



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

December 21, 2009

DWAINE DUCKETT
VICE PRESIDENT, HUMAN RESOURCES

Re: Proposed SMG policies

Dear Dwaine:

In response to the proposed SMG policies on absence from work (including transition leave), outside professional activities, and termination of appointment, three divisions expressed support (UCI, UCSB, UCSF), three had no comment (UCD, UCM, UCR), and the remaining divisions offered the following recommendations.

1. *Transition leave (UCB, UCLA, UCSC, UCSD) and sabbatical leave (UCB, UCSD) should be based on the faculty, not the administrative, rate of pay.* Since transition and sabbatical leaves are intended to enhance the faculty member's scholarship or to allow time to prepare for a return to the academic pursuits of teaching and research, it is inappropriate for compensation to be based on compensation for administrative duties. Indeed, as UCB notes, disputes over SMG compensation have done great damage to the reputation of UC, and the proposed policies do not rectify the situation. UCLA states that in a time of furloughs and layoffs, it is indefensible that SMG salaries be applied to transition leave, and UCLA makes its endorsement contingent on the revision of the policy and acceptance of its recommendations. Please note that in its comments on APM 240 (deans) last spring, Council similarly urged that deans receive compensation at their academic salaries for sabbatical or transition leaves.
2. *SMG members should report outside professional activities and potential conflicts of interest to the Chief Compliance Officer, in addition to their supervisors (UCB).* Such an approach will provide consistency across campuses and, given the removal of deans from the SMG, should not pose an undue burden on the compliance office.
3. *Acting SMG members should not be exempted from the requirement to report on outside professional activities (UCLA).* Since acting SMG members often serve for extended periods of time, they should be subject to the same standards of disclosure as all SMG members.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Henry C. Powell", with a long horizontal flourish extending to the right.

Henry C. Powell, Chair
Academic Council

Copy: Dennis Larsen, Executive Director, Executive Compensation and Performance Management
John Fox, Director, Human Resources Policies
Academic Council
Martha Winnacker, Academic Senate Executive Director



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

December 9, 2009

HENRY POWELL
Chair, Academic Council

Subject: Proposed new Senior Management Group policies

Dear Harry,

On December 7, 2009, the Divisional Council (DIVCO) of the Berkeley Division discussed the proposed Senior Management Group (SMG) policies, informed by reports of the divisional committees on Budget and Interdepartmental Relations and Faculty Welfare.

The comments of the reporting committees address the key points of discussion and concern raised by DIVCO:

Budget and Interdepartmental Relations:

The key issue to be addressed is the manner in which sabbatical and transition leaves are to be granted to SMG members who also hold academic titles. First we address the issue of sabbatical leaves. According to Section 103.4 of the Standing Orders of the Regents of California, as quoted in APM 740-0:

Sabbatical leaves are granted, in accordance with regulations established by the President, to enable recipients to be engaged in intensive programs of research and/or study, thus to become more effective teachers and scholars and to enhance their services to the University.

Since a sabbatical leave is clearly intended to enhance an individual's academic activities, in particular teaching and scholarship, we find it ill-considered that the proposed policy bases sabbatical compensation on the administrative salary of the SMG member, albeit suitably adjusted according to the percentage of sabbatical credits accrued during the individual's administrative as opposed to academic assignment. A more

rational policy would base sabbatical compensation on the individual's academic salary.

The second issue deals with transition leaves for SMG members, the purpose of which is to allow an individual to prepare for return to full-time academic pursuits. The proposed policy reasonably places limits on the combination of transition and sabbatical leaves taken during administrative service to no more than one year within the last five years and further requires the individual to return to active University service at the end of the leave period. However, the proposed policy is to continue to pay said individual at the level of her or his administrative compensation. Yet the work undertaken during this period is unrelated to administrative duties. Under the principle that such leaves are specifically for the purpose of enhancing a faculty member's return to full-time teaching and research, it is more appropriate that the individual be restricted to receiving her or his academic salary during the period of leave.

