



James Steintrager
Telephone: (510) 987-9983
Email: james.steintrager@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 19, 2023

**DOUGLAS HAYNES, VICE PROVOST
ACADEMIC PERSONNEL & PROGRAMS**

Re: Proposed Academic Personnel Manual (APM) Section 672, Negotiated Salary Program

Dear Vice Provost Haynes,

As requested, I distributed for systemwide Senate review the proposed Academic Personnel Manual (APM) Section 672, which institutionalizes the Negotiated Salary Program (NSP). Nine Academic Senate divisions and four systemwide committees (UCAADE, UCAP, UCFW, UCPB) submitted comments. These comments were discussed at the Academic Council's December 13 meeting and are attached for your reference. A summary follows, but we encourage you to read the enclosed feedback in its entirety.

The Academic Council voted 14 to 1 to oppose the proposed APM 672.

The NSP was initiated in 2013 as a five-year Negotiated Salary Trial Program (NSTP) on three campuses and was later expanded and renewed for a second five-year term in 2018. Modeled on the Health Sciences Compensation Plan, the goal of the program was to provide eligible general campus faculty with flexible options for supplementing their income through certain non-state resources. Over the past decade, the Senate has reviewed the pilot program three times, acknowledging its potential value in addressing compensation gaps with UC's competitors in specific disciplines, but also expressing concerns about its 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, mentoring, and service to revenue-generating activities.

In addition to codifying the NSTP, APM 672 attempts to address these concerns by introducing criteria for local implementation plans, including strategies for data collection and diversification, "good standing" criteria development, and safeguards against fund misuse. Although these are steps in the right direction, the material provided for systemwide review did not include what the Senate has requested in its prior reviews of the NSTP: comprehensive data on the NSTP's implementation and impacts delineating, for example, why the program is needed; data on who uses it, how they use it, and its success in faculty recruitment and retention;

and data on the diversity of participants. Without the requested data, the Senate cannot conduct an empirically informed review of the program.

The Senate opposes the policy based on continuing concerns about several key issues:

1. The potential for the NSP to exacerbate salary inequities, as opportunities to participate in the program vary across disciplines and ability to raise outside funds.
2. Distortion of the University's core mission by incentivizing faculty to prioritize money-making activities over teaching, research, and service.
3. Increasing bureaucratic burdens, such as one-on-one negotiations with deans, processes to verify good standing, and special payroll procedures.
4. Lack of clarity on financial issues including the handling of deans' contingency funds to cover a participant's total UC salary if they lose external funding during the negotiated period and how year-end surpluses are addressed.
5. Insufficient safeguards to prevent faculty misuse of grant funds, and the inclusion of self-supporting graduate professional degree programs as an authorized funding source.
6. The absence of clear criteria for evaluating NSP proposals.
7. A provision making faculty ineligible for the NSP in the event of an allegation of misconduct, irrespective of any subsequent investigation outcomes.

If the policy moves forward despite the Senate's multiple concerns, there needs to be a strong partnership established between the Senate and administration to design local implementation criteria that aim to minimize bureaucratic challenges, cover associated administrative costs, ensure accountability, and increase transparency about the use of deans' contingency funds. Campuses will also need plans for collecting and assessing data on teaching and mentoring impacts, graduate student funding, and usage trends across faculty disciplines and by various faculty demographics, such as gender and race/ethnicity. The University should also consider ways to supplement the salaries of faculty from disciplines with a lower potential for NSP participation. Review and sunset clauses should be added to the policy as well.

In conclusion, the Senate appreciates the relative responsiveness to previous concerns we have raised, but opposes this policy due to a lack of assurance about comprehensive data collection, equitable implementation, and transparent safeguards. Furthermore, we believe the program undermines the University's responsibility to pay all faculty fairly and competitively by obscuring the need to address the competitiveness of the faculty salary scales and improve salary equity overall. Notably, what was originally marketed by UCOP as a trial program has become a new *de facto* entitlement that cannot easily be withdrawn or unwound. We have serious concerns about using pilot and trial programs opposed by the faculty to create and codify systemwide policies either surreptitiously or by default.

Thank you for the opportunity to opine. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. L. R.", written in a cursive style.

James Steintrager, Chair
Academic Council

Cc: Academic Council
Provost & Executive Vice President Newman
Associate Vice Provost Lee
Associate Director Woolston
Senate Division Executive Directors
Senate Executive Director Lin



December 6, 2023

JAMES STEINTRAGER
Chair, Academic Council

Subject: Proposed APM 672 – Negotiated Salary Program

Dear Chair Steintrager:

On December 4, 2023, the Council of the Berkeley Division (DIVCO) discussed the proposed *Academic Personnel Manual (APM) Section 672, Negotiated Salary Program (NSP)*, informed by written comments from the Committees on Budget and Interdepartmental Relations (BIR); Diversity, Equity, and Campus Climate (DECC); Faculty Welfare (FWEL); and Research (COR). DIVCO endorses the attached committee comments in full.

As stated in previous letters, the Berkeley Division has serious concerns about implementing this program on the Berkeley campus. We recognize that there exist significant gaps in salaries paid across the UC system relative to our (often wealthier) peers and this program might be helpful in closing some of these gaps. We think that the *Negotiated Salary Program*, is not the preferred avenue to fixing the salary disparities, as there are possibly serious unintended consequences one should worry about.

- 1) Opportunities to raise outside funds from relevant sources are not equal across disciplines. It is not unreasonable to assume that faculty in STEM fields have more ample opportunities to raise funds to supplement their salaries. Given the existing salary differentials between STEM and non-STEM faculty on most campuses, this program may exacerbate existing salary gaps.
- 2) The cap on summer ninths makes it common practice that faculty fund graduate students and post docs with grant moneys beyond what they use to pay themselves. If the “cap” gets relaxed through this program, this is likely to lead to a decrease in funding for graduate students and post-docs. There is simply no way to prevent such “leakage”.
- 3) The existence of such a program affects the incentives to provide service and quality teaching on the campuses, as faculty now have incentives to chase down more funds and thereby increase their workload. This crowding out of effort negatively affects campus service and beyond as well as teaching effort.
- 4) The bureaucratic burden of this program is significant. There are one-on-one negotiations with deans, verification of good standing, as well as the implementation of simply paying people more than 100% through complex and badly functioning payroll systems. Further,

academic personnel offices are already at the breaking point. We are concerned about what the implementation of such a program will mean for regular academic personnel processes, and their timing and efficiency.

- 5) The funding model is not made clear in the proposal. We assume that this is left up to campuses. But the lack of guidance along these lines is worrisome.

Divisional Council spend quite some time discussing what we would like to see from our campus, if it chose to implement this program.

- 1) In order to address the equity concerns, we suggest a tax on the moneys raised for faculty participating in this program (a range of 10-20% was mentioned) and that this be used in a salary equity pool to raise salaries of non-participants.
- 2) We seek a strong partnership between the Academic Senate and the administration in the design phase of this program, which is more proactive than the usual evaluation of a proposal – similar to the way the Academic Senate is currently involved in the Financial Sustainability Initiative (FSI).
- 3) The program should be designed to minimize bureaucratic burden across the board.
- 4) Campus give careful thought to what constitutes “good standing” and how this relates to the regular merit and promotion process.
- 5) We urge campus to carefully study what happened to salary equity and bureaucracy at other campuses that have already launched this program and learn from their experiences. We strongly advise paying close attention to how this affected salaries by rank, gender, race etc, similar to what is done in our faculty equity studies – recognizing the limitations of possibly very small sample sizes.
- 6) APM 025 allows outside work. There is a limit to 1 day/week. We were confused by how this rule is affected by the new policy. Can one max out consulting and still get the 30% raise? Or does this count against consulting?
- 7) There is a need to monitor teaching loads. NSP may provide incentives for individuals to shift their effort away from teaching, which would be concerning in a world of growing enrollments.

I attach the committee comments.

Sincerely,



Maximilian Auffhammer,
Professor of Agricultural & Resource Economics/Political Economy (ARE/PE)
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Amani Allen, Vice Chair, Berkeley Division of the Academic Senate
Rachel Morello-Frosch, Chair, Committee on Budget and Interdepartmental Relations

Christine Wildset, Chair, Committee on Diversity, Equity, and Campus Climate
Keith Gilless, Co-Chair, Committee on Faculty Welfare
Nancy Wallace, Co-Chair, Committee on Faculty Welfare
Lia Fernald, Chair, Committee on Research
Jocelyn Surla Banaria, Executive Director
Will Lynch, Manager staffing Committee on Budget and Interdepartmental Relations
Linda Corley, Chair, Committee on Diversity, Equity, and Campus Climate
Patrick Allen, Senate Analyst, Committee on Faculty Welfare and Research

November 16, 2023

CHAIR MAXIMILLIAN AUFFHAMMER
BERKELEY DIVISION OF THE ACADEMIC SENATE

RE: Proposed New APM Section 672—Negotiated Salary Program

Thank you for the opportunity to comment on the proposed new Academic Personnel Manual (APM) section 672, which would codify into policy the Negotiated Salary Trial Program (NSTP). The goals of the proposed Negotiated Salary Program (NSP) are to enable recruitment and retention of outstanding faculty and to encourage and recognize significant contributions to the University mission by offering negotiated compensation to participating faculty from non-state funds on a temporary basis. The new policy is proposed in response to a recommendation from the NSTP Phase 2 Taskforce, with the support of Katherine S. Newman, Provost and Executive Vice President, to institutionalize the program in policy. As usual, we confine our comments to matters under our purview.

In our previous comments, we acknowledged the potential advantages of the NSTP for Berkeley's competitiveness, while also raising concerns about the possible adverse impacts of the program, such as exacerbation of salary inequities among faculty across disciplines, and the potential undue influence over research directions. We suggested that once implemented, oversight and ongoing assessment of the program would be necessary to determine if these potential concerns were being realized.

We note that three campuses, UCLA, UC Irvine, and UC San Diego, have had an NSTP in place for 10 years, while three other campuses, UC Davis, UC Santa Cruz, and UC Riverside, have had an NSTP in place for 5 years. Given this widespread adoption of the NSTP within the UC system, we believe that at this point Berkeley risks putting itself at a competitive disadvantage if it does not develop and implement an NSP of its own. Nevertheless, if it has not done so already, we strongly encourage the campus, including the Deans and Chairs of those units that are likely to participate in the NSP, to formally engage their counterparts at other UC campuses with an NSP to learn from their experiences, including how they are tracking and assessing their respective NSPs' broader impacts on the research enterprise, salary equity, the recruitment and retention of faculty, and effects on teaching and service. As Berkeley develops its own NSP Implementation and Contingency Plans, we reiterate the importance of clarifying NSP guidelines and procedures on BMAP, and temporally tracking the issues that we raised previously:

- 1) *How the NSP affects the quality and quantity of teaching and graduate mentoring, as well as the quality and quantity of departmental, campus, or professional service.* As we noted in our memo, dated July 7, 2022, there remains a paucity of reliable information on

this critical question, and preliminary data on Phase 2 campuses from the NSTP Phase 2 Taskforce Report suggest that student credit hours (SCH) for NSTP participants decreased substantially over a two-year period, whereas SCH increased for non-participating faculty (e.g., See Figures 21 and 22 of the Taskforce Report).

- 2) *Regarding Good Standing Criteria, campus will need to issue guidelines and procedures to determine which faculty are eligible for participation in the NSP and whether/how continued eligibility would be assessed.* For example, would eligibility be determined under current campus merit-review procedures (like the former Faculty Excellence Program in Haas), or would this decision be implemented independently by campus units, or through some other mechanism? Can participation in the NSP be terminated due to significant deficiencies in teaching and service? To what extent will units be allowed to utilize the NSP to accelerate the creation of Professor-in-Residence positions?
- 3) *Regarding the Contingency Plan, how will campus or units address outstanding funding obligations for those faculty NSP participants facing unexpected funding shortfalls?* Campus will need to issue guidelines regarding what kind of non-19900 funds would be allowable under the NSP, whether salary-augmenting payments would be prohibited under the NSP until campus received the extramural funds, or whether perennial shortfalls would automatically make faculty members ineligible for the NSP, until they were able to renew existing funding or secure new sources of extramural funding.
- 4) *Implications of the NSP for the structure of future salary equity programs, such as Targeted Off-scale Programs (TOPs), including whether field-specific median off-scale components would include or exclude NSP supplements.*

Although we remain concerned about the issues outlined above, our current assessment of APM 672 is that the policy could be suitably structured to minimize the potentially adverse impacts of the NSP. We also believe that the experiences and lessons learned by other UC campuses who are current NSTP participants can inform Berkeley's efforts to develop its own NSP. We therefore conclude that the benefits of an NSP outweigh the risks, and recommend that APM section 672 be adopted.

We thank you for the opportunity to comment on the proposed APM section 672.



Rachel Morello-Frosch
Chair

RMF/wl



November 28, 2023

PROFESSOR MAX AUFFHAMMER
Chair, 2023-2024 Berkeley Division of the Academic Senate

Re: DECC's Comments on the Systemwide Review of Proposed APM-672, Negotiated Salary Program

The Committee on Diversity, Equity, and Campus Climate (DECC) reviewed the systemwide review of the proposed draft of APM-672, Negotiated Salary Program (NSP). The proposal has been under trial in its various iterations since July 2013 was extensively discussed at our November 16 meeting. Although some of the membership felt that its introduction to UC Berkeley was inevitable, no-one came out in support of its adoption. Members expressed various concerns about the implications for the adoption of the NSTP in its current form on the UC Berkeley campus, top of the list being issues of inequity, with respect to both salaries and teaching commitments. As examples of the nature of the concerns of our faculty, as well as potential measures to minimize the potential negative impacts of NSTP, feedback from three faculty members are included at the end of this letter. Many of the points raised are also contained in the responses from the Committee on Faculty Welfare (FWEL) and the Budget and Interdepartmental Relations (BIR) Chairs. Of particular relevance and on point with our discussion are the four recommendations in the letter from the chair of BIR, Hannah Ginsborg. As the current chair of DECC, I suggest that these should be the minimum prerequisites for UC Berkeley's adoption of NSTP. Furthermore, that such strategies, guiding principles and rules be in place before the adoption of NSTP by UC Berkeley, as it would appear that "once the horse has bolted, it is impossible to do anything to stop; it", based on the history of this program at other campuses.

Recommendations from Hannah Ginsborg, chair of BIR:

- 1) *Develop a strategy to evaluate systematically and over time the utilization and impact of the NSTP across campus,*
- 2) *Provide guidance in BMAP on the procedures and criteria by which Berkeley faculty will be determined to be eligible for participation in the NSTP,*
- 3) *Develop clear funding rules for the NSTP,*
- 4) *Develop guidance for how campus will evaluate and address potential NSTP-related salary inequities within and between units on campus.*

Recommendations from DECC that bear on the same issues are as follows:

- 1) *A tax be applied to the 30% salary increment, with the proceeds used to establish a Faculty Pay Equity fund (or equivalent), to address inequities in faculty compensation and/or research funding, and/or to support other "common good" resources,*
- 2) *The Participant Data Collection Requirements be reviewed, with a view to making them more comprehensive, to interrogate fully, service of participating faculty to their home department and college, and to the campus (and the quality of that service), the number of students and postdocs in their research group, and the quality of their mentoring of the same.*

Sample feedback 1:

I am very strongly against this plan to allow faculty to pay themselves 30% more if they have the funds, in order to make UCB "competitive" for the following reasons:

- (i) It will massively increase the salary inequities on campus.
- (ii) Faculty already have approximately 315 hours available for consulting by which to increase their salaries.
- (iii) Faculty (in select units) also have Industrial leave possibilities.
- (iv) Faculty also have buy-out possibilities (through their Dept Chair).
- (v) Faculty have the FSREP program by which they can also save up (recycle) grant funds to use for summer salaries, "buyouts" etc.
- (vi) The NSTP program will incentivize faculty to partly (or maybe largely) focus their efforts in acquiring more of such "NSTP-eligible" funds, as can be added to their salaries. Since such funds would be by and large from companies, this program would encourage working for companies, which often happens in fields, such as engineering. Faculty would also then spend most of their time trying to satisfy the funding (company) source that allows them to pay the extra 30 %, knowing that their "base" (state) salary is secure. Also, a faculty would be incentivized to use such additional funds for themselves, and not for their research, students, etc. This is human nature.

