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*Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
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July 29, 2022

**MICHAEL T. BROWN
PROVOST AND EXECUTIVE VICE PRESIDENT
ACTING VICE PROVOST ACADEMIC PERSONNEL**

Re: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Michael:

As requested, I distributed for systemwide Senate review the report of the Negotiated Salary Trial Program Phase 2 Taskforce. Nine Academic Senate divisions and four systemwide committees (UCAP, UCAADE, UCFW, and UCPB) submitted comments. These comments were discussed at Academic Council's July 27 meeting and are attached for your reference.

The Negotiated Salary Trial Program (NSTP) has been in effect since 2013. It began as a five-year pilot on the UCI, UCLA, and UCSD campuses and has by now expanded to include UCD, UCR, and UCSC. The program is modeled on the Health Sciences Compensation Plan (HSCP), and is intended to add flexible options for generating faculty salary funding by allowing eligible general campus faculty to supplement their income with certain non-state resources.

In 2017, a Task Force reviewed four-year outcomes from the initial pilot and released a report recommending the program's renewal and expansion to other campuses. At that time, the Senate expressed conditional support for the Phase 2 expansion, while noting some significant concerns. The Phase 2 report concludes that the NSTP helps the six participating campuses recruit and retain senior faculty, increases extramural funding and graduate student support, and does not create perverse incentives for participating faculty as feared in the 2017 review. The report recommends a permanent Negotiated Salary Program (NSP) that includes several provisions to ensure support for equity, fairness, and a commitment to comprehensive excellence.

UC faculty are divided about the value of the NSTP. Some support the program as an effective tool for the recruitment and retention of faculty who work in fields where UC salary scales are below salaries that are ultimately obtainable from leveraging external funding sources to supplement state support. Many others are concerned about its potential to exacerbate salary inequities; undermine the merit and promotion system; and compromise the UC teaching, research, and service missions by shifting faculty effort to revenue-producing research activities. The concerns across campuses are similar and largely mirror those expressed in 2017. I will

summarize these concerns below, but also encourage you to refer to the full set of attached letters as you discuss next steps.

First, many faculty reviewers commented on the lack of convincing data in the report to support its conclusions that the NSTP has positively impacted faculty recruitment and retention, and that it has not impacted the University's teaching, research, and service missions. Going forward, the program should include: measurable goals and metrics concerning the efficacy and impact of the NSTP, recruitment and retention outcomes, salary, teaching, and service load inequities, and graduate student support; a more robust and regular collection and assessment of reliable data related to these goals; and a more rigorous evaluation of the NSTP's potentially negative impacts.

Faculty support for the NSTP is concentrated in STEM disciplines where faculty are more likely to have the opportunity to participate in it. These faculty argue that the program helps recruitment and retention in STEM and other highly paid disciplines, where salary differentials relative to other disciplines already exist. This may be true, but one of the Senate's primary concerns expressed by several divisions and also quite eloquently by UCAADE, is that by creating a mechanism that supports more competitive salaries for a select group of faculty, the NSTP exacerbates these salary inequities across disciplines in ways that are also reflected by gender, race, ethnicity and salary rank and appointment. Given that faculty colleagues in the humanities, social sciences, and other disciplinary areas have fewer external sources of research funds that could supplement salaries under this program, and women and/or faculty of color are generally less likely to be program participants, the Council is concerned about further dividing faculty into two classes with different access to salary resources.

Reviewers also expressed concern that the program may deflect attention away from the need to improve the general faculty salary scales – a critical tool for supporting the overall excellence of the University – by shifting the cost of maintaining competitive salaries to a soft-money model. By weakening the salary scales, the NSTP could also undermine the UC merit and promotion system. It could distort the merit system in other ways, by encouraging departments to favor certain kinds of research and creating distinctions among faculty based on their ability to generate revenue rather than on their scholarly accomplishments. It may also have a negative impact on diversifying the faculty even in STEM departments. These are serious issues, but perhaps the most damaging effect could be to distort the larger academic priorities of the faculty and the UC teaching, research, and service mission, by incentivizing faculty to shift efforts to more personally lucrative research activities and to self-supporting graduate professional degree programs.