Faculty Welfare:

The Committee on Faculty Welfare provided comments on the preliminary version of some of these policies two years ago this month, and we were pleased that our comments were incorporated into the informal responses of both the Berkeley Division and the systemwide Academic Senate. Unfortunately, the latest document from the Office of the President (Draft Policy 2.600: SMG Outside Professional Activities) fails to address one important issue that we raised during the preliminary review.

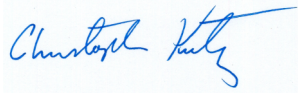
To clearly restate our position, we do not consider it sufficient for members of the SMG to report outside professional activities and potential conflicts of interest and/or commitment only to "the person or office to whom an individual reports". Different supervisors may reasonably have different standards on what constitutes a conflict and on the appropriate approach to resolving such a situation. The University needs consistency in this area, both across different reporting units and over time. As drafted the current proposed policy will likely lead to inconsistent treatment of individuals and cases.

The solution to this should be obvious. In addition to reporting to one's immediate supervisor, reports from members of the SMG--whether those required in advance or those submitted after the fact--should also be submitted to the Chief Compliance Officer. Now that Deans are removed from the SMG, the remaining numbers are not so great as to overwhelm this reporting channel. This is an appropriate role for someone

serving as a Senior VP and head of the Regents' Office of Ethics Compliance & Audit Services.

We feel compelled to put our concerns in context. The disputes over SMG compensation, outside professional activities, and conflicts of interest--whether perceived or actual--have probably done more damage to the reputation of the University of California in the past decade or so than all other issues combined. The reporting model envisioned in the current draft document is not sufficient to correct this situation.

Sincerely

A handwritten signature in blue ink, reading "Christopher Kutz", is displayed on a light blue rectangular background.

Christopher Kutz
Chair, Berkeley Division of the Academic Senate
Professor of Law, Jurisprudence and Social Policy Program

Cc: David Lieberman, Chair, Committee on Budget and Interdepartmental Relations
Yale Braunstein, Chair, Committee on Faculty Welfare
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations



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December 9, 2009

HENRY POWELL, CHAIR

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

Re: Proposed New Personnel Policies for Senate Management Group (SMG)

As referenced, three new proposed SMG policies governing absence from work, including transition leave, outside professional activities, and termination of SMG appointments were forwarded to all standing committees and the Faculty Executive Committee in each college/professional school. The Davis Division has no comment concerning the proposed new policies.

Sincerely,

A handwritten signature in black ink, reading "R.L. Powell".

Robert L. Powell III, Chair
Davis Division of the Academic Senate and
Professor and Chair, Department of
Chemical Engineering and Materials Science



Office of the Academic Senate
3700 Berkeley Place South
Irvine, CA 92697-1325
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December 2, 2009

Harry Powell, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Senate Review of the Proposed Senior Management Group Policies

At its meeting of December 1, 2009, the UCI Senate Cabinet reviewed the revisions to three policies affecting the Senior Management Group (SMG). The three policies pertain to termination of SMG appointments, absence from work (including transition leave), and outside professional activities.

It was noted that the academic deans will be removed from the SMG by the time these proposed revisions are enacted. The following UCI positions will continue to be included in the SMG: Chancellor, Executive Vice Chancellor and Provost, Vice Chancellor of Research, Vice Chancellor of Student Affairs, Chief Medical Officer, and University Librarian.

Our Council on Academic Personnel reviewed the proposed changes and commented that it currently reviews each Dean's academic record related to their faculty appointment upon request and provides input to the campus committee charged with reviewing a Dean's administrative performance. After the affected deans are removed from the SMG, CAP's responsibilities would have very little overlap with SMG personnel.

The Cabinet did not identify any concerns and members were supportive of the proposed revisions. The Irvine Division appreciates the opportunity to comment.

A handwritten signature in black ink, reading "Judith Stepan-Norris".

Judith Stepan-Norris, Senate Chair

C: Martha Kendall Winnacker, Executive Director, Academic Senate



ACADEMIC SENATE EXECUTIVE OFFICE
LOS ANGELES DIVISION
3125 MURPHY HALL
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December 7, 2009

Harry Powell
Chair, Academic Council
University of California

In Re: Proposed New Senior Management Group (SMG) Policies

Dear Harry,

Thank you for the opportunity to review the proposed changes to the Senior Management Group (SMG) policies. Upon receipt of the proposal, I requested review from the Council of Academic Personnel, Faculty Welfare Committee, and the Committee on Privilege and Tenure, all of which declined to opine. All other committees and councils were welcome to opine. The Executive Board, which speaks for the Division, reviewed the policy and endorsed it *contingent upon the following revisions*:

- In an era when faculty salaries have been reduced, student fees are on the rise, and staff are being laid off, it is indefensible that the SMG appointment salary should be paid during transition leave. Over the past several years, the press has published examples in which this policy has been followed; the stories and editorials have been excoriating. This, combined with the fact that in the minds of many citizens the salaries are unjustifiable or even unconscionable, have diminished support for the UC leadership. Although it is understandable, even necessary, that a faculty member who served the University in an SMG capacity will need extra support to return to research, this does not translate to the retention of executive level pay during the transition period. The Executive Board believes that this language should be stricken from the proposal. The proposal might then be augmented with a section on interim supplemental research funding for SMG faculty returning to their faculty role.
- With regard to the section titled "Reporting Outside Professional Activities," the Board does not support the reporting exemption for employees serving in an acting SMG capacity. Acting SMG employees often serve for extended durations, as long or longer than many interim appointments, and should be subject to the same disclosure expectations as regular SMG appointees.

- There is a typographical error on page 4, section IV, “Approval Authority.” The last sentence of paragraph A reads “The Office of the President Human Resources will work with the Responsible Officer of each policy to implement each policy.” “Office of the President Human Resources” should be changed to read either “Office of the President” or “Vice President—Human Resources.”

With these modifications, the UCLA Academic Senate supports the proposed SMG policies. Please do not hesitate to contact me if I can be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin L. Garrell", with a stylized flourish at the end.

Robin L. Garrell
Chair, UCLA Academic Senate

Cc: Martha Kendall Winnacker, Executive Director, Academic Senate
Jaime R. Balboa, Chief Administrative Officer, UCLA Academic Senate



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

ANTHONY W. NORMAN
DISTINGUISHED PROFESSOR OF BIOCHEMISTRY
AND BIOMEDICAL SCIENCES
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December 1, 2009

Harry C. Powell
Professor of Pathology
Chair, UC Systemwide Academic Senate
1111 Franklin St., 12th Floor
Oakland, CA 94607

Dear Harry:

RE: Systemwide review - proposed new SMG policies

The above proposal was reviewed by the Committee on Academic Personnel, Privilege and Tenure and Faculty Welfare and all had no substantive comments or suggestions to add.

Sincerely yours,

A handwritten signature in blue ink that reads "Anthony W. Norman". The signature is stylized with a large, sweeping initial "A" and a horizontal line at the end.

Anthony W. Norman
Distinguished Professor of Biochemistry and
Biomedical Sciences; and
Chair of the Riverside Division

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



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Joel Michaelsen, Chair
Deborah Karoff, Executive Director

December 14, 2009

Henry Powell, Chair
Academic Council

RE: Systemwide Review of SMG Policies

Dear Henry,

The Committee on Academic Personnel and the Council on Faculty Issues and Awards of the UCSB Division reviewed the proposed revisions to the SMG Policies as proposed by the Office of the President. The Division endorses the proposed policy revisions.

The Committee on Academic Personnel (CAP) concurs with the recommended revisions and the Council on Faculty Issues & Awards (CFIA) notes that these policy changes appear to be consistent with the new APM 240, as approved by the Regents at their November meeting. CFIA has no objections to the policies.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, reading "Joel Michaelsen".

Joel Michaelsen, Chair,
UCSB Division



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SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

December 9, 2009

Henry Powell, Chair
Academic Council

RE: UCSC Response to SMG Transitional Leave Policy Changes

Dear Harry,

The Santa Cruz Division reviewed the Proposed Transitional Leave Policy for Senior Management Group (SMG) and received comments from two of our committees: Academic Personnel (CAP), and Research (COR).

While both committees support the proposal we continue to support the view outlined in Chair Williams' letter of March 14, 2008 that transitional leaves of SMG members returning to their academic positions should be based on the faculty rate-of-pay, not the administrative rate-of-pay. We urge that the policy be amended accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Kletzer".

Lori Kletzer, Chair
Academic Senate
Santa Cruz Division



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
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December 14, 2009

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

Subject: Proposed Changes to Senior Management Group (SMG) Policies

Dear Harry,

In response to your request of October 9, the San Diego Division sought and received comment from the appropriate Divisional committees on the proposed changes to the Proposed Changes to the Senior Management Policies on Termination of Appointment, Absence from Work (including Transition Leave), and Outside Professional Activities.

The following specific comments were made:

- A SMG member returning to his or her faculty title could reasonably transition at the salary level of the faculty appointment, rather than at the administrative salary rate, since the activities of that person during that time would be entirely within the domain of academic, not administrative, life.
- The proposed changes contain many sensible and uncontroversial provisions, but do not always contain strong safeguards that would prevent abuse. The reporting and certification of activities and conflicts of interest for both compensated and uncompensated activities is a good first step.
- The revision does not provide a clear justification for why SMG members should be allowed to accrue sabbatical leave credits or take a sabbatical leave (using existing earned credits). The accruing of sabbatical credits only makes sense if the SMG member will be transitioning back to a research position. If the sabbatical is given in order to pursue research (or prepare for a transition back to research), salary should be at the professorial, rather than administrative, level.

Sincerely,

A handwritten signature in blue ink that reads "W S Hodgkiss".

William S. Hodgkiss, Chair
Academic Senate, San Diego Division

cc: Divisional Vice Chair Frank Powell
Executive Director Martha Winnacker



University of California
San Francisco

Academic Senate
senate.ucsf.edu

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Elena Fuentes-Afflick, MD, MPH, Chair
Robert Newcomer, PhD, Vice Chair
Peter Loomer, DDS, PhD, Secretary
Jean Olson, MD, Parliamentarian

December 7, 2009

Henry C. Powell, MD, Chair
Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

Re: UCSF Division Review of Proposed New Senior Management
Group (SMG) Policies

Dear Chair Powell:

The San Francisco Division of the University of California Academic Senate has reviewed the proposed new Senior Management Group Policies submitted to the Division for review and comment on October 9, 2009. The UCSF Committee on Academic Personnel has reviewed the proposed policies and recommends approval of the modifications.

Should you have questions or need more information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, reading "Elena Fuentes-Afflick, MD, MPH". The signature is written in a cursive, flowing style.

Elena Fuentes-Afflick, MD, MPH
Chair, UCSF Academic Senate

CC: Martha Winnacker, Executive Director, UC Academic Senate



Academic Senate
senate.ucsf.edu

Communication from the Committee on Academic Personnel

Stephen Kahl, PhD, Chair

December 2, 2009

Elena Fuentes-Afflick, MD
Chair, UCSF Academic Senate
500 Parnassus Avenue, Box 0764

Re: Systemwide Review of Proposed New SMG Policies

Dear Chair Fuentes-Afflick,

The UCSF Committee on Academic Personnel has met and reviewed the three new proposed SMG policies governing absence from work, including transition leave, outside professional activities, and termination of SMG appointments submitted to the San Francisco Division for review and comment (October 9, 2009).

The Committee recommends supporting the approval of these proposed modifications.

Sincerely,

The Committee on Academic Personnel

Stephen Kahl, PhD, School of Pharmacy, Chair
Russell Pieper, PhD, School Medicine, Vice Chair
Claire Brett, MD, School of Medicine
Jeanette Brown, MD, School of Medicine
James Cleaver, PhD, School of Pharmacy
Pat Fox, PhD, School of Nursing
Paul Garcia, MD, School of Medicine
Nola Hylton, PhD, School of Medicine
Arthur Miller, PhD, School of Dentistry
William Shore, MD, School of Medicine