And a final comment: Might NSTP actually generate more retentions...due to the anger at the inequity...?

Sample feedback 2:

While supportive of the primacy of scholarship and equity, being a university professor is an increasingly challenging proposition.

Among the many challenges is relatively low salaries for our skill sets. The ideal would be to raise base UC pay. It would also be ideal if we had more TA support, additional faculty FTE, and better facilities. But I don't see these events happening in the near term. So, we do what we always do, we hustle to support our mission. And UC develops policies that allow this hustling, such as the Faculty Salary Research Exchange Program (FSREP), to support our research mission and the self-supporting degree programs to support our teaching mission. The NSTP seems like yet another one of these funding avenues, that let's faculty to supplement their income, by 30%, with outside money.

While this program has many potential negatives, there are potential upsides. Yes, but what if the 30% increase allows a professor to focus on their research instead of consulting? They are fundamentally different intellectual efforts. What if the added 30% helps to alleviate the underpayment of Berkeley faculty compared to its peer institutions? What if the added 30% convinces an exceptional faculty member to stay in academia? Professors at a public institution can be committed to the mission while also working to ensure their financial well-being.

Is NSTP foreordained to increase inequity? Probably, but there are already myriad ways that lead to inequities in faculty salaries. We are all UC Professors, but we have different base salary rates, depending on our discipline. Why do engineers get paid more than scientists? Why do economists get paid more than psychologists? Is it fair that STEM faculty have much greater access to grant funds to support their summer salaries than humanity faculty? These are fundamental baked-in market inequities. We also have the salary inequities across faculty in the same discipline and same level because one recently received a pay increase as part of a retention case. My point is that the adoption of NSTP would simply just add to the many existing sources of salary inequities on our campus.

I also think that the NSTP is inevitable. So, while I am in support of a strong counter argument as outlined by one of our committee member colleagues, we should also offer a fallback position. To mitigate the likely widening of salary inequities, we should recommend that there be a tax on the 30% salary increment, with the proceeds going to a Faculty Pay Equity Fund. As noted by one of our colleagues, the FSREP has a 25% “common good” tax in Engineering; also, the campus takes a cut of self-supporting program funds, and a percentage of all Cal donations go into a general campus fund. It is a well-established policy that should apply to the NSTP. We should also recommend, as discussed at our meeting, a focused effort on monitoring and evaluating the impact of the NSTP policy, both in terms of equity and in terms of our research, teaching, and service mission. Since my read of the policy is this is a one-year at a time increase, there is the potential to restructure the policy, based on the measured outcomes.

Sample feedback 3:

I am opposed to adopting the NSTP program. However, if a program is to be adopted, I have a number of suggestions to consider, as summarized below.

The campus Implementation Plan is supposed to include a plan for data collection and monitoring, yet the Participant Data Collection Requirements that were shared in the document "DRAFT - Salary Administration: APM - 672 - Appendix A" seem completely inadequate for monitoring the "effectiveness and equity" of the campus Implementation Plan (the stated goals). Faculty participating in the NSTP need to make a convincing case that they are contributing equitably to our campus mission. Thus, as part of applying to participate each year, faculty should provide data on:

- (i) service to their department, college, and the campus (and the quality of that service),
- (ii) the number of students and postdocs in their research group,

(iii) their mentoring philosophy and measures taken to ensure inclusive and equitable mentoring.

We suggest the above three types of data be added to the minimum "Participant Data Collection Requirements". In addition, we would support a process by which a portion of NSTP funds is utilized for addressing inequities in faculty compensation and/or research funding, and/or to support "common good" resources on the campus.

Sincerely,



Christine Wildsoet

Chair, Committee on Diversity, Equity, and Campus Climate

CW/lc



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 21, 2023

CHAIR MAXIMILIAN AUFFHAMMER
Academic Senate

*Re: Proposed new Academic Personnel Manual (APM) section 672, policy on the
Negotiated Salary Trial Program (NSTP)*

Dear Chair Auffhammer,

At its meeting on October 16, 2023, the Committee on Faculty Welfare (FWEL) reviewed the proposed new Academic Personnel Manual (APM) section 672, establishing policy for the Negotiated Salary Trial Program (NSTP). The Committee had several questions regarding the implementation of the program. Overall, FWEL did not think previous questions raised in their December 12, 2022, letter to DIVCO were addressed in the current version of the policy. The Committee is asking for a response to its prior inquiries.

We appreciate the opportunity to weigh in on this important matter.

Regards,

A handwritten signature in cursive script that reads 'Nancy S. Wallace'.

Nancy Wallace, Co-Chair
Committee on Faculty Welfare

A handwritten signature in cursive script that reads 'Mary K. Firestone'.

Mary Firestone, Co-Chair
Committee on Faculty Welfare

NW/MF/pgs



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 30, 2023

CHAIR MAXIMILIAN AUFFHAMMER
Academic Senate

*Re: Proposed new Academic Personnel Manual (APM) section 672, policy on the
Negotiated Salary Trial Program (NSTP)*

Dear Chair Auffhammer,

During its meeting on November 9, 2023, the Committee on Research (COR) reviewed the proposed new Academic Personnel Manual (APM) section 672, establishing policy for the Negotiated Salary Trial Program (NSTP).

COR members understand the need to remain competitive in terms of salary and appreciate the increased number of details that have been included in the revised plan in contrast to the previous draft. In spite of this support for the Negotiated Salary Trial Program, the Committee discussed the following concerns:

- **Confusion about funding model:** Many COR members raised concerns that the document needs to be clarified in terms of who gets the funding in the NSTP program, i.e., what is the scope of the funding model? For example, is all of the funding directed to individual funding for the faculty, or would there be a possibility of some portion of the funding going into a common good fund at the department level?
- **Lack of equity:** Several COR members raised concerns over equity issues and how the campus would address equity in the plan. Faculty morale is already very low given the numerous stressors currently facing faculty, and a program that explicitly provides resources to certain faculty with greater access to funding and increase inequities is likely to exacerbate issues relating to morale. This concern was raised in previous reviews of the program and does not appear to have been addressed in the revisions.
- **Lack of transparency:** A COR member raised a question regarding how to maintain a sense of transparency with respect to the program. If each participating faculty member has to individually negotiate for their salary increase with their Dean or Department Chair, then it is possible that several individual deals will be made, with no transparency within any division, department or school. This lack

of transparency could further exacerbate problems with faculty morale highlighted above.

- **Question about pension:** One COR member raised a question about how the NSTP program would impact the pension plan for faculty, which did not appear to be addressed in the documents provided.

Overall, COR members had more questions regarding the current policy version and needed more information before making a final recommendation.

We appreciate the opportunity to weigh in on these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Lia Fernald". The script is cursive and fluid.

Lia Fernald, Chair
Committee on Research

LF/pgs



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

December 6, 2023

James Steintrager
Chair, Academic Council

RE: Proposed New APM 672, Negotiated Salary Program

The proposed new APM 672, Negotiated Salary Program was forwarded to all standing committees of the Davis Division of the Academic Senate. Eight committees responded: Academic Personnel Oversight (CAP), Faculty Welfare (FWC), Planning and Budget (CPB), and the Faculty Executive Committees of the College of Biological Sciences (CBS), the College of Engineering (COE), the School of Education (SOE), the School of Medicine (SOM), and the School of Nursing (SON).

Committees are divided on the Negotiated Salary Program (NSP). COE, SOM, and SON support the policy. CAP, FWC, CPB, CBS, and SOE expressed serious concerns about the NSP. Committees argue that the program will create inequities across or within campuses, displace the academic and public service missions of the University, and encourage unethical behavior as it relates to grants and contracts. A summary of comments follows, but we encourage the policy holders and Senate leadership to read through the enclosed committee feedback in its entirety.

If the NSP becomes permanent, several concerns should be addressed. As in their previous responses to the Negotiated Salary Trial Program, CPB and CBS reiterate their concern that the NSP requires “significant administrative time and expense.” Rather than implementing a system that demands an excessive amount of departmental time, CBS suggests that simplifying the administrative process “to mirror that of summer salary” could be a potential solution.

Several committees expressed concerns regarding costs. CBS and SOE argue that the NSP is “prohibitively expensive” to participate in. CPB points out that increased salary expenditures by the University may result from this program. As CPB writes, “the NSP may provide an incentive for faculty on grants to reduce their stated % FTE contributions to a project and instead budget this money to support ‘phantom’ employees (graduate student, post-doctoral fellow, [staff research associate], etc.) of whom there is no intension [*sic*] of hiring... But because the % FTE listed on the grant proposal is decreased, the contribution of the grant to the faculty member’s base + off-scale salary is also decreased, and the University pays the difference. Consequently, any reduction in FTE proposed by investigators on grant submission (which frees up more funds to use for NSP participation) results in an increased salary expenditure for the University.”

In terms of clarity, CPB argues the criteria for good standing are ill-defined and suggests considering whether the eligibility criteria are inflexible regarding alleged or actual APM-015 violations. CAP poses two questions to consider regarding the costs and benefits of the NSP:

- Does the NSP help with recruitment and retention?
- Has the NSP encouraged faculty to neglect some parts of their job performance in favor of maximizing external funding?

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Palazoglu', with a stylized, flowing script.

Ahmet Palazoglu
Chair, Davis Division of the Academic Senate
Distinguished Professor of Chemical Engineering
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

November 16, 2023

Ahmet Palazoglu

Chair, Davis Division of the Academic Senate

RE: RFC - Proposed New APM 672, Negotiated Salary Program

The Committee on Planning and Budget (CPB) has reviewed and discussed the **RFC - Proposed New APM 672, Negotiated Salary Program** and strongly supports the Provost's efforts to address the need to recruit and retain research faculty in the face of University budget constraints and faculty salaries that may not be competitive with other academic institutions or industry. However the committee felt that the plan, as proposed, raises the following concerns:

1. Unacknowledged University Costs

The Negotiated Salary Component is designed to supplement participating faculty salaries at no cost to the University. However, at least two costs are overlooked here. First, this program describes significant administrative oversight from the Dean and Department Chair to oversee faculty member eligibility and conditions of participation. Depending on how many faculty apply to take part in the NSP within a given college and department, this could represent significant administrative time and expense. UC Davis might consider ways that eligibility and oversight could be simplified and streamlined to reduce the administrative burden of program implementation. Second, the NSP may provide an incentive for faculty on grants to reduce their stated % FTE contributions to a project and instead budget this money to support "phantom" employees (graduate student, post-doctoral fellow, SRA, etc.) of whom there is no intension of hiring. Once awarded, this "phantom" salary could then be re-budgeted to support a higher salary through the NSP program. But because the % FTE listed on the grant proposal is decreased, the contribution of the grant to the faculty member's base + off-scale salary is also decreased, and the University pays the difference. Consequently, any reduction in FTE proposed by investigators on grant submission (which frees up more funds to use for NSP participation) results in an increased salary expenditure for the University.

2. Equitable Opportunities for Participation

Participation in the NSP program favors individuals whose scholarly activities are supported by agencies that have high funding limits on grant proposals and that allow a large fraction of the grant award to be re-budgeted without agency approval. For example, some agencies allow rebudgeting of 25% or more (NIH, DOE) and funding limits exceeding \$1M for projects; these policies may be expected to allow individuals from certain biomedical sciences or engineering departments greater access to NSP engagement compared to other fields. This is not to say that CPB wants to limit NSP involvement by faculty from "favored" fields. Rather, the University should consider how other opportunities may be provided to faculty from other disciplines with low potential for NSP participation to supplement their salary (perhaps through easier approval of Category 1 outside activities).

3. Due Process Regarding "Good Standing"

Section 672-10 of the NSP proposal lists several criteria for a faculty member to be considered in "Good Standing" and hence eligible for the NSP. However, several of these criteria are ill-defined and it is unclear by what metrics faculty are judged. Among these criteria, "the faculty member is meeting expectations with regard to carrying out faculty duties as commonly understood." Understood by whom: the faculty member, the department members, the Chair,

the Dean, or someone else? What if there is a disagreement about whether expectations are met—Who adjudicates, and is any opportunity provided for appeal? Another criterion, “the faculty member is not the subject of/respondent in a current or ongoing investigation of possible violation of APM – 015” means that a mere accusation of a faculty member is sufficient to bar NSP eligibility, even though there has been no finding that the faculty member is guilty of anything. Punishment should never precede conviction. Finally, “there has been no substantiated finding of misconduct as defined by Section 015 of the Academic Personnel Manual (APM - 015) or proposed/imposed discipline in the period since the faculty member was last determined to be in Good Standing” seems to indicate that a faculty member, once disciplined, is forever prohibited from the NSP. Such inflexibility may be unreasonable, depending on the misconduct. Should a faculty member be forever sanctioned for an offense, or should there be a point at which s/he has “paid their debt” to society or the University?

4. Grant and Contract Ethics

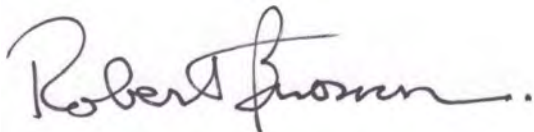
As mentioned earlier (Unacknowledged University Costs), maximum utilization of the NSP encourages “creative” budget planning when a grant proposal is submitted to a funding agency so that there is money available in the award that can then be reallocated to the NSP to increase the investigator’s compensation. However, stating that funds are needed for one purpose with the planned intention of ultimately using them for some other purpose is unethical, and arguably fraudulent. A research award is a legal contract between the funding agency and the University. How can the latter attest to the truthfulness of the contract when it has knowingly created a policy that will reward an investigator who creates a “creative budget” that facilitates NSP participation?

5. Potential Costs to Students of Self-Supporting Programs

If NSP is allowed to come from self-supporting programs, students may be required to pay higher tuition to cover the resulting increased salary costs of the self-supporting program. This creates an unfair burden to students. We as a committee do not support the funding of the NSP from any self-supporting programs.

CPB appreciates the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, reading "Robert Brosnan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Brosnan
Chair, Committee on Planning and Budget

October 26, 2023

Ahmet Palazoglu

Chair, Davis Division of the Academic Senate

RE: RFC: Proposed Academic Personnel Manual (APM) Section 672, Negotiated Salary Program

The Committee on Academic Personnel – Oversight (CAP) has reviewed and discussed the Request for Consultation (RFC) on the Proposed Academic Personnel Manual (APM) Section 672, Negotiated Salary Program (NSP). Historically, CAP has voiced several concerns about this program (see responses from [2022](#), [2017](#), and [2012](#)) and is troubled that systemwide is proposing making this program permanent without clear data (particularly with respect to its effect on recruitment and retention) to support its continuation. CAP therefore offers the following comments for further consideration:

1. The lack of peer review as a component in this program is a significant concern for CAP. While members acknowledge that there are other ways in which faculty may increase their salary that are not tied to the merit and promotion process, some members viewed the institutionalization of this program as yet another way in which faculty can seek to maximize their remuneration without Senate oversight or review.
2. Several CAP members argued that the review process for this program has not been rigorous, as little analysis of the benefits and costs of the program appears to have been conducted. Does the NSP help with recruitment and retention? Has the NSP encouraged faculty to neglect some parts of their job performance and the University mission in favor of maximizing external funding?
3. Members also expressed concern that the program could encourage faculty to deprioritize the academic mission of the university and their own role as members of a scholarly community with a mission to benefit the public. There was also a suggestion that the program adds to already extant financial incentives for faculty to pursue research agendas closely aligned with the interests of external, non-state agencies and entities.
4. Some members viewed the NSP program to provide an alternative evaluation system awarding salary augmentation in the absence of Senate/CAP oversight, a system that has been a hallmark of the UC merit/promotion system and for faculty collegiality. It was suggested that, at a minimum, normative merit and promotion advancements demonstrating balanced excellence in teaching, research and service should be eligibility criteria for participation in the NSP program.
5. Some members strongly opposed the inclusion of endowments in this program, arguing that endowments should be excluded as they are established to benefit the university and support its mission, not to benefit individual faculty.
6. While some CAP members conceded that it may be too late to discontinue the program at this point, others suggested that the cost to the university of canceling the program either is not known (since its impact has not been assessed) or would not be significant (since it has been utilized by only some 6 percent of UC faculty).

CAP appreciates the opportunity to comment.

November 17, 2023

Ahmet Palazoglu
Chair, Davis Division of the Academic Senate

RE: Proposed New APM 672, Negotiated Salary Program

Dear Ahmet:

The CBS FEC wishes to convey two points. First and most broadly, the efforts to enable sufficiently funded faculty to be rewarded for this success at the salary level addresses a clear need for more salary equity. Second, major concerns were raised at how the NTSP is structured, detailed below.

The NTSP presents a commendable concept, aiming to allow our most successful grant-acquiring professors to increase their salaries. One objective is to create parity with professors in Medical Schools. The pursuit of such a program is essential to achieving these goals, and NTSP should persist in some form. However, the current setup and administration of NTSP raise significant concerns.

Primarily, the current NTSP design is prohibitively expensive. In numerous cases, the University receives more funds from the program than the individual professor, rendering it unsustainable and likely contributing to its underutilization across campuses. We identify three key reasons contributing to the program's high cost on grant funds.

1. The NTSP salary incurs a 38.9% benefit rate, seemingly excessive considering NTSP salaries are likely to surpass the FICA cap. These salaries are additional to regular salaries covering faculty benefits and health insurance, exempt from UCRP. A more reasonable benefit rate, aligned with the 9.9% charged to summer salaries, should be applied to NTSP.
2. The NTSP program mandates a non-refundable 10% match as a form of insurance, despite all funds for NTSP being secured. There is little evidence to support a default rate of 10%. Given that UCLA does not charge a contingency fee, UC Davis should reconsider this practice.
3. Frequently, NTSP funds, comprising about half of the disbursements, are sourced from federal grants with associated 54% indirect costs. The combination of the 38.9% benefit rate, 10% insurance fee, and 54% indirect costs often results in the University receiving more funds from NTSP than the faculty member does. Rectifying this issue by aligning NTSP with summer salary practices appears to be a reasonable compromise.

Administration of NTSP at the departmental level is overly cumbersome. Its implementation is unnecessarily complex and demands an excessive amount of departmental time. Simplifying the NTSP administration process to mirror that of summer salary, at the corresponding benefit rate, could be a practical solution. Alternatively, modifying the summer salary program to allow an extended duration (up to 6 months) could obviate the need for a separate program, eliminating unnecessary complications.

In conclusion, a program akin to NTSP is beneficial for faculty; however, the current form requires substantial improvement. At the very least, streamlining the process and removing the contingency fee to be in line with other UCs would enhance its utility and overall benefit to both faculty and the university.

A handwritten signature in black ink, appearing to read 'Alex Nord', with a stylized, cursive script.

Alex Nord
Associate Professor
Department of Neurobiology, Physiology and Behavior
Chair, College of Biological Sciences Faculty Executive Committee
Davis, CA

November 17, 2023

Ahmet Palazoglu

Chair, Davis Division of the Academic Senate

RE: Request for Consultation – Proposed New APM 672, Negotiated Salary Program

Dear Ahmet:

The Committee on Faculty Welfare has reviewed the RFC – Proposed New APM 672, Negotiated Salary Program (NSP) and expressed concern about the equity of the program. The NSP, as written, provides Deans with the power to decide whether to participate in the program based on potential administrative burdens or concerns about inequity among faculty in their colleges. However, several members noted that the NSP will either create inequities across campuses, or within them. Colleges that decide to participate will have more competitive positions, while colleges that do not participate won't experience the same advantage. Furthermore, faculty members in the Health Sciences (i.e., the School of Nursing) are ineligible to participate in this program. If the NSP becomes permanent, the policy needs to be clarified and equitably available to all.

Sincerely,

A handwritten signature in blue ink that reads "Karen L. Bales". The signature is fluid and cursive, with a large loop at the end.

Karen L. Bales

Chair, Committee on Faculty Welfare

Proposed New APM 672, Negotiated Salary Program

FEC: College of Agricultural and Environmental Sciences Committee Response

November 17, 2023

The College of Agriculture and Environmental Sciences (CA&ES) Faculty Executive Committee (FEC) has reviewed the Request for Consultation (RFC) regarding the Proposed New APM 672, Negotiated Salary Program. Our FEC does not object to the NSP. However, some felt it important to consider how this program may impact equity with departments and if it could negatively impact teaching programs. Additionally, policy implementation should create awareness and educate faculty and their account managers regarding the program and the types of funds that can be used for salary support.

Proposed New APM 672, Negotiated Salary Program

FEC: School of Education Committee Response

November 17, 2023

The School of Education faculty have discussed the Negotiated Salary Program. Some faculty who have participated in the program note the high costs of the program to faculty/grants mentioned by the College of Biological Sciences, making it difficult to both ethically carry out research (e.g., moving funds committed to collecting data to pay PI salaries) and reward faculty for their productivity. We support this general approach to rewarding grantsmanship, but are concerned with the proportion of funds that are redirected back to the university -- both through the NTSP and the significant indirect rate charged to grants.

Proposed New APM 672, Negotiated Salary Program

FEC: College of Letters and Science Committee Response

November 17, 2023

The College of Letters & Science Faculty Executive Committee (FEC) has reviewed the Request for Consultation (RFC) regarding the Proposed New APM 672, Negotiated Salary Program. Our FEC is in agreement with the comments submitted by Academic Personnel- Oversight Subcommittee.

Proposed New APM 672, Negotiated Salary Program

FEC: School of Nursing Committee Response

November 17, 2023

The SON FEC has reviewed the RFC and supports the new policy.

Proposed New APM 672, Negotiated Salary Program

FEC: School of Medicine Committee Response

November 17, 2023

This RFC was reviewed and discussed at the SOM FEC meeting on Oct. 25; no objections were raised. FEC supports these revisions.

Proposed New APM 672, Negotiated Salary Program

FEC: College of Engineering Committee Response

November 17, 2023

COE FEC notes majority support for new APM 672

December 6, 2023

Jim Steintrager, Chair
Academic Council

Re: Systemwide Review – Proposed APM-672 Negotiated Salary Program

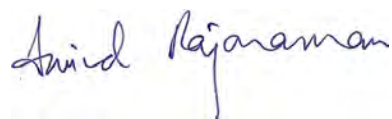
Dear Chair Steintrager,

The Irvine Division discussed the proposed new Academic Personnel Manual (APM) section 672 Negotiated Salary Program (NSP) at its Cabinet meeting on December 5, 2023. The Graduate Council (GC), Council on Equity and Inclusion (CEI), Council on Faculty Welfare, Diversity, and Academic Freedom (CFW), Council on Planning and Budget (CPB), and the Council on Research, Computing, and Libraries (CORCL) also reviewed the proposal. Feedback from the councils is attached for your review.

CFW raised only one question about local implementation, thus its feedback is not included. While the other reviewing councils and Cabinet members recognize there are benefits to the program, they continue to have serious concerns about the NSP, especially related to equity. However, all members perceive codification of the program to be a fait accompli and therefore did not oppose the new proposed APM section 672. They agree that the question is now how the program will be implemented and urge the Office of the President to carefully consider Senate feedback in the systemwide implementation of the NSP.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Arvind Rajaraman, Chair
Academic Senate, Irvine Division

Enclosures: GC, CEI, CPB, & CORCL memos

Cc: Valerie Jenness, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director



November 20, 2023

ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

Re: Proposed New APM-672 Negotiated Salary Program

The Council on Equity and Inclusion discussed the proposed new section 672 of the Academic Personnel Manual (APM) at its meeting on November 6, 2023.

The Council understands that the proposed APM-672, that moves the Negotiated Salary Trial Program (NSTP) from a trial to the permanent Negotiated Salary Program (NSP), is a *fait accompli*; therefore, member comments focused on ways to ensure transparency and expand opportunities for all faculty.

Members noted that the program requires each dean to build a contingency fund to cover a participant's total UC salary if they lose external funding during the negotiated period. Members would like to see transparency in how surplus contingency funds are used, for example, through annual reports that show the amount and use of surplus funds in each school. At Irvine, deans are expected to consult with faculty executive committees regarding the use of any contingency fund surplus, but it is unclear whether this is happening or not; there should be guardrails in place to ensure such consultation occurs. Additionally, contingency fund accumulations and expenditures are only required to be reported annually to the provost. These reports should be shared more widely, either with faculty executive committees or with all faculty in each school.

Further, members noted that the NSP will likely lead to inequities in terms of who ends up utilizing the program and would like to see surplus funds used in ways that would provide professional development for all faculty that would result in increased success at obtaining grants and subsequently more equitable utilization of the NSP. For example, they suggested that funds could support initiatives that spread awareness about the NSP. It might be helpful to include guiding principles within the policy that encourage faculty consultation about how to utilize surplus funds in ways that enhance opportunities for all faculty as well as measures that promote transparency in how surplus funds are used.

The Council on Equity and Inclusion appreciates the opportunity to comment.

Sincerely,



Karen Edwards
Chair, Council on Equity and Inclusion

Cc: Valerie Jenness, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director & CEI Analyst
Stephanie Makhoul, Senate Analyst



December 1, 2023

**ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

RE: Proposed New APM-672 Negotiated Salary Program

At its meeting on November 16, 2023, the Council on Research, Computing, and Libraries (CORCL) discussed the proposed APM-672 Negotiated Salary Program.

The Council offers the following comments:

- CORCL's previous review in June 2022 listed potential benefits and drawbacks of the NSTP/NSP. Drawbacks included unjustified inequalities in compensation and perverse incentives for faculty. Also, the Council expressed concerns regarding the data challenges that limit an accurate assessment of the efficacy of the NSTP. CORCL encouraged efforts to increase the program's transparency. After reviewing the current proposal, the Council was disappointed to find that such drawbacks were not appropriately addressed. Inequality was not mentioned at all in the current proposal.
- As stated in NSP, the first specific goal is "to recruit and retain outstanding faculty." Not all outstanding faculty are with extensive extramural funding. It would be questionable to use the proposed NSP mechanism to recruit or retain outstanding faculty if they (as PI) do not have enough grants. It would make more sense to change "outstanding faculty" to "faculty with extensive research funding." (672-2 Purpose. A.)
- For the proposed contingency plan, the proposal states, "If the funds that support the Contingency Plan are insufficient, the Chancellor may seek support from another non-State account(s) within the department, school, or campus." Since the NSP is an individual plan directly with the participating faculty member, the department or school fund would not be involved. Therefore, some members suggested that this language be removed. (372-4 Definitions. A. Contingency Plan)
- Some members expressed concern that the proposed contingency plan is inequitable. It was suggested that the program consider a mechanism similar to summer support. Faculty must demonstrate that they have secured funding in order to qualify for the NSP. Instead of increasing a faculty's salary in perpetuity, continued participation in the program should be contingent on the faculty member's ability to provide evidence of extramural funding.

The Council appreciates the opportunity to comment.

On behalf of the Council,



James Weatherall, Chair

c: Jisoo Kim, Executive Director

November 7, 2023

**ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

RE: PROPOSED APM 672 NEGOTIATED SALARY PROGRAM

At its October 25, 2023 meeting, the Council on Planning and Budget (CPB) discussed the revised draft of the proposed Academic Personnel Manual (APM) section 672 Negotiated Salary Program (NSP), which would codify the Negotiated Salary Trial Program (NSTP) into UC policy.

Background: The NSTP was implemented in 2013 so that participating campuses could augment faculty compensation on a temporary basis according to the competitive requirements of academic disciplines. The trial program has undergone two phases of testing, expanding to 6 campuses over this time. In three prior reviews of the program (November 2011, October 2012, June 2022), CPB expressed strong disapproval of the NSTP based upon the following objections: (1) the program increases salary inequity; (2) it reduces UC's incentive to make its regular salaries competitive; and (3) it violates the intent of federal research support, which assumes grant-funded summer salary is meant to be the path to salary enhancement. However, the NSTP Phase 2 Task Force, with the support of Provost and Executive Vice President Katherine S. Newman, ultimately recommended that the NSTP be approved to be institutionalized in policy as the NSP, APM section 672.

The Council offers the following comments:

1. **672-4 Definitions (a)** The contingency plan: Does the contingency plan apply to all cases of faculty funded by the NSP? Page 1 states, "The purpose of the Contingency Plan is to provide the funds necessary for the agreed-upon compensation to each NSP participant in the event that the current year income is unexpectedly insufficient to do so." In the case of faculty receiving extra salary funded by their research/teaching/outreach activities, is the campus expected to fund the salary difference if those sources unexpectedly go away? If the funds are expected to be generated by the faculty, why is the campus covering the loss of those funds? Would the campus (more likely the units) be on the hook for bridging the shortfall in perpetuity?
2. **672-6 Responsibility (b)** "The Chancellor shall be responsible for establishing campus data collection and reporting to monitor the effectiveness and equity of the campus Implementation Plan." While input from the Academic Senate for review of the implementation plan is clearly listed later in section (c), the policy should also specifically clarify the involvement of the divisional Senates with review of the data collected about the effects on faculty-salary equity. The role of shared governance is critical here as the salary inequity likely to arise from the program has the potential to result in continued degradation of faculty morale.
3. **672-10 Standards/Criteria/Qualifications (b)** Implementation Plan: #6 – Should July 1 salary now be changed to October 1 salary to be in line with the new salary-change date? University fiscal year July 1 – June 30 is again noted in (d). It seems odd to adjust the NSP rates out of sync with the rest of the salary adjusts on October 1.



4. **672-10 Standards/Criteria/Qualifications (e)** Regular Duties: “Participation in this program may not disrupt the required balance in duties or otherwise negatively impact a faculty member’s regular research, teaching, or service obligations.” Who will be in charge of determining this? How will “no negative impact” on faculty’s regular obligations be ensured?
5. **672-14 Eligibility:** “Campus Implementation Plans shall address the process by which a participant may request an exception to the summer ninths requirement for a purpose other than teaching in Summer Session or taking personal time off during the off-duty period in the summer.” Can NSP participants also participate in teaching during summer session or take personal time in summer?
6. **Appendix A** should clearly state that the Academic Senate will have a role in oversight of the data collected about NSP effectiveness and equity.
7. Concerns were raised about the proposal's potential impact on departments and units. Members took issue with the stipulation that either central administration or units cover any salary shortfalls. It should be the central administration’s responsibility.
8. Retention data by School would be helpful in evaluating the degree to which the NSP is successful.

The Council appreciates the opportunity to comment.

On behalf of the Council,

A handwritten signature in blue ink, appearing to read "Georges Van Den Abbeele".

Georges Van Den Abbeele, Chair
Council on Planning and Budget

CC: Jisoo Kim, Executive Director, Academic Senate
Gina Anzivino, Associate Director, Academic Senate
Michelle Chen, CPB Analyst
Stephanie Makhoul, Cabinet Analyst

November 20, 2023

ARVIND RAJARAMAN
CHAIR, ACADEMIC SENATE


RE: APM-672 Negotiated Salary Program

At its November 9, 2023 meeting, Graduate Council reviewed a proposed new APM-672 Negotiated Salary Program which aims to provide a mechanism for participating campuses to augment faculty compensation on a temporary basis according to the competitive requirements of academic disciplines.

While some members of the Council felt that our campus had benefitted greatly from our decade long experiment with the program, others felt that the impact of it varied across sectors of the campus. Benefits from the program include greater faculty compensation which can help with retention and recruitment, a workaround to certain grant application limits, and the potential that, at least in some sectors, more graduate students and post-docs could be grant supported. Critiques included the idea that perhaps, on occasion, the additional faculty compensation came at the expense of graduate student support, and more seriously, that this was a way for the state and the Regents to off-board their responsibility to fund higher education. In any event, since the consideration only impacts other campuses, we feel those campuses should make their own decisions regarding this program.

The Council appreciates the opportunity to comment.

On behalf of the Graduate Council,



Tonya Williams Bradford, Chair

c: Jisoo Kim, Executive Director, Academic Senate
Gina Anzivino, Associate Director, Academic Senate
Thao Nguyen, Graduate Council Analyst



December 8, 2023

James Steintrager
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed New APM - 672, Negotiated Salary Program

Dear Chair Steintrager,

The divisional Executive Board (EB) appreciated the opportunity to review the proposed new APM - 672, Negotiated Salary Program.

EB reviewed the proposal and divisional committee and council responses at its meeting on December 7, 2023. A majority of members voted for a motion to decline to endorse the proposal and to express serious reservations to turn this pilot into a permanent program. Further, the motion requested greater evidence of the pilot's impact, and expressed concern about the use of self-supporting graduate and professional degree program (SSGPDP) monies, the false analogy between health sciences compensation (HSCOMP) and this pilot program, and the danger that any trial program may lead to a permanent one.

Rationale for the Program

Members noted that the proposal did not address the rationale for continuation. It appeared that the main argument is that people who benefit from it, like it. Members observed that there have been repeated calls for data about whether the pilot program has been effective. They cautioned that the program should not be used as a tool for the university to avoid contributing its expected share to faculty salaries.

Inclusion of SSGPDPs

Members expressed concern about the inclusion of SSGPDPs as a legitimate funding source for this program as well as the general notion that individuals could use their time spent with a SSGPDP to justify a salary boost. They emphasized the concern of using state resources for a salary increase in the context of SSGPDP monies.

Equity Concerns

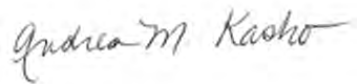
Some members expressed concern about salary equity related to this program not only within the division but also across the university system where implementation has been uneven. Several members noted that it is a false analogy to equate this proposed program with HSCOMP, the latter of which has to be done that way because of the division in function between the faculty and clinician roles. A few members noted that the pilot offers a useful mechanism to help the university remain competitive as well as to potentially provide equity between those faculty who are eligible for the HSCOMP and those who are not.

Trial Programs

Members noted that the divisional Senate was opposed to the initial proposal and subsequent pilot. They expressed concern that this pilot program served as a back door for Administration to implement a program over the objections of the Academic Senate. Members cautioned about the potential for “bait and switch” of having a trial or pilot program in the future.

Lastly, members noted that the current program has extensive paperwork requirements. They observed that there is a lot of administrative effort on both the divisional and systemwide level for a relatively small number of well-compensated faculty. They questioned whether it was a good use of university resources. A member noted that it would be better to raise the base salary scales.

Sincerely,

A handwritten signature in dark ink, reading "Andrea M. Kasko". The signature is fluid and cursive, with the first name "Andrea" and middle initial "M." clearly visible, followed by the last name "Kasko".

Andrea Kasko
Chair
UCLA Academic Senate

Encl.

Cc: Kathleen Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate

November 30, 2023

To: Andrea Kasko, Chair
Academic Senate

Re: **(Systemwide Senate Review) Proposed New APM 672, Negotiated Salary Program**

Dear Chair Kasko,

At its meeting on November 7, 2023, The Faculty Welfare Committee (FWC) discussed the Systemwide Senate Review of the Proposed New APM 672, Negotiated Salary Program. Members offered the following comments.

FWC members believed the original negotiated salary program was to be on a trial basis and questioned the reasons for establishing a new negotiated salary program. Members recognized that some faculty may benefit from the program because it allows for the negotiation and leveraging of their salaries beyond the departmental components. However, there was concern about first, a transfer of power from the faculty to administrators, resulting in more control at the Dean's level. Second, members also highlighted concerns over equity issues, noting that not all faculty or departments have the funding for these negotiations, rather such extra funds are focused in specific departments, particularly those in the health sciences.

Members would like to see data on whether the original program has changed salaries across schools and departments during the period of its implementation.

In summary, FWC has concerns about with the proposed new negotiated salary program because of its potential to create inequities and promote the use of soft money during a salary review. Thank you for the opportunity to opine. If you have questions, please do not hesitate to contact me at butlersj@ucla.edu or via the Committee analyst, Renee Rouzan-Kay, at rrouzankay@senate.ucla.edu.

Sincerely,



Samantha Butler, Chair
Faculty Welfare Committee

cc: Kathleen Bawn, Vice Chair/ Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Renee Rouzan-Kay, Senior Policy Analyst, Faculty Welfare Committee
Members of the Faculty Welfare Committee

To: Andrea Kasko, Chair, Academic Senate

From: Christopher Colwell, Chair, Council on Academic Personnel

Date: November 29, 2023

Re: **(Systemwide Senate Review) Proposed New APM-672, Negotiated Salary Program**

The Council on Academic Personnel (CAP) had an opportunity to review the proposed new APM-672 on the Negotiated Salary Program (NSP). We recognize the likely importance of this program in providing a mechanism to offer competitive salaries necessary for recruitment and retention. As previously expressed during its review of the Negotiated Salary Trial Program, members continued to express concerns that NSP is likely to exacerbate disparities in compensation, such as with respect to gender. Members recommended the Academic Affairs and Personnel Office to provide close and frequent monitoring and reporting to identify disparities resulting from this policy; to implement mitigating efforts until parity is achieved; and to ensure strong communication to all eligible faculty, especially to groups who are historically more reluctant to request salary augmentations. Some members expressed concerns how NSP will impact personnel reviews (if faculty see NSP as more valuable than on-time step increases); how NSP will impact research decisions (if faculty will seek NSP-eligible funding sources over NSP-ineligible sources); and the lack of evidence that the trial program had positive effects on recruitment and retention.

CAP looks forward to the opportunity to review and comment on any Campus Implementation Plan and proposed exceptions to the Campus Implementation Plan.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at CColwell@mednet.ucla.edu or via the Council's analyst, Lori Ishimaru, at lishimaru@senate.ucla.edu.

cc: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Lori Ishimaru, Senior Policy Analyst, Academic Senate
Members of the Council on Academic Personnel

To: Andrea Kasko, Chair, Academic Senate

From: Shane White, Chair, Committee on Rules and Jurisdiction

Date: October 13, 2023

Re: **(Systemwide Senate Review) Proposed New APM-672, Negotiated Salary Program**

At its meeting on October 11, 2023, the Committee on Rules and Jurisdiction (CR&J) discussed the systemwide Senate review of the proposed new APM-672 (Negotiated Salary Program).

Members remind reviewers of the caveats about the role of the program in the UC salary structure, as stated in the June 22, 2017 Negotiated Salary Trial Program (NSTP) Fourth Year Taskforce Report:¹

- “The program does not supplant the regular merit review process. Faculty performance will continue to be assessed on the quality of scholarly contributions, teaching, and service, rather than on external funding.
- The program is not a tool to address the UC-wide responsibility to eliminate the lag in UC faculty salaries compared to those of its peer institutions.”

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at snwhite@dentistry.ucla.edu or via the Committee’s analyst, Lori Ishimaru, at lishimaru@senate.ucla.edu.

cc: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Lori Ishimaru, Senior Policy Analyst, Academic Senate
Members of the Committee on Rules and Jurisdiction

¹ <https://senate.universityofcalifornia.edu/files/underreview/NSTP-fourth-year-TF-Report.pdf>



OFFICE OF THE ACADEMIC SENATE
PATTI LIWANG, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

December 1, 2023

To: James A. Steintrager, Chair, Academic Council

Re: Systemwide Review of Academic Personnel Manual (APM) Section 672-Negotiated Salary Program

The proposed draft of Academic Personnel Manual (APM) Section 672-Negotiated Salary Program was distributed for comment to the Merced Division Senate Committees and School Executive Committees. The following committees offered several comments for consideration. Their comments are appended to this memo.

- Committee on Academic Personnel (CAP)
- Committee on Academic Planning and Resource Allocation (CAPRA)
- Committee on Research (CoR)
- Committee on Rules and Elections (CRE)
- Committee for Equity, Diversity and Inclusion (EDI)
- Graduate Council (GC)

CAP noted that despite over a decade of consistent comments and critique from the Academic Senate, this plan is still rife with equity issues and threatens to undermine core academic values of the University of California. While CAP recognized the need for more competitive salaries as being crucial to attracting and maintaining world class faculty, they believed that this plan does so at a high cost to faculty equity and morale. CAP went on to quote previous Senate comments at length both because they believed the comments to be relevant to what is now dubbed APM 672 and also to illustrate that despite over a decade of concern, the UC administration continues to push this program. In light of these ongoing concerns, CAP did not support APM 672. Furthermore, CAP noted that though the NSTP was continually renewed in the past despite these serious concerns of equity, conflict of commitment, and academic freedom, it does not mean that this APM change should be accepted as inevitable. The administration has a rich array of past comments from the Senate on both APM 672 and the NSTP on which to draw in considering ways in which to address the real problem of salary lag at the UC without negative impacts on equity.

CAPRA believed the program itself may have the key to positive hiring and retention of faculty members who are highly sought after. However, in previous discussions, CAPRA highlighted the cause for inequality among various disciplines which continues to be an issue that has not been addressed. The new policy does not specifically address any of CAPRA's earlier concerns. The new policy mostly

discusses the implementation plan. CAPRA noted the plan seemed reasonable, but it is unclear whether implementation will be pursued.

CoR was overall in favor of this proposal moving forward. CoR noted that the NSP will provide financial compensation for outstanding faculty members that will be comparable to salaries offered in other positions including industry. This will likely have a positive impact on recruiting strong researchers to UCM and have a positive effect on attracting top-notch graduate students and future success in obtaining external awards. The only concern noted was that there needs to be clearer safeguards in the proposal that the increased salary must come from revenue that is directly generated by the faculty. Currently, 672-4c states that “external funds should represent additional fund sources for the University, to which the faculty member has access due to their research, teaching, or outreach activities”. The payment of faculty through these other routes may divert funds for other crucial research-related purposes, such as supporting facility upgrades, hiring new research staff, student fellowship, etc.

CRE noted that various portions of the text contained vague language that required more clarity. Specifically, under section 672 – Purpose and section 672-10 – Standards/Criteria/Qualifications. Furthermore, in the spirit of equity, CRE wondered if this addition to the APM would apply to Teaching Professors.

EDI expressed significant reservations about implementing the NSP without major changes. It also lacked confidence that the NSP provides an adequate foundation upon which such changes could be made, as evidenced by the fact that through three reviews over a decade-long trial period, the same concerns have been brought up and remain largely unaddressed. EDI noted that while the UC's ability to maintain a competitive salary and fairly compensate faculty is essential, the NSP introduces too many opportunities to misalign priorities and exacerbate salary inequities. Overall, EDI believed that the NSP should not be adopted if it cannot be shown to be meeting its intended goals in an equitable way.

GC believed the sentiments among graduate students and postdoctoral scholars indicate that the professoriate is not perceived as a desirable career goal. Graduate students and postdocs cite what they notice in terms of struggles that the faculty face in performing their jobs and the imbalance in earning power between inside and outside academia. They also shared concerns about the ability to maintain a living. Such reasons are deterring them from pursuing professorships as a career goal. In light of these observations, the Negotiated Salary Program does provide a tool to counteract at least some of these concerns, and therefore, GC believed the program should remain implemented beyond the test phase.

Divisional Council reviewed the committees' comments and supports their various points and suggestions. Members noted that this proposal surfaced in 2011 and was rejected by the systemwide Senate at that time, but the issue returned the following year as a temporary program. Members also noted that the current revisions do not address many of the previous concerns that were raised, mainly in regard to equity. There is inequity within schools and departments and even within disciplines between faculty who receive grants and those that do not. Conversely, some members pointed out that the NSP may be beneficial in certain cases, such as a dean trying to retain a faculty member as there are already inequities built into faculty salaries based on different disciplines partly to reflect market realities. Some members disagreed, stating the importance of coming up with solutions rather than continuing to exacerbate the inequalities.

The Merced Division thanks you for the opportunity to comment on this proposed section of the APM.

CC: Divisional Council

Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON ACADEMIC PERSONNEL (CAP)
SEAN MALLOY, CHAIR
smalloy@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

November 7, 2023

To: Patti LiWang, Senate Chair

From: Sean Malloy, Chair, Committee on Academic Personnel (CAP)

Re: Proposed APM 672 Negotiated Salary Program

CAP welcomes the opportunity to opine on the proposed APM 672 (“Negotiated Salary Program”) but also expresses frustration that despite over a decade of consistent comments and critique from the Academic Senate this plan is still rife with equity issues and threatens to undermine core academic values of the University of California. While we recognize the need for more competitive salaries is crucial to attracting and maintaining world class faculty, this plan, if it accomplishes it at all, does so at a high cost to faculty equity and morale.

What is now labeled as APM 672 was first proposed by the administration in 2011 as APM 668 and subject to extensive Academic Senate review which concluded with [a memorandum from then Academic Council Chair Robert M. Anderson](#) in which “Council agreed that the proposal as written is fundamentally flawed and strongly opposed its implementation.” Among the concerns in 2011 were that:

“APM 668 would constitute a fundamental change in culture by undermining the concept that all faculty are evaluated under one, common review process, regardless of discipline and campus”

“APM 668 would shift the determination of rewards for faculty merit from a shared governance process to an administrative one (UCM, UCR, UCORP, UCPB) and is inconsistent with APM 210’s direction that faculty shall be evaluated primarily by their peers.”

“APM 668 would undermine the power of the peer review merit process to protect the fairness and equity embodied in the salary scales (UCD, UCI, UCLA, UCR, UCSB, UCSC, UCFW, UCPB) in two ways: a) by awarding increases in salary based on the availability of research funds, rather than by the quality of the research (UCI, UCM, UCR, UCORP); and b) by assigning the determination of “good standing” to administrators rather than to CAP.”

“APM 668 would exacerbate and institutionalize existing salary inequities among disciplines and research focus areas, and across campuses (UCB, UCD, UCI, UCLA, UCR, UCSB, UCSC, UCSC, UCAP, UCFW).”

“It may worsen gender and racial salary equity issues (UCD, UCLA, UCAP).”

“APM 668 could provide incentives for faculty to shift their effort toward revenue-producing research activities and away from other types of research and teaching and service, producing a “conflict of effort” (UCB, UCD, UCLA, UCR, UCSB, UCSD, UCAP).”

“It could divert research funds from graduate student support and other uses of funds for research and divert faculty effort from teaching and mentoring (UCB, UCD, UCI, UCLA, UCM, UCR, USCB, UCSD, CCGA, UCORP, UCPB), impacting UC excellence.”

In response to these concerns, Academic Personnel withdrew APM 678 and instead proposed in 2012 what became known as the Negotiated Salary Trial Program (NSTP). In reviewing the NSTP, [Academic Council Chair Robert L. Powell concluded](#) that “most of the Senate’s concerns with APM 668, the prior attempt to design a negotiated salary plan, were not substantively addressed.” Council did give conditional approval for the trial program to go ahead, though in large part out of a sense of inevitability:

“Finally, I want to emphasize that Council’s support was based on its members’ resignation to the notion that the trial will proceed, regardless of its recommendation. This sense of futility is related to the review of the proposed APM 668. Indeed, as a trial proceeds, it must be with the recognition that the overwhelming majority of faculty who have reviewed it consider such plans at odds with the foundational principles that underlie the personnel processes on general campuses, especially merit review.”

In 2017, [Academic Council Chair Shane N. White authored a Council statement](#) upon the first five-year review of the NSTP. While supporting continuation of the trial, it “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 particular, the 2017 Senate review raised the following issues, most of which were similar or identical to those first raised when APM 668 was introduced in 2011:

“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 disproportionately 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."

CAP quotes previous Senate comments at length both because we believe they remain relevant to what is now dubbed APM 672 and because they illustrate that despite over a decade of concern, the UC administration continues to push this program, now once again proposing formal enshrinement in the APM. In light of these ongoing concerns, CAP cannot approve APM 672. Though the NSTP was continually renewed in the past despite these serious concerns of equity, conflict of commitment, and academic freedom does not mean that we should accept this APM change as inevitable. The administration has a rich array of past comments from the Senate on both APM 672 and the NSTP on which to draw in considering ways in which to address the real problem of salary lag at the UC without negative impacts on equity. We urge the administration to see their previous errors and refrain from adoption this APM until such steps are taken.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON ACADEMIC PLANNING AND RESOURCE ALLOCATION
KEVIN MITCHELL, CHAIR
kmitchell@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

October 30, 2023

To: Patti LiWang, Senate Chair

From: Kevin Mitchell, Chair, Committee on Academic Planning and Resource Allocation (CAPRA)

Re: Proposed APM Section 672 - Negotiated Salary Program

CAPRA reviewed the proposed, new APM 672 section on the Negotiated Salary Program and offers the below comments.

The program itself may have the key positive of hiring and retaining faculty members who are highly sought after. However, in previous discussions, CAPRA has highlighted the cause for inequality among various disciplines which continues to be an issue that has not been addressed. The new policy does not specifically address any of CAPRA's earlier concerns. The new policy mostly discusses the implementation plan; the plan seems reasonable, but it is unclear whether we will pursue implementation.

We appreciate the opportunity to opine.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RESEARCH (COR)
TAO YE, CHAIR
tye2@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

November 2, 2023

To: Patti LiWang, Senate Chair

From: Tao Ye, Chair, Committee on Research (CoR)

Re: Proposed APM Section 672 - Negotiated Salary Program

CoR reviewed the proposed, new APM section 672 pertaining to the Negotiated Salary Program and offers the below comments.

The proposal provides a framework for creating an Implementation Plan if the campus chooses to adopt the Negotiated Salary Program (NSP). For the most part the proposal clearly outlines the necessary requirements for adopting the NSP. Since the proposal is simply a policy framework for a future proposal (Implementation Plan), there is limited impact on faculty research or research infrastructure at the moment. The implementation of this program, however, can have a significant impact on how university resources will be allocated and thus affect school funding for other research needs (see below).

CoR is overall in favor of this proposal moving forward. The NSP will provide financial compensation for outstanding faculty members that will be comparable to salaries offered in other positions including industry. This will likely have a positive impact on recruiting strong researchers to UCM and have a positive effect on attracting top-notch graduate students and future success in obtaining external awards. The only concern may be that there needs to be clearer safeguards in the proposal that the increased salary must come from revenue that is directly generated by the faculty. Currently, 672-4c states that “external funds should represent additional fund sources for the University, to which the faculty member has access due to their research, teaching, or outreach activities”. The payment of faculty through these other routes may divert funds for other crucial research-related purposes, such as supporting facility upgrades, hiring new research staff, student fellowship, etc.

We appreciate the opportunity to opine.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RULES AND ELECTIONS (CRE)

UNIVERSITY OF CALIFORNIA, MERCED

October 25, 2023

To: Patti LiWang, Chair, Divisional Council

From: Christopher Viney, Chair, Committee on Rules and Elections (CRE)

Re: [Proposed Academic Personnel Manual \(APM\) 672, Negotiated Salary Program](#)

The Committee on Rules and Elections evaluated proposed APM 672-Negotiated Salary Program and offers the following comments.

672-2 – Purpose

“The purpose of the Negotiated Salary Program is to provide a mechanism for campuses to augment faculty compensation on a temporary basis”

The word “temporary” implies that there is a defined intended end to the augmentation of a given faculty member’s compensation. It would be helpful for the document to provide clarity on how that end point is explicitly determined. Is there an expectation that the market forces (“competitive requirements”) which drove the augmentation will change substantially?

672-2.b. – Purpose

“To encourage and recognize significant contributions to the University mission”

The language is vague. Some clarity on “University mission” would be helpful. Are activities of research, teaching and service accorded the same or different priorities? Also, given that encouragement and recognition are provided through the existing processes of merit and advancement, including accelerations where merited, is “significant” a strong enough qualifier? Don’t the existing processes ensure that all Senate faculty already contribute significantly to the mission of the University? Perhaps “exceptional” would be better? Who is the arbitrator of such contributions, and how will fairness and consistency be ensured across disciplines?

672-6 – Responsibility

Shouldn’t there be an explicit role for CAP, just as there is for the existing processes of merit and advancement?

672-10.a.2 – Standards/Criteria/Qualifications: Good Standing Criteria

“...or has undergone an equivalent satisfactory review”

Some clarity on (examples of) what is meant by “equivalent satisfactory review” would be helpful.

672-10.b.7 – Standards/Criteria/Qualifications: Implementation Plan

“These methods should include strategies for senior program participants to mentor junior faculty to explore funding opportunities, so that they are positioned to participate in the program in the future if they wish to do so.”

Does this mean that only senior faculty may participate in the program?

Lastly, in the spirit of equity, CRE wonders if this addition to the APM will apply to Teaching Professors.

We thank you for the opportunity to review and comment.

CC: CRE Members
Senate Office



ACADEMIC SENATE, MERCED DIVISION
COMMITTEE FOR EQUITY, DIVERSITY AND INCLUSION (EDI)

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

October 27, 2023

To: Patti LiWang, Chair, Divisional Council

From: [Committee for Equity, Diversity and Inclusion \(EDI\)](#)

Re: [Academic Personnel Manual \(APM\) section 672 – Negotiated Salary Program](#)

The Committee for Equity, Diversity and Inclusion evaluated the proposed draft of Academic Personnel Manual (APM) section 672 – Negotiated Salary Program and offers the following comments.

We note that the Negotiated Salary Program (NSP) was heavily reviewed in 2012, 2017, and 2022 during its trial as the Negotiated Salary Trial Program (NSTP). In these reviews, significant concerns have been raised and remain largely unaddressed in the new draft. We support and reemphasize the following notable concerns related to EDI:

- The current implementation will exacerbate salary inequity between faculty of various departments, campuses, and identities.
- Past collection and analysis of data from the NSTP have been insufficient to determine whether the NSP would achieve its intended goal of improving faculty recruitment and retention without leading to unintended salary inequity.
- The current implementation incentivizes faculty to reduce their teaching, mentoring, and service contributions in favor of revenue-generating tasks. We remark that service is already often an uncompensated role that is disproportionately taken on by faculty from marginalized identities.
- Currently, it is unclear how the NSP is distinct or improved from merit promotion, advanced merit promotion, and the summer salary program. In fact, the NSP overlaps, and may inadvertently detract from the accountability for these other avenues for salary increases to remain competitive and equitable.
- The rescindment policy and the guidance for rescindment plan for retracting the trial program (NSTP) were inadequate, as shown by the policy's continued extension despite numerous unaddressed criticisms. Since establishing the NSP as a full policy (non-trial) does away with any need for a rescindment plan, it is critical to thoroughly justify the adoption of the NSP. We also note that the trial program (NSTP) has continued thus far because of claimed disruption from removing the policy. However, this does not seem necessarily the case since the intention of the Negotiated Salary Program is to be "a way for faculty to augment their salaries on a temporary basis" (p. 1, 672-2), and that during the trial program, there was a rescindment policy in place to circumvent such justification. There is no justified resistance to the temporary

trial being rescinded. It can be compared to a summer salary that must be reapproved each year, and is not guaranteed in future years simply because it was approved in one.

The proposed revisions and points that EDI suggests to be addressed are:

672-2 Purpose

- In the current draft policy, there is a critical gap in addressing pressing EDI concerns that have been prominently raised in prior reviews. The pivotal question remains: How will the policy actively counteract the exacerbation of existing inequalities across diverse disciplines and campuses?
- A particular concern echoes loudly, the potential selective awarding of additional salaries to faculty in research areas boasting substantial external funding. This prospect poses a significant risk of widening the already pronounced gender and racial disparities within academia. Notably, disciplines attracting significant external funding often exhibit an unsettling overrepresentation of white and male faculty, coupled with an underrepresentation of racially minoritized groups and women.
- It is crucial to spotlight the disparities faced by disciplines such as humanities and humanistic social sciences, where there is a commendable representation of women and racially underrepresented groups. However, these fields may find themselves at a compensation disadvantage compared to STEM fields due to a lack of comparable access to external funding opportunities.
- How will the policy tackle these disparities and mitigate the potential impact on salary differences between male and female faculty members? An inclusive and robust response to these questions is not just a necessity, it is the cornerstone of a policy that truly aligns with EDI efforts.
- The first specific goal of the Negotiated Salary Program is “To recruit and retain outstanding faculty by leveraging external, non-state-appropriated funds,” however, it does not clearly delineate the criteria for defining an 'outstanding' faculty member. Will the definition incorporate EDI principles? How will this ensure that recruitment and retention strategies are aligned with the goal of cultivating a diverse, inclusive environment and striving towards a faculty body that is representative of communities and students?

672-6 Responsibility

c. Role of the Academic Senate:

The current draft lacks clarity regarding the specific Academic Senate committee(s) designated to review and comment on the proposed Implementing Procedures. It's imperative to explicitly address whether the EDI senate committee will be included in this process, particularly considering the significant EDI-related concerns raised earlier. Given the gravity of ongoing EDI-related concerns, it becomes pivotal to ensure that the EDI senate committee is afforded the opportunity to review and provide insights on the proposed Implementing Procedures. This inclusion is not merely a formality; it is a strategic move to align the policy with the crucial EDI considerations highlighted previously.

672-10 Standards/Criteria/Qualification

Good Standing Criteria:

There is insufficient guidance on what criteria will be used to evaluate the approval of a Negotiated Salary Program proposal. The "Good Standing Criteria" currently provides necessary, but insufficient conditions to award a Negotiated Salary. To ensure equity, guidance for several additional criteria must be added and enforced (non-optionally) across campuses. Specifically, this is to ensure that faculty are not further disincentivized from participating in teaching, service, and EDI (since these will unlikely be sources of NSP). Furthermore, clearly measured criteria are necessary for ensuring that the approval/review process is not vulnerable to bias. In addition, it is essential that the criteria consider a

breadth of faculty success indicators spanning research, teaching, service, and EDI contributions to ensure that the NSP does not disadvantage certain groups, such as faculty from non-STEM departments, who may have fewer funding options for NSP, or marginalized faculty who statistically take on disproportionately large amounts of service and EDI work. Criteria to be added include faculty's continued contributions to research, teaching, and service, as well as contributions to equity, diversity, and inclusivity. Such contributions should be outstanding, and not simply adequate. We recommend that such criteria be developed in collaboration with each campus's senate EDI committee.

b. Implementation plan:

Point 6: What will constitute adequate EDI contributions? Presumably, this should go above and beyond the regular requirements for merit promotion. Defining such thresholds will be challenging and provides opportunities for inadequate addressing of this point.

Point 13: Participant data collection requirements (672 Appendix) should include demographic data that should be collected and analyzed for trends in salary across faculty identities and groups.

Point 14: To maintain equity, data and metrics should be shared with an appropriate EDI entity (e.g., EDI committee or EJIE). Multiple past reviews cite inadequate data and evidence to show the program's effectiveness. We concur and make the following recommendations.

- Formalized, transparent, and indisputable success metrics should be agreed upon before implementation.
- Continuation of the NSP must be strictly contingent on meeting the metrics defined, otherwise, we risk simply continuing the program due to insufficient data and promise of addressing concerns in the future.
- More representation from non-participating faculty should be included in future studies and surveys.
- The responsible parties for analyzing and reporting this data must be established clearly.

672-14 Eligibility

What is the intention of the maximum summer salary requirement, and what forms of exception will the Chancellor approve? How will this maintain equity, especially for positions that are more or less likely to be able to take summer salary?

672-16 Limitations: Imposing faculty time commitment limits

Currently, with the limit on NSP salary (max 30% of base salary), there is no limit on the time that faculty can devote to the sources of funding for their NS. This encourages faculty to seek out revenue-generating roles at the expense of their teaching and service responsibilities. There should be a limit on reported time that can be spent on responsibilities that go towards the funding sources (including grant and other external consulting roles), for example, 10%. This time should be documented and reported. This would be similar to the summer salary model, which ties salary to month, but would allow for compensation that could be disproportionate to the base salary rate in terms of time. For example, a 10% time allocation towards a consulting role might achieve the maximum NSP salary of 30% of base pay, while ensuring that the faculty contribution of time to such revenue-generating roles is limited to 10%.

Transparency/Access

If implemented, the NSP must have clear guidelines for all faculty to understand and be aware of. Examples of a variety of sources from which to get NSP funding should be communicated, including for faculty in different departments (e.g., STEM vs non-STEM) and roles (Teaching vs Non-Teaching Professors).

Overall, EDI has significant reservations about implementing the NSP without major changes. It also lacks confidence that the NSP provides an adequate foundation upon which such changes could be made, as evidenced by the fact that through three reviews over a decade-long trial period, the same concerns have been brought up and remain largely unaddressed. While the UC's ability to maintain a competitive salary and fairly compensate faculty is essential, the NSP introduces too many opportunities to misalign priorities and exacerbate salary inequities. The NSP should not be adopted if it cannot be shown to be meeting its intended goals in an equitable way.

We thank you for the opportunity to review and comment.

Cc: EDI Members
Senate Office



ACADEMIC SENATE, MERCED DIVISION
GRADUATE COUNCIL (GC)

UNIVERSITY OF CALIFORNIA, MERCED

November 1, 2023

To: Patti LiWang, Chair, Divisional Council

From: Michael Scheibner, Chair, Graduate Council (GC)

Re: [Proposed New APM 672 – Negotiated Salary Program](#)

Graduate Council (GC) has reviewed the proposed new APM 672 – Negotiated Salary Program and offers the following comments:

Sentiments among graduate students and postdoctoral scholars indicate that the professoriate is not perceived as a desirable career goal. Graduate students and postdocs cite what they notice in terms of struggles that the faculty face in performing their jobs and the imbalance in earning power between inside and outside academia. They also share concerns about the ability to maintain a living. Such reasons are deterring them from pursuing professorships as a career goal. In light of these observations, the Negotiated Salary Program does provide a tool to counteract at least some of these concerns, and therefore, GC believes the program should remain implemented beyond the test phase.

GC thanks you for the opportunity to review the proposed new APM 672 – Negotiated Salary Program.

Cc: Graduate Council
Senate Office



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

SANG-HEE LEE
PROFESSOR OF ANTHROPOLOGY
RIVERSIDE, CA 92521-0217
TEL: (951) 827-4390
EMAIL: SANG-HEE.LEE@UCR.EDU

November 30, 2023

James A. Steintrager, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: (Systemwide Review) Proposed New APM - 672 - Negotiated Salary Program

Dear Jim,

The Riverside Executive Council discussed the subject proposed policy during their November 20, 2023 meeting and some members expressed interest in data regarding who uses the Negotiated Salary Program and how they use it.

Divisional committee comments are generally supportive and there is interest in additional program related data. Diversity, Equity, & Inclusion and Planning & Budget put forth important comments and questions. They are included below.

The Committee on Diversity, Equity, & Inclusion shares concerns expressed by the University Committee on Affirmative Action, Diversity, and Equity (UCAAFE): while this program has the benefit of expanding support for faculty salaries in high-demand fields, the codification of the program into policy raises questions about its impact on salary equity on our campus across fields and its potential to amplify racial and gender disparities. UCR CODEI sees a need to collect data about this program's implementation in order to support adequate review and revision.

The UCR Committee on Planning & Budget has questions regarding the proposal:

1. As it relates to Appendix A ("Negotiated Salary Program Participant Data Collection") and "Minimum Negotiated Salary Program (NSP) Participant Data Collection Requirements," along with equity focus/goals: instead of the data collected being made available upon request in an aggregated form, can that data be provided/presented in fractionated form identifying data belonging to respective schools/colleges and departments?
2. Are Agricultural Experiment Station (AES) faculty eligible to participate in the Negotiated Salary Program?

The Committee on Academic Personnel commends the effort in codifying the previous trial program into policy and looks forward to seeing the Implementation Plan at UCR and the Bourns College of Engineering Faculty Executive Committee is in favor of the proposed new APM section. The Committee on Faculty Welfare has no objection to the proposed new APM section.

The Faculty Executive Committees of the College of Humanities, Arts, & Social Sciences, the School of Business, and the School of Education Faculty had no comments on the proposal.

The School of Medicine Faculty Executive Committee agrees with the revisions and has no further comments.

Sincerely yours,


A handwritten signature in black ink, appearing to read "Sang-Hee Lee", written in a cursive style.

Sang-Hee Lee
Professor of Anthropology and Chair of the Riverside Division

CC: Monica Lin, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

November 9, 2023

TO: Sang-Hee Lee-, Chair
Riverside Division of the Academic Senate

FROM: Victor G. J. Rodgers, Chair 
BCOE Executive Committee

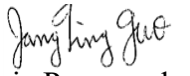
RE: Systemwide: Proposed New APM-672-Negotiated Salary Program

On November 9, 2023, the BCOE Executive Committee reviewed the proposed New APM-672-Negotiated Salary Program. The committee voted unanimously in favor of this program.

COMMITTEE ON ACADEMIC PERSONNEL

November 2, 2023

To: Sang-Hee Lee, Chair
Riverside Division Academic Senate

From: Jang-Ting Guo, Chair 
Committee on Academic Personnel

Re: [Systemwide Review] Proposed New APM - 672 - Negotiated Salary
Program

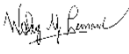
In its 10/30/2023 meeting, CAP discussed the proposed new APM-672 on the Negotiated Salary Program. The committee commends the effort in codifying the previous trial program into policy, and looks forward to seeing the Implementation Plan at UCR in the future.



College of Humanities, Arts, and
Social Sciences
EXECUTIVE COMMITTEE

October 25, 2023

TO: Sang-Hee Lee, Chair
Riverside Division of the Academic Senate

FROM: Wesley Leonard, Chair 
CHASS Executive Committee

RE: New APM: Proposed New APM - 672 - Negotiated Salary Program

The CHASS Executive Committee supports the New APM: Proposed New APM - 672 - Negotiated Salary Program and has no additional comments.

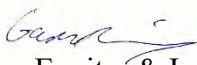


Academic Senate

COMMITTEE ON DIVERSITY, EQUITY, & INCLUSION

November 13, 2023

To: Sang-Hee Lee, Chair
Riverside Division Academic Senate

From: Gareth Funning, Chair 
Committee on Diversity, Equity, & Inclusion

Re: [Systemwide Review] New APM: Proposed New APM - 672 -Negotiated Salary Program

The Committee on Diversity, Equity, and Inclusion reviewed the proposed APM section 672, which codifies into policy the Negotiated Salary Program.

We share concerns expressed by the University Committee on Affirmative Action, Diversity, and Equity (UCAAFE): while this program has the benefit of expanding support for faculty salaries in high-demand fields, the codification of the program into policy raises questions about its impact on salary equity on our campus across fields and its potential to amplify racial and gender disparities. We see a need to collect data about this program's implementation in order to support adequate review and revision.



Academic Senate

FACULTY WELFARE

November 8, 2023

To: Sang-Hee Lee, Chair
Riverside Division

From: Committee on Faculty Welfare


RE: [Systemwide Review] New APM: *Proposed New APM - 672 - Negotiated Salary Program*

The Committee on Faculty Welfare (CFW) reviewed the proposed new Academic Personnel Manual (APM) Section 672, which would codify into policy the Negotiated Salary Trial Program (NSTP). CFW has no objections.

PLANNING AND BUDGET

November 1, 2023

To: Sang-Hee Lee, Chair
Riverside Division

From: Reza Abbaschian, Chair 
Committee on Planning and Budget

RE: [Systemwide Review] New APM: Proposed New APM - 672 - Negotiated Salary Program

At our October 24, 2023 meeting, CPB reviewed the proposed new Academic Personnel Manual (APM) section 672, which would codify into policy the Negotiated Salary Trial Program (NSTP). CPB supports the proposed new APM and negotiated salary program. CPB also asks the following two questions:

- 1) As it relates to Appendix A (“Negotiated Salary Program Participant Data Collection”) and “Minimum Negotiated Salary Program (NSP) Participant Data Collection Requirements,” along with equity focus/goals: instead of the data collected being made available upon request in an aggregated form, can that data be provided/presented in fractionated form identifying data belonging to respective schools/colleges and departments?
- 2) Are Agricultural Experiment Station (AES) faculty eligible to participate in the Negotiated Salary Program?



11/4/2023

To: Sang-Hee Lee, Division Chair of the UCR Division of the Academic Senate and Cherysa Cortez, Executive Director of the UCR Academic Senate

From: Katherine Meltzoff, Ph.D., Faculty Chair of the School of Education Executive Committee

Subject: SOE FEC response to Proposed New APM - 672 - Negotiated Salary Program

The SOE Executive Committee reviewed the proposed new APM-672 – Negotiated Salary Program. Comments/feedback were solicited at our executive committee meeting and via email.

The SOE FEC does not have any comments.

Thank you for the opportunity to provide feedback.

Sincerely,

Katherine Meltzoff
Faculty Executive Committee Chair
School of Education
University of California, Riverside



November 29, 2023

TO: Sang-Hee Lee, Ph.D., Chair, Academic Senate, UCR Division

FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

SUBJECT: Response to [Systemwide Review] New APM: *Proposed New APM - 672 - Negotiated Salary Program*

Dear Sang-Hee,

The SOM Faculty Executive Committee has reviewed the proposed New APM: *Proposed New APM - 672 - Negotiated Salary Program*.

The committee agrees with the revisions and has no further comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Kaul".

Marcus Kaul, Ph.D.
Chair, Faculty Executive Committee School of Medicine



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

December 6, 2023

Professor James Steintrager
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of Academic Personnel Manual (APM) 672, Negotiated Salary Program

Dear Chair Steintrager,

The proposed Academic Personnel Manual (APM) 672, Negotiated Salary Program (NSP) was distributed to San Diego Divisional Senate standing committees and discussed at the December 4, 2023 Divisional Senate Council meeting. Senate Council endorsed the proposal and offered the following comments for consideration.

Council acknowledged that the NSP is an important tool used during recruitment and retention since faculty who participate in the program can increase their salary to be comparative to universities that can pay them a higher salary. However, Council was concerned with the equity implications of the program since only faculty who have access to funding can participate in it. To improve transparency of who benefits from the NSP, it was suggested that there should be more robust systemwide data collection and analysis of the program's impacts, as this program may create or exacerbate inequities both within and between fields, or reveal obstacles to access along lines of gender and/or URM groups. It is noted in the policy that data collection will be managed locally by the Chancellor. Additional details should be added describing the methodology and type of information that should be collected to ensure the comparability of data across UC campuses and to monitor the efficacy and equity of NSP.

Reviewers also noted that some details regarding the decisions made in the policy were lacking, such as why the Negotiated Salary Component cannot exceed 30% and why the NSP is limited to only Senate faculty since other academic appointees have independent funding (e.g. Professor Research series). There was also ambiguity regarding the Contingency Plan since each participant is required contribute to the fund, but it is not clear what happens at the end of the fiscal year if the fund is not used and there is a surplus. The policy states the contingency funds may be reallocated from account to account, but there is no clarity on when, how, or why that happens.

The responses from the Divisional Committee on Academic Personnel, Committee on Diversity and Equity, Committee on Faculty Welfare, and Committee on Research are attached.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Hildebrand", is written over a light blue rectangular background.

John A. Hildebrand
Chair
San Diego Divisional Academic Senate

Attachments

November 21, 2023

JOHN HILDEBRAND, CHAIR
Academic Senate, San Diego Division

SUBJECT: Review of Proposed System-wide Policy APM 672: Negotiated Salary Program

The Committee on Academic Personnel (CAP) appreciates the opportunity to provide comments on the proposed system-wide policy APM 672: Negotiated Salary Program. CAP discussed the proposed policy at its November 08, 2023 meeting, and overall the committee is fully supportive of the proposed policy without objection. The committee offers the following comments surrounding the discussion of the proposed policy.

Committee members opined on components of the proposed policy that are vague and will need to be expanded upon in each campus' implementing procedures. With regards to the contingency plan provision, there is ambiguity about the destination of this funding, in particular after many trial years of the program. Clarity on where these funds are allocated within the implementation procedures from year to year is necessary.

Concerns related to equity were also raised. CAP members strongly recommend that participation in the negotiated salary program, known as the GCCP program at UC San Diego, should be a metric used in the faculty gender-equity salary study to ensure comprehensive examination and mitigation of equity issues to determine if this program further exacerbates the salary equity issues. There is consensus within CAP that the potential inequity resulting from the GCCP needs to be addressed. While the policy itself may be less egregious, the committee expresses a collective sentiment that addressing and correcting inequities is imperative as is funding to address the inequities.



Wendy M. Campana, Chair
Committee on Academic Personnel

Cc: O. Graeve
L. Hullings
J. Coomer

November 21, 2023

JOHN HILDEBRAND, CHAIR
Academic Senate, San Diego Division

SUBJECT: Review of Proposed Academic Personnel Manual (APM) 672, Negotiated Salary Program

The Committee on Diversity and Equity (CDE) discussed the Proposed (APM) 672, Negotiated Salary Program (NSP) at its November meeting. In general, while the CDE supports the new policy, there are a few recommendations made by members of the committee that they list here.

1. There needs to be data collection that makes transparent who benefits from the NSP, as this program may create or exacerbate inequities both within and between fields, or reveal obstacles to access along lines of gender and/or URM groups. The disclosure notes that the Chancellor will be responsible for campus data collection, and the committee feels that the methodology and extent should be spelled out as an important structural element for monitoring the efficacy and equity of NSP.
2. We suggest that the criteria for using the NSP need to be as clear as possible, and that the process is made transparent and widely known to all newly hired faculty, and during the AP review process.
3. We suggest that a mechanism is set in place to address any unintended inequitable impacts of the program suggested by the results of analyzing the data collected along the lines suggested above.

Sincerely,

Ross Frank, Chair
Committee on Diversity & Equity

cc: O. Graeve

November 21, 2023

JOHN HILDEBRAND, CHAIR
Academic Senate, San Diego Division

SUBJECT: Review of Proposed Academic Personnel Manual (APM) 672, Negotiated Salary Program

The Committee on Faculty Welfare (CFW) discussed the Proposed (APM) 672, Negotiated Salary Program (NSP) at its November meeting. The committee had various observations and comments. Some members, for example, were not entirely satisfied with the 30% base salary cap in the program. Why would this not mimic XYZ compensation plans in Health Sciences where, to our knowledge, such caps don't seem to exist?

Overall, however, we were concerned with the equity implications of this proposal becoming standard APM policy. As has been noted in previous discussions, this policy will have an inequality-increasing impact between those who have access to funding and those who don't—largely determined by external factors around perceived worth of particular disciplines. That we read this policy proposal a month after learning our campus spot compression program is underfunded added a sense that salary policies are increasingly lopsided. Perhaps considering how this policy could be integrated into equity adjustments would make its impact more equitable. The lack of data on how this impacts URM and women faculty is also problematic.

This policy also seems to be restrictive, both in implementation (there is quite some discretion with Chairs, who conduct the negotiations), and coverage (it's not clear why research faculty is seemingly excluded).

As other policies that can lead to inequitable outcomes by design or implementation, it might make sense to make periodic review of the Negotiated Salary Program part of the APM.

Sincerely,

Juan Pablo Pardo-Guerra, Chair
Committee on Faculty Welfare

cc: O. Graeve

October 19, 2023

JOHN HILDEBRAND, Chair
Academic Senate, San Diego Division

SUBJECT: Review of Proposed Academic Personnel Manual (APM) 672, Negotiated Salary Program

The Committee on Research (COR) discussed the Proposed Academic Personnel Manual (APM) 672, Negotiated Salary Program (NSP) at their October 16, 2023 meeting. The Committee supports the new policy, and looks forward to the implementation plan that will be developed locally. The Committee is especially interested in details on the metrics and process for assessing the impact of the NSP in the areas of faculty recruitment and retention, research, teaching, and service.

Sincerely yours,

George Fuller, Chair
Committee on Research

cc: A. Chiba
O. Graeve
L. Hullings
J. Lucius



UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
<http://www.senate.ucsb.edu>

December 7, 2023

To: Jim Steintrager, Chair
Academic Senate

From: Susannah Scott, Chair
Santa Barbara Division 

Re: Systemwide Review of Proposed Academic Personnel Manual (APM) Section 672,
Negotiated Salary Program

The Santa Barbara Division distributed the Proposed Academic Personnel Manual (APM) Section 672 to the Committee on Academic Personnel (CAP), Council on Planning and Budget (CPB), Council on Faculty Welfare, Academic Freedom, and Awards (CFW), Committee on Diversity and Equity (CDE), Committee on Library, Information, and Instructional Resources, and the Faculty Executive Committees (FEC) of the College of Letters and Science (L&S), College of Engineering (ENGR), College of Creative Studies (CCS), Gevirtz Graduate School of Education (GGSE) and the Bren School (BREN). The L&S, BREN, and CCS FECs opted not to opine.

The proposed new Academic Personnel Manual (APM) Section 672 would codify the Negotiated Salary Trial Program (NSTP) into universitywide personnel policy. To be clear, UC Santa Barbara is one of the three campuses that have not adopted the program. In the antecedent reviews of this issue over the past decade, the Santa Barbara Division has expressed significant foundational and operational concerns which are still unaddressed.

In this latest review, the council and committee responses are mixed. Multiple groups share deep, persisting concerns and misgivings, particularly regarding the exacerbation of faculty compensation inequities by undermining our merit review process, and the creation of incentives for faculty to pursue types of activities that yield NSP for their individual benefit, at the expense of activities that benefit the UC more broadly. A few point to the competitive disadvantage that UC Santa Barbara will now face with respect to faculty recruitment and retention in STEM fields if the campus does not implement the NSP. This reflects, at least in part, the flawed nature of the overall NSTP plan, as the pilot that was implemented and extended in the face of considerable opposition has become the de facto standard.

At a time when the University is attempting to address a major gap in funding to accommodate increased salaries for our lowest-paid represented academic employees in the wake of the new labor contracts (and the inevitability of future increases in this area), an initiative to codify the

diversion of contract and grant funds, as well as funds from student fees from self-supporting programs, to further compensate our highest paid faculty seems particularly risky to the public perception of the UC's financial management.

We reiterate our profound concern that this trial has become entrenched such that its continuation is perceived to be inevitable, without any serious examination of its impact and outcomes. If it proceeds regardless, it will be extremely important to focus on the formulation and enforcement of extremely robust safeguards to ensure accountability and transparency in operation, and to prevent program misuse. Further, timely data collection and assessment mechanisms will be necessary to ensure that the program is efficacious and a willingness (not in evidence so far) to change the program if it is not. The participating reviewing groups present a diverse range of comments and concerns for consideration; we encourage you to review their full responses in the following pages.

We thank you for the opportunity to comment.

UC **SANTA BARBARA**
Academic Senate

DATE: November 29, 2023

TO: Susannah Scott, Chair of the Academic Senate - UC Santa Barbara Division

FROM: Committee on Academic Personnel

RE: CAP Response to APM 672

The Committee on Academic Personnel (CAP) has reviewed the proposed revisions to APM 672.

CAP members expressed substantial reservations about this policy concerning the Negotiated Salary Program. Although one member expressed an understanding of why such a program might be needed, several members had concerns about the proposed policy. These include:

- Its potential to create, accentuate or exacerbate inequalities in salary and compensation among disciplines and divisions.
- From CAP's perspective, the proposal is vague in regard to CAP's role in the implementation of the program and the approval process of proposals, which may well fall within its purview and which members consider important to ensure transparency of the process.
- A question was raised concerning the efficacy and need for such a program, since mechanisms already exist to increase salaries for retention and to make competitive bids for new hires.

Because of the issues stated above, CAP has concerns that the proposed policy will have a deleterious effect on the mission of the University of California as a public university, specifically in regard to equity and transparency.

For the Committee,


A handwritten signature in black ink, appearing to read 'Mark Meadow', with a stylized flourish at the end.

Mark Meadow, Chair

UNIVERSITY OF CALIFORNIA
ACADEMIC SENATE
SANTA BARBARA DIVISION
Council on Planning & Budget

October 16, 2023

To: Susannah Scott, Divisional Chair
UCSB Academic Senate

From: France Winddance Twine, Chair
Council on Planning & Budget 

Re: Proposed APM 672 - Negotiated Salary Program

The Council on Planning & Budget (CPB) has reviewed the proposed additions to the Academic Personnel Manual (APM), Section 672 regarding the Negotiated Salary Program (NSP). We have been asked to comment on the procedures for implementing the NSP, which as Vice Provost Douglas Haynes writes, aims to “recruit and retain outstanding faculty” and “encourage ... significant contributions to the University mission” by “leveraging external, non-state-appropriated funds.” It seems that the six campuses that completed a trial run of the NSP (all but UCSB, UCM, UCB, and UCSF) support continuing the NSP as a permanent program. Although the CPB has some significant misgivings about the NSP, we recognize that UCSB would be put at a significant comparative disadvantage if the campus opted not to participate in the program. This memo comments on the proposed additions to the APM and proposes that additional guardrails be put in place to ensure maximum transparency and regularly assess whether the NSP is fulfilling its stated goals.

Overall, the proposed additions to the APM are reasonable and well-conceived. They clearly outline the responsibilities of administrators (department chairs, deans, executive vice chancellors) for reviewing and approving negotiated salaries. Eligible Academic Senate faculty must take the maximum three-ninths summer salary available to them. Eligible faculty members must continue to fulfill their regular research, teaching and service obligations and must also meet the “good standing” criteria outlined in Section 672-10. Participants in the NSP may continue to receive the Negotiated Salary Component during sabbaticals and other paid leaves of absence and may continue to receive compensation for external consulting and external activities. Each campus is responsible for developing an implementation plan in consultation with the Academic Senate, the Vice Chancellor of Academic Personnel, the Office of the President, and other campus administrators. The Chancellor has the ultimate authority to determine whether the campus will participate in the NSP.

Two aspects of the proposed changes to the APM raised concerns and require further clarification. First, the APM identifies specific types of non-state-appropriated external funds that may be used to support the NSP. These include “endowment or gift income, professional degree fees, self-supporting degree fees, contracts and grant support, royalties, and licensing fees.” The APM explicitly excludes student tuition and “discretionary funds ... that are fungible

for other purposes.” Over time, accounting practices in the UC system have redefined which types of student-generated income fall under “tuition” and which types fall under “fees.” Because the line dividing “tuition” and “fees” has shifted (in part with a view toward maintaining the appearance of “reasonable” tuition), the CPB questioned whether it was appropriate and fair to use professional degree fees and self-supporting degree fees from students to fund private-industry level salaries for UC faculty members. Will this become a slippery slope in which more student fees will be created to fund the NSP?

The second issue that requires clarification is how participants in the NSP will be compensated for leaves of absence. Vice Provost Haynes’s memo indicates that paid leaves will include the Negotiated Salary Component. By contrast, section 672-20 of the APM indicates that sabbaticals and other paid leave will be “paid at the Total UC Salary Rate,” but it does not explicitly state whether the Negotiated Salary Component will also be included. It is unclear to the CPB what the justification would be for including the Negotiated Salary Component in a sabbatical or paid leave of absence. We need further information to assess whether this additional compensation is even warranted. If Vice Provost Haynes’s summary is correct, should section 672-20 be amended to include language stating that the Negotiated Salary Component will be included in paid leaves?

UCSB was not a participant in the trial run of the NSP, and, to the best of CPB’s knowledge, our Academic Senate has not formally weighed in on the wisdom of participating in the program. Since UCSB has not yet decided whether to endorse the NSP, the CPB would like to reiterate some of the objections to the program that we raised in a July 2022 memo about the NSP. We have quoted liberally from this memo in numbered paragraphs below:

1. The program would likely incentivize a shift in research effort from public research priorities towards corporate ones, and detract from basic scientific research. Grants from the NSF and most non-profit research foundations would not cover negotiated salaries, so corporate funds are the likeliest source. Incentives to seek external funding may be strongly associated with serious conflicts of interest (in fact or in appearance) should faculty solicit or be awarded funding from corporations or other funding sources that benefit from or advocate for particular research outcomes.
2. Privatizing gains from fundraising could have serious long-term consequences for campus culture, encouraging faculty to:
 - a. View research as an opportunity for individual rather than collective benefit.
 - b. Value knowledge whose gains can be privately captured over knowledge that is publicly useful.
 - c. Prioritize projects likely to yield negotiated salaries over those likely to fund graduate and postdoctoral research.
3. UCSB already provides faculty who are able to attract private funding with ample incentives to do so, via course buyouts, recognition during merits and promotions, summer funding, and a generous allowance for outside compensated activities.

While some CPB members continue to hold reservations about the NSP based on the objections outlined above, the Council also concluded that UCSB would likely lose outstanding scientists

and engineers to other UC campuses if it did not participate in the program. Given the high cost of living in Santa Barbara and the fierce competition UCSB faces from other private and public universities, UCSB needs to do all that it can to make the campus attractive to outstanding scholars who can command higher salaries elsewhere.

Nevertheless, CPB recommends that several additional guardrails be put in place to ensure that the program operates with maximum transparency and that the NSP is not used to circumvent the cap on salaries that other UCs can offer UC faculty members. Since UCSB was not part of the trial program, CPB recognizes that additional guardrails than those proposed below may be required:

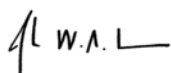
1. Negotiated salaries and the corresponding funding sources should be a matter of public record.
2. At regular intervals, the Administration should provide data to measure the following:
 - a. the program's success with respect to recruitment and retention;
 - b. participants' contributions to mentoring and teaching; and
 - c. how much funding the program is bringing in for postdocs and graduate students.

cc: Shasta Delp, Academic Senate Executive Director

**Academic Senate
Santa Barbara Division**

November 28, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: John W.I. Lee, Chair 
Council on Faculty Welfare, Academic Freedom and Awards

Re: Proposed Academic Personnel Manual (APM) Section 672 - Negotiated Salary Trial Program

At its meeting of November 1, 2023, the Council on Faculty Welfare, Academic Freedom and Awards (CFW) discussed at length the proposed Academic Personnel Manual (APM) Section 672 - Negotiated Salary Trial Program. CFW finds it perplexing that this trial has continued despite the widespread and deep concerns raised across multiple campuses about the Negotiated Salary Program (NSP) during multiple reviews over the past decade. CFW found no clear explanation of why it would be “too disruptive” to end the program now. Such lack of transparency is emblematic of the entire program proposal. As a previous CFW chair noted as early as 2012, additional potential negative impacts of the NSP include:

1. creating and increasing inequities amongst faculty, especially between faculty in grant-rich and grant-poor disciplines;
2. creating and increasing inter-campus competition and disparities;
3. undermining UC’s merit-based review process;
4. distracting faculty away from their regular duties towards fundraising;
5. altering UC’s budget model by creating the expectation that faculty raise salaries from external sources;
6. undermining graduate funding.

Recent revisions to the proposed program have not alleviated these concerns. The potential negative impact on graduate funding is especially concerning given the funding emergency created by recent labor agreements.

CFW members did note that in some cases, NSP would solve issues with certain funding agencies that require a percentage of faculty academic year salary to be paid from their grants. Even so, such issues could be resolved through more narrowly focused mechanisms.

CFW recognizes that not having NSP at UCSB has in some cases put our campus at a serious

competitive disadvantage relative to other campuses that have embarked on trial programs. One CFW member reported that this disparity has caused some faculty separations from UCSB to other campuses.

CFW appreciates that the proposed APM 672 requires each campus to develop an Implementation Plan. Should the NSP program receive systemwide approval, CFW strongly recommends that UCSB examine with the greatest care and rigor all possible evidence from other campuses that have used the program before deciding whether and how our campus should participate.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate
Santa Barbara Division**

October 16, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: Jean Beaman, Chair
Committee on Diversity & Equity



Re: Proposed Academic Personnel Manual (APM) Section 672 - Negotiated Salary Trial Program

At its meeting of October 16, 2023, CDE reviewed the proposed Academic Personnel Manual (APM) Section 672 on the Negotiated Salary Trial Program.

CDE reviewed a previous version of this proposal in May 2022. At that time, CDE thought a Negotiated Salary Program could have a positive effect on faculty recruitment and retention, but warned of a disparity for faculty in academic departments with less grant funding. CDE also cautioned that this program could be used as a way to ignore other faculty salary issues. CDE would like to reiterate those comments here again.

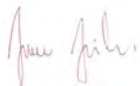
CDE would also like to point out issues with the language under point 6. of section 672-10 *b. Implementation Plan*. The line that reads: "Proposals must include evidence or promise of contributions to diversity, equity, inclusion, and equal opportunity, if such evidence is available" is unclear. The phrase "if such evidence is available" signals that DEI contributions are not required. CDE strongly feels that DEI contributions should be mandatory in policies such as this if the UC system is to meet its diversity goals. CDE would also appreciate a clear definition of what the "evidence" would look like for DEI contributions in this program.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate
Santa Barbara Division**

November 20, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: Sven Spieker, Chair 
Committee on Library, Information and Instructional Resources

Re: Proposed Academic Personnel Manual (APM) Section 672 - Negotiated Salary Trial Program

At its meeting of October 20, 2023, the Committee on Library, Information and Instructional Resources (CLIR) discussed the proposed Academic Personnel Manual (APM) Section 672 - Negotiated Salary Trial Program. UCSB has not participated in the NSTP, and the committee members expressed disappointment that the reasoning for some campuses not participating was not explained. Having this historical data is important and necessary for making a decision about whether to move forward with participation in the Negotiated Salary Program (NSP). Additionally, the committee voiced concerns that participating in this program might adversely affect the merit and promotion process for faculty.

The committee also thought that the rationale that "to not continue [the program] would be too disruptive" is not a substantive argument for continuing the NSP after its initial trial phases. Instead, continued participation in the NSP should be based on the merits of the program. Furthermore, the included documents did not provide data or outcomes from other campuses, or any sense of positive gains from the program. CLIR would like data from the pilot programs to be provided, especially before UCSB begins discussing a possible implementation plan.

CC: Shasta Delp, Executive Director, Academic Senate

November 28, 2023

TO: Susannah Scott
Divisional Chair, Academic Senate

FROM: Chris Bates, Chair
College of Engineering, Faculty Executive Committee

DocuSigned by:
Chris Bates
FCDF6BBDA0FD47F...

RE: Proposed Academic Personnel Manual (APM) Section 672 – Negotiated Salary Trial Program

The College of Engineering FEC met on Tuesday, October 17th, Tuesday, October 31st, and Tuesday, November 28th and reviewed the proposed new Academic Personnel Manual (APM) Section 672. The committee unanimously strongly supports the addition of this new section and, subsequently, UCSB's adoption of the Negotiated Salary Trial Program. The committee implores the university to implement the program as written (Negotiated Salary Component up to 30% of the base salary). By not being a participating campus, UCSB is losing faculty in the recruitment and retention process, which is creating inequity between UCSB faculty and faculty at other UCs.

The committee is aware of and recognizes concerns about the program, including but not limited to inequity and unclear implications of the program, and UCSB not being part of the trial and therefore having no analysis done at UCSB up to this point. However, one benefit of the program to the entire campus would be that it further motivates faculty to pursue grants and funding, and the additional overhead gained provides benefits to the entire campus. Obtaining grants is a measurable benchmark for the campus. The FEC envisions that there are benefits and advantages to adopting this program and strongly encourages the campus to assess and measure data in real time after its adoption.

UCSB has noted concerns about the difficulty in measuring efficacy of the NSTP since 2012. The committee strongly supports evaluating the efficacy of this program over time, especially with respect to implications for DEI initiatives. With UCSB being one of the only three non-participating campuses, UCSB must adopt the program and then identify opportunities to collect data on the merits of the program and investigate its efficacy.



1156 HIGH STREET

SANTA CRUZ, CALIFORNIA 95064

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

December 15, 2023

JAMES STEINTRAGER
Chair, Academic Council

**Re: Systemwide Review of Proposed Academic Personnel Manual (APM) Section 672,
Negotiated Salary Program**

Dear James,

The Santa Cruz Academic Senate has reviewed the request for feedback on a proposed draft of Academic Personnel Manual (APM) Section 672, Negotiated Salary Program (NSP). Our Committees on Academic Personnel (CAP), Faculty Welfare (CFW), and Planning and Budget (CPB) have responded. The responses reiterated several concerns about equity, the possible effect on graduate student support, and the risk of undermining the standard personnel review process that were raised in previous reviews¹. In addition, new concerns were raised about a few policy provisions, and recommendations for improvement and appropriate implementation in the case that the program and policy move forward despite these concerns.

The Santa Cruz Division continues to have the following concerns about the program, which have not been addressed in this proposed policy:

- It is still not clear whether the program is achieving the original goal of attracting and retaining outstanding faculty.
- There remain significant equity issues, particularly for UC Santa Cruz, where only a subset of STEM faculty have the ability to opt in to the program.
- There is the potential to incentivize the NSP by reducing funding for graduate students and/or academic staff. The full impact on graduate student support is unknown.
- As acknowledged in the Academic Council's original objections, this program stands "at odds with the foundational principles that underlie the personnel process on general campuses,

¹ UCSC Senate Chair Brundage to Academic Council Chair Horwitz, 6/24/22, Re: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

especially merit review.”² In the normal personnel review process, faculty in one’s department, the divisional dean, and CAP collectively review and evaluate a faculty member’s advancement based on progress through the step system, and remuneration is tied to these reviews. This NSP policy would operate outside of the normal academic review process, and thus has the potential for significant future conflict as it expands.

In addition to these concerns, our responding committees identified several problematic policy provisions for which they also recommended a number of immediate changes to policy. First, in section 672-4, CFW noted that the “Contingency plan” states that the purpose of the Contingency Plan is to “provide the funds necessary for the agreed-upon compensation to each NSP participant in the event that the current year income is unexpectedly insufficient to do so. If the funds that support the Contingency Plan are insufficient, the Chancellor may seek support from another non-State account(s) within the department, school, or campus.” CFW strongly objects to this provision, and recommends that if the funds necessary for the agreed-upon compensation to each NSP participant are insufficient, the salary payment to the NSP participant **should revert to their regular base salary**. It is not clear why a campus should be responsible for a shortfall of an NSP grant. Given that the NSP program is designed to operate entirely from external campus funding sources, CFW strongly objects to campus funds of any kind being used to financially guarantee participation in this program.

Similarly, in section 672-20, the policy states, “NSP participants who are eligible for sabbatical leave or other paid leave will be granted such leave paid at the “Total UC Salary Rate” defined in APM - 672-4-b.” CFW additionally objects to faculty receiving the elevated “Total UC Salary Rate” from the campus during sabbatical or leave unless this leave is funded by an external source, and contends that if a faculty member’s leave or sabbatical is funded wholly by the campus, the faculty member should receive from campus their regular “Base Salary” during sabbatical or leave. The language of the proposed policy also states: “In the event of a funding shortfall, the campus will resolve the funding shortfall through implementation of the Contingency Plan.” If a faculty member is on leave and performing activities funded by an external source, and receiving their negotiated salary component for their activities and there is a funding shortfall, again CFW contends that the campus should not contribute funds to resolve the funding shortfall, but instead the faculty member’s salary should revert to their “Base Salary.” We strongly object to campus funds of any kind being used to financially support this program; a program that the committee would argue is not a right under the terms of employment, but a privilege.

If the program is to be institutionalized in policy, the Santa Cruz Division recommends the following, some of which have been raised in previous divisional responses:

- Any NSP program must include regularly scheduled reviews based on a set of metrics that are defined beforehand. Systemwide UCAP and campus CAPs in particular, should be consulted, and play a prominent role in both the regular review of the NSP, as well as the program’s implementation.
- Protections should be put in place to ensure that graduate students and academic staff are prioritized in grant fund distributions prior to any faculty member’s ability to increase their salary.
- CPB recommends that the program be instituted on a quarterly (or semester) rather than a yearly basis. The 12-month program is inequitable, particularly with such specific grant begin

² Academic Council Chair Powell to Vice Provost Carlson, 11/28/12, Re: Academic Senate Review – Negotiated Salary Trial Program

and end date requirements. In order to make the program more equitable, it could be based on a quarter/semester buy-in similar to the Faculty Salary Research Exchange (FSRE) program, which would allow more faculty to participate. While this may incrementally increase the administrative workload, one could (for example) set an annual deadline for participation where faculty could request to opt in for some fraction of time up to the full academic year, but would not be allowed to modify enrollment after the deadline.

- Finally, based on the fact that current faculty utilizing this program are primarily from two divisions on our campus, we highlight the equity issues with this policy as it is currently operating. Previous Senate responses to the NSTP raised concerns that this program may exacerbate salary inequities across our campus. Humanities, Arts, and Social Sciences faculty have fewer opportunities for obtaining similar external salary supplemental funds. We therefore concur with the 2022 Academic Council statement³ that once fully enacted, at a minimum, campuses must promote and facilitate “participation beyond STEM fields, and develop a plan to expand participation by more diverse faculty, including faculty in other academic series, departments, and campuses” to mitigate such issues.

Thank you for the opportunity to opine.

Sincerely,



Patty Gallagher, Chair
Academic Senate, Santa Cruz Division

cc: Maureen Callanan, Co-Chair, Committee on Academic Personnel
Susan Gillman, Co-Chair, Committee on Academic Personnel
Alexander Sher, Chair, Committee on Faculty Welfare
Raphael Kudela, Chair, Committee on Planning and Budget
Matthew Mednick, Executive Director, Academic Senate

³ Academic Council Chair Horwitz to Provost and Executive Vice President Brown, 7/29/23, Re: Report of the Negotiated Salary Trail Program Phase 2 Taskforce

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)
Donald Senear, Chair
dfseneat@uci.edu

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

November 28, 2023

JAMES STEINTRAGER, CHAIR, ACADEMIC COUNCIL

RE: PROPOSED REVISIONS TO APM 672

Dear Jim,

UCPB welcomes the opportunity to provide feedback on proposed changes to the APM 672. This section codifies the Negotiated Salary Program from its previous status as a trial program to a permanent program across all campuses.

In previous responses to proposed changes, UCPB acknowledged that while Self-Supporting Graduate Degree Program (SSGDP) salary complies with the definition of eligible non-state funds, their use to fund NSPs encourages the proliferation of SSGDPs and incentivizes teaching in those programs likely at the cost of state-supported programs. The committee has also expressed concern that this program would absolve the University of its responsibility to maintain scale salary parity with comparator institutions. The level of NSP participation experienced in practice largely alleviates this concern. While the University remains behind its peers in terms of faculty salary, ongoing efforts to address this disparity are encouraging.

Committee members noted two areas, both regarding faculty behavior, that are unclear enough to raise concerns. First, faculty participating in the program must be “in good standing,” and part of that is “meeting expectations with regard to carrying out faculty duties as commonly understood.” Criteria for and the administrative review process for determination of Good Standing is left to the Campus Implementation plan. In our experience, the responsibility to determine the attainment of those expectations rests with Department Chairs, raising the specter of bias in the attestations. UCPB is concerned that the policy offers no guidance for this determination or for appropriate administrative review of this decision.

Second, a faculty member who is under investigation, even one about whom an allegation has been made but not yet investigated, is barred from participation. Faculty against whom unadjudicated allegations have been levied would be sanctioned even if they have done no wrong. In addition, a faculty member under disciplinary sanction would be subject to the cancellation of the current program and possible suspension of future participation, without the option of reinstatement. Criterion 6. that there has been no substantiated finding of misconduct subsequent to the last time the faculty member was determined to be in Good Standing suggests

that an individual once found guilty of misconduct is prohibited from participating in the NSP forever. Certainly, there is misconduct that does not merit a lifetime prohibition. Criterion 7. suggests that the way to limit the period of ineligibility is to agree to Early Resolution of a disciplinary case rather than exercising the right to formal hearings that might result in formal discipline. While UCPB understands the preference for negotiated resolutions of disciplinary cases, this consequence for exercising a fundamental due process right is overly coercive.

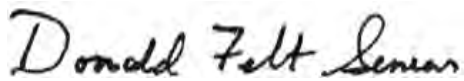
Funding of any shortfalls, according to the Contingency Plan section of the policy, can be sought by the Chancellor from non-state funding in a “school, department, or division.” Lacking guidelines, shortfalls could be addressed differently from campus to campus, and perhaps in ways that would negatively impact academic units and the faculty members who do not participate in the program. The policy requires monitoring, but with no provision for funding associated administrative costs, this becomes an unfunded mandate.

The Academic Senate’s role appears to be consultative for policy revisions, and the opportunity to review and comment on implementation plans. However, it would be better for the Senate to have a true shared governance role over implementation. Senate involvement in data collection for plan monitoring should be explicitly spelled out.

Other Academic Senate committees have noted that the program favors those in disciplines where high dollar amount grants are common. Those fields are often less diverse than lower-grant level fields; the program can exacerbate inequity among faculty members.

The committee is pleased to be able to share their concerns and suggestions regarding this ongoing program.

Sincerely,

A handwritten signature in black ink that reads "Donald Felt Senear". The signature is written in a cursive, flowing style.

Donald Senear, Chair
UCPB

Attachment
cc: UCPB

UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION,
DIVERSITY, AND EQUITY (UCAADE)
Jennifer Burney, Chair
jburney@ucsd.edu

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

December 6, 2022

JAMES STEINTRAGER
CHAIR, ACADEMIC COUNCIL

RE: PROPOSED REVISIONS TO PRESIDENTIAL POLICY ON VACCINATION PROGRAMS

Dear Jim,

UCAADE discussed the policy at their October 26, 2023 meeting and – again – had mixed feelings about the Negotiated Salary Program. The committee has submitted comments on every iteration of this program in its trial phases in the past, and our position has not changed: while there may be some benefits for recruitment and retention (including with important implications for diversifying the professoriate), the program also exacerbates existing dimensions of inequity (even if now available in theory to all, not everyone has access to grant funding to access this program), and introducing a worrying trend of relying on extramural funding for recruitment and retention.

Chancellors can seek to cover any shortfalls, according to the Contingency Plan section of the policy, from non-state funding in a “school, department, or division.” Shortfalls could be addressed differently from campus to campus, and negatively impact academic units. The policy requires monitoring, and no provision is made for funding associated administrative costs, so the program risks being an unfunded mandate in this area.

For faculty participating in the program, the criteria for and administrative review of Good Standing (a requirement to participate) likely rest with Department Chairs. The policy provides no avenue for appeal of any negative reports. Faculty against whom an allegation of misconduct has been leveled are prohibited from participation, whether that allegation has been investigated and/or found actionable. Should a faculty member have had a disciplinary action taken against them, they are ineligible to participate, with no avenue for reinstatement. In Criterion 7, one way to set limits on the ineligible period is to agree to Early Resolution of a case, rather than using a formal hearing. Because this can affect faculty compensation it can be perceived as a decision made under duress.

However if the trial is indeed moving to permanent status and more potential widespread use, it is the committee's *strong* opinion that data collection and reporting of program use – along with baseline faculty salary data, disaggregated by source – must be resourced and put into place by the UC. IRAP is well positioned to lead this effort, and it will be critical in both the short- and long- term for the UC (led by committees like UCAADE) to understand how resources play into efforts to attract, grow, and keep the world's top scholars as UC faculty.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Burney".

Jennifer Burney
Chair, UCAADE

cc: UCAADE



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
Stefano Profumo, Chair
profumo@ucsc.edu

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

December 6, 2023

JAMES STEINTRAGER, CHAIR
ACADEMIC COUNCIL

RE: Proposed Academic Personnel Manual (APM) Section 672 (Negotiated Salary Program)

Dear Jim,

The University Committee on Academic Personnel (UCAP) has discussed the proposed new Academic Personnel Manual (APM) Section 672 (Negotiated Salary Program), and we cannot endorse it. In short, none of the flaws of the predecessor pilot program have been resolved, let alone meaningfully addressed. Further, implications of recent events involving graduate students and their funding streams do not seem to have even been considered.

As you will recall, the Senate has long objected to programs that benefit certain disciplines over others and benefit certain demographic groups over others. This program continues to do both, and the only defense proffered is that it helps in limited ways in certain disciplines where the market exceeds UC compensation most egregiously. Such a defense is unacceptable: It reinforces class, gender, racial, discipline, and market stereotypes regarding the compensable value of different groups' contributions, and it defies UC's public commitments to oppose such processes and outcomes. UC policies should equalize access to opportunities, not highlight and codify their differential availability.

On the other hand, placing additional burdens on particular subsets of faculty to self-generate their income is equally unfair. The time and effort spent securing and re-securing grant or philanthropic funds to supplement, or even to fulfill base-level salary funding, cannot be underestimated. The psychological impact and diminution to research and creative output – or the possible redirection of such – should also be considered as the University seeks to further institutionalize this manner of salary provision and deferral of expenses.

Finally, whether and how divisional review committees should evaluate work conducted under potentially suspect funding arrangements is very much unclear and it is as such of course worthy of detailed further discussion.

UCAP appreciates the opportunity to comment on this important matter.

Sincerely,

Stefano Profumo, Chair
UCAP

cc: UCAP Members
Steven W. Cheung, Academic Council Vice Chair
Monica Lin, Executive Director, Academic Senate



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
John Heraty, Chair
heraty@ucr.edu

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

December 6, 2023

**JAMES STEINTRAGER, CHAIR
ACADEMIC COUNCIL**

RE: Proposed Academic Personnel Manual (APM) Section 672, Negotiated Salary Program

Dear Jim,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed Academic Personnel Manual (APM) Section 672, Negotiated Salary Program, and we have several comments. The current UCFW joins previous committees in opposing this program. Identified issues remain unaddressed, most notably the inequitable access to extra-mural funding opportunities by discipline and the inequitable award of extra-mural funds by race, gender, and other demographic factors. The program should be cost-neutral to departments, and efforts to address salary inversion and compression must be identified and made available. Many noted that the program further diverts attention from the inadequacy of the salary scales, and frustrates efforts at market benchmarking and equity evaluations. The impact to graduate student support in the new construct must be given greater consideration, as well. Nonetheless, we recognize that in certain disciplines, the program could enhance recruitment and retention efforts.

We strongly encourage requiring the program to report annually and in a more detailed fashion than assessments of the trial version of the program.

Thank you for your attention to this important matter.

Sincerely,

John Heraty, UCFW Chair

Copy: UCFW
Monica Lin, Executive Director, Academic Senate
Steven W. Cheung, Academic Council Vice Chair

Encl.



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Jill Hollenbach, Chair
Jill.Hollenbach@ucsf.edu

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

July 12, 2022

**ROBERT HORWITZ, CHAIR
ACADEMIC COUNCIL**

RE: Report of the Negotiated Salary Trial Program Phase II Task Force

Dear Robert,

The University Committee on Faculty Welfare (UCFW) has reviewed the Report of the Negotiated Salary Trial Program (NSTP) Phase II Task Force, and we have several comments, most of which focus on equity issues. As noted, since the program is not equally useful in all disciplines, some report an impression of the rich getting richer. Unequal implementation across and within campuses exacerbates these concerns. We also note that participation by faculty from underrepresented groups is low. Assessment of how NIH and NSF grants, state funds, and summer salaries are calculated could indicate additional equity gaps. How graduate student funding and grant accounting and administration are impacted should also be closely monitored.

More broadly, members are concerned that the incentive structure for seeking grants may be changing in unanticipated and negative ways, perhaps even leading to Conflicts of Interest. We also note that the constitution of the task force lacked a sufficient balance of Senate faculty and administration, and we hope future reviews will observe Shared Governance more faithfully.

Thank you for helping to advance our shared goals.

Sincerely,

Jill Hollenbach, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate
Susan Cochran, Academic Council Vice Chair