitigation of health issues. However, I need some clarification of the policies as concerns part time people, presumably those who wish to work part time because of family responsibilities or lifestyle considerations. Perhaps we should have different tenure tracts such as Part time Assistant Professor or Part time Associate Professor. Until we do, it is probably not a good idea to endorse procedures which award the same degrees to part timers because they fulfill a preordained contract with their department which codifies that they could not possibly complete the same degree of work as the full time equivalents and therefore should be judged by only their part time efforts. That is what a lot of the latter part of the document said to me. In my view, part time employees should meet the same academic standards if they are to awarded the same academic levels. If it takes them a year or two or three longer, fine. But to award them the same degree with a lesser overall productivity effort is to weaken the academic distinction itself. I am sorry that I will not be there to defend this position, but I hope you all get what I mean without branding me as sexist or antifamily.



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May 4, 2005

George Blumenthal, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Academic Personnel Policies Related to Work and Family

At the Informal Review stage of APM 760, 133-17, 210-1, and 220, the Irvine Division of the Academic Senate expressed concern that in APM 760, semesters and quarters were treated as equal periods of time. The current proposed revision, dated 3/15/05, continues to use the words semester and quarter interchangeably and Irvine continues to be concerned. The phrase, "up to four months" would be the preferred substitute for "one quarter (or one semester)." This will make the policy equitable for all the UC campuses.

Irvine had no other objections or suggested revisions. Thank you for the opportunity to comment on this important matter.

A handwritten signature in cursive script that reads "Joseph F.C. DiMento".

Joseph F.C. DiMento, Senate Chair