Another serious concern is that unless clear mechanisms are in place to ensure transparent fund flows, the NSTP could enable the inappropriate use of federal grants and state funds. We do not want to enable or encourage faculty to shift grant support from graduate student researchers to their own salary or unwittingly use state funds as part of the program. Faculty are supposed to generate NSTP funds through their own activities (i.e., grants or consulting fees). If department and division/school/college funds are being directed to fund these portions of the salary, they should not be doing so.

Finally, reviewers are skeptical about the report's claims that ending what is now an entrenched trial program will be too "disruptive," noting that a real or perceived inability to phase out a trial program is not a compelling rationale to make it permanent. It will also serve as a deterrent to future trials of other innovations within the system if it means that trial phases will automatically migrate into permanent features.

We have several recommendations for the program if it is made permanent or if the trial period is extended. In addition to more robust data collection, the NSTP should be implemented in a way that does not incentivize faculty to reduce their teaching and mentoring responsibilities. It should enable participation beyond STEM fields, and develop a plan to expand participation by more diverse faculty, including faculty in other academic series, departments, and campuses, and to advertise the program to more faculty. The program should include clear restrictions articulating unacceptable or fraudulent uses of funds that clearly prohibit state funds for the program and other resources beyond the targeted fund sources to cover shortfalls in program funding. Finally, the program should not be used to obfuscate the need to address the competitiveness of the salary scales for all faculty and to improve salary equity.

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

Sincerely,

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

Robert Horwitz, Chair
Academic Council

Cc: Academic Council
Chief of Staff Peterson
Campus Senate Directors
Executive Director Lin

Encl.



July 15, 2022

ROBERT HORWITZ
Chair, Academic Council

Subject: Report of the Negotiated Salary Trial Program Phase Two Taskforce

Dear Chair Horwitz:

I forward Berkeley's comments on the *Report of the Negotiated Salary Trial Program Phase Two Taskforce*. Our comments were developed by the Academic Senate Committee on Budget and Interdepartmental Relations (BIR), which I endorse on behalf of the Council of the Berkeley Division (DIVCO).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Cohen'.

Ronald C. Cohen
Professor of Chemistry
Professor of Earth and Planetary Science
Chair, Berkeley Division of the Academic Senate

Enclosure

cc: Mary Ann Smart, Vice Chair, Berkeley Division of the Academic Senate
Jocelyn Surla Banaria, Executive Director, Berkeley Division of the Academic Senate
Hannah Ginsborg, Chair, Committee on Budget and Interdepartmental Relations
Courtney MacIntyre, Senate Analyst, Committee on Budget and Interdepartmental Relations

July 7, 2022

CHAIR RONALD COHEN
BERKELEY DIVISION OF THE ACADEMIC SENATE

Re: Report from the Negotiated Salary Trial Program Phase 2 Taskforce

Thank you for the opportunity to comment on the report from the Negotiated Salary Trial Program Phase 2 Taskforce. Based on its analysis of the data collected from both Phase 1 and Phase 2 of the NSTP, the report recommends that the UC Office of the President develop a permanent negotiated salary program (NSP), but with a number of caveats intended to ensure that such a program is consistent with the ethos of the University of California, particularly in regard to “equity, fairness, and a commitment to comprehensive excellence” (p. 18).

We appreciate the efforts of the Taskforce, and we find its report to be thoughtful in its evaluation of the NSTP and constructive in its recommendations. Nonetheless we have some concerns about the Taskforce’s central recommendation; we articulate these concerns in what follows. As usual, we confine our comments to matters which fall within our purview.

1. Insufficient assessment of the effectiveness of an NSP for faculty recruitment and retention

The primary rationale for instituting a permanent NSP is to improve faculty recruitment and retention. The assessment of whether the NSTP has been successful in this respect is based solely on summary statistics from self-reported survey questions. The report states that “the program likely helps with keeping program participants at UC” (p. 1) but notes a lack of quantitative evidence supporting that conclusion (p. 10). Although we find it plausible in principle that the opportunity to increase salary through grants could be a useful inducement in recruitment and retention cases, we still believe that instituting a permanent change of this magnitude requires stronger evidence that it will indeed have the effect that is cited as its primary rationale.

2. Insufficient assessment of the potentially deleterious effects of an NSP

The report asserts that “the available evidence, while not perhaps as conclusive as might be desired, indicates that the NSTP is not harmful to the University’s mission.” As we stated in two previous memos to the Berkeley Division of the Academic Senate (2011 and 2017), an NSP “would inevitably introduce incentives for faculty to shift their attention and efforts from teaching and service toward revenue-producing research activities.” This continues to be a concern, and it is not allayed by the assessment provided in the report because the report does not

offer a rigorous assessment of the impact of the NSTP on teaching and service. We note that there was apparently no attempt to assess how the NSTP affected the quality (as opposed to quantity) of teaching and graduate mentoring, nor the quality or quantity of departmental, campus, or professional service. Furthermore, regarding teaching, the data reported in Figures 21 and 22 concerning the phase 2 campuses seem to indicate that student credit hours (SCH) for NSTP participants decreased substantially over a two-year period where SCH increased for non-participating faculty. Unless we are reading these data incorrectly, they seem to present evidence running counter to the report's assertion that the NSTP "does not appear to result in reductions in teaching."

A further potential harm of an NSP is that it could incentivize faculty to shift their research areas in directions that would be more conducive to augmenting their incomes through outside funding, but that might be of lesser value to the University's mission of research and teaching, and could even be detrimental to a faculty member's potential for world-class research. Although such incentives already exist to some extent, we believe that they might be increased substantially by an NSP. While survey participants respond that the NSTP altered their grant writing but did not alter the focus or nature of their research (see responses to Questions 11 and 12 in Appendix C2, p. 56), there are well-known limitations to survey data, and a more rigorous assessment of the impact of the NSTP on research seems warranted.

3. Effects of an NSP on salary equity

In our 2017 memo, we expressed the concern that "disciplinary difference in access to outside funding in the context of the Negotiated Salary Program would significantly increase salary disparities among disciplines beyond what already exists on campus" and that disparities "could be increased between faculty within individual departments depending on their precise area of research and availability of non-government sources of research funds that allow salary support." We note that the report addresses the question of salary equity, stating that "[i]f the University continues and possibly extends the NSTP, it will be incumbent upon it to seek to address any increase in salary inequities in other ways (e.g., by salary equity programs that are part of range adjustments)" and that "if [the NSP] alleviates competitive pressures that would otherwise require increases to base salaries in recruitments and retentions, then it arguably frees up 19900 and other funds to be used to address inequities (as well as potentially addressing other needs)" (p. 15). In the light of this, we believe that it is essential for any implementation of an NSP to specify a mechanism by which funds freed up by the use of non-19900 funds in recruitment and retention are used to support programs to address salary inequities.

4. Interaction of an NSP with the merit review process

In our 2011 and 2017 memos we noted concerns about how review of faculty salaries under an NSP program would interact with standard merit review procedures. In the 2017 memo, we wrote that "it seems incongruous for the Committee on Budget & Interdepartmental Relations to spend a significant amount of time determining whether an individual faculty merits a step advancement with a small increase in salary when the Negotiated Salary Program uses a different set of guidelines to determine whether to provide that same individual up to a 30% increase in salary" and that "[t]he issue of the articulation between the Negotiated Salary Program and

standard procedures for merit reviews remains unaddressed [in the report on the first phase of the program].” The present report addresses the relation between the NSP and standard merit and promotion procedures by recommending that “[p]articipation in an NSP should per se be neutral with regard to the merit and promotion process.” We do not believe that this addresses the incongruity we identified.

We also note that the UC system is also reconsidering its treatment of the commercialization of research as part of the merit review process (Recognition of Innovation Transfer in Merit Reviews). Although we do not necessarily see a problem with simultaneously increasing consideration of such activities in the merit review process and permitting faculty to augment their salaries through externally funded research, we do think it is worth assessing the potential interactive effects of these two changes on the scholarly environment.

5. Avoidance of disruption as a reason for instituting a permanent NSP?

According to the report, “the taskforce has concluded that ending the negotiated salary program would be so disruptive that we cannot recommend such a course of action. Rather, accepting that it needs to continue, we have addressed how it can be improved and expanded.” This implies that the Taskforce’s primary reason for recommending development of a permanent NSP is not the secure conviction that it will be of overall benefit to the University, but rather the claim that ending the trial program would be unacceptably disruptive. We do not see adequate support for this claim in the report. Moreover, it seems very unlikely that the adjustment costs over a few years on some campuses could outweigh the decades-long ramifications of enacting a poorly designed program on most or all campuses. The report notes that ending the program could “[lead] to demands for significant increases to base salaries and/or retention issues.” But this concern about ending what was intended as a trial program seems to us to be inconsistent with the report’s description of the NSP as “a way for faculty to augment their salaries *on a temporary basis*” (p. 19, emphasis added). Furthermore, the argument that ending the NSTP would be unacceptably disruptive, even if it does speak for maintaining and improving the program, does not justify expanding it.

6. Operational issues

- a. **Contingency Shortfalls.** We wondered whether the Taskforce considered prohibiting income-augmenting payments under NSPs until campus received those funds. Such a policy would avoid establishing contingencies for funding shortfalls, as discussed on pages 24 and 91 of the report.
- b. **Year limits.** As noted under 5., the report states that “the NSP is a way for faculty to augment their salaries on a temporary basis by negotiating to use suitable non-19900 funds to raise their academic-year salaries above their permanent academic-year salaries.” Given the “temporary basis” requirement, did the Taskforce consider limiting a faculty member’s use of the NSP to a maximum number of years for a given period?
- c. **Suitable non-19900 funds.** The report suggests granting some autonomy to each campus concerning appropriate fund sources, as discussed on pages 19–20. Given the possibility that external funding of faculty incomes has a larger

impact on faculty research than the current modalities for financing research, we believe that it is especially important to rigorously assess the impact of the NSTP on research.

We thank you again for the opportunity to comment on this report.

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Hannah Ginsborg
Chair

HG/wl



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July 19, 2022

Robert Horwitz
Chair, Academic Council

RE: Report of the Negotiated Salary Trial Program Phase Two Taskforce

Dear Robert,

The Report of the Negotiated Salary Trial Program Phase Two Taskforce 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 Agricultural and Environmental Sciences (CAES), the College of Biological Sciences (CBS), the College of Engineering (COE), the School of Nursing (SON), and the School of Veterinary Medicine (SVM).

Committees are divided on the program. Supporters (FWC, CPB, CBS, SON, portions of CAES and COE) argue that it is a useful program for faculty recruitment and retention, and they do not see evidence that the program is affecting other parts of the university mission. Even so, they recommend several program improvements, described below. Opponents (CAP, SVM, portions of CAES and COE) argue that the program could widen salary inequities, deflect attention away from improving lagging faculty salary scales, and distort academic priorities and university missions.

If the program continues, several concerns should be addressed. CPB and CBS note the administrative burden that this program has put onto departments—a burden “disproportionate to the number of faculty participants.” It is not clear if this burden is local to UC Davis or if other campuses are experiencing similar issues. As CPB writes, “Determining systematic ways to implement the NSTP to reduce administrative burdens at the local level and create consistent data collection and monitoring are important priorities that warrant further consideration.”

CPB raised two additional points to consider:

- Departments are responsible for offsetting faculty members’ increased salaries should faculty lose their extramural funding. The ability to participate in this program should be linked to faculty outcomes; if a faculty member loses their extramural funding, the department should not be responsible for compensating for this loss.
- It was unclear to CPB whether faculty who are full time but hold a 50% appointment from non-state-supported funds (i.e., In Residence faculty) would be eligible to participate in this program. CPB recommends that In Residence faculty be eligible to participate in this program.

Given the decentralized administration of this program (both across and within the campuses), there is a corresponding difference in program experiences among Davis Division committees and faculty. We therefore encourage the Taskforce to read through the enclosed committee feedback in its entirety.

The Davis Division appreciates the opportunity to comment.

Sincerely,

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

Richard P. Tucker, Ph.D.
Chair, Davis Division of the Academic Senate
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

June 2, 2022

Richard Tucker

Chair, Davis Division of the Academic Senate

RE: RFC: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

The Committee on Academic Personnel – Oversight (CAP) has reviewed and discussed the Report of the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce. CAP previously shared their concerns regarding this program in [2017-18](#). Building upon the concerns raised by the 2017-18 CAP, the current CAP does not think that the Phase 2 report provided enough evidence to support institutionalizing the program. CAP firmly disagrees with the report's overall recommendation and posits that the NSTP should not be institutionalized without compelling data that supports its continuation. Moreover, whether or not UC systemwide proceeds with institutionalizing the NSTP or continues to extend it on a trial basis, CAP strongly recommends that data continue to be collected.

CAP appreciates the opportunity to comment.

June 03, 2022

Richard Tucker

Chair, Davis Division of the Academic Senate

RE: Request for Consultation – Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Richard:

The Committee on Faculty Welfare has reviewed the RFC – Report of the Negotiated Salary Trial Program Phase 2 and supports the continuation of the Negotiated Salary program and strongly supports the extension of the program to all faculty.

Sincerely,

A handwritten signature in blue ink that reads "Karen L. Bales". The signature is written in a cursive style with a large, sweeping flourish at the end.

Karen L. Bales

Chair, Committee on Faculty Welfare

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

June 7, 2022

Richard Tucker

Chair, Davis Division of the Academic Senate

RE: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

The Committee on Planning and Budget (CPB) has reviewed and discussed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce. Overall, the CPB is generally supportive of the Negotiated Salary Trial Program (NSTP) and recognizes its potential usefulness as a tool to provide competitive salaries for highly productive faculty. However, the committee also has some concerns about the program and its proposed implementation both on campus and systemwide. These concerns include the following:

- The CPB opposes the ability for faculty to use self-supporting degree program funds (SSDP) in the NSTP because of the perverse incentives and potential equity issues this could create. In particular, members voiced their concern that this ability would lead to the creation of more SSDPs since these programs would be an avenue through which faculty could negotiate for higher salaries. The creation of more SSDPs could lead to more faculty teaching for-profit courses rather than state-supported courses, thus undermining the University's public instructional mission. Even if the self-supporting programs generate enough revenue to cover the cost of providing lecturers in the state-supported programs, students in those courses would no longer benefit from the expertise of core senate faculty. Salary equity is also a concern if pay for teaching is higher in some programs than in others without clear guidelines ensuring equitable teaching assignments in such programs. The CPB strongly recommends against including SSDP funds as an allowable fund source in this program.
- The CPB did not agree with the Taskforce's recommendation that campuses should have "as much local autonomy as feasible" in the implementation of this program. The lack of a uniform systemwide policy can lead to much higher implementation costs. Additionally, a highly decentralized implementation process will make systemwide oversight and monitoring infeasible. It will be important to continue to collect data on this program. Without consistent data, it will be difficult to understand the local and systematic impacts this program has had on costs and uses as well as impacts on faculty retention, teaching, and service. At UC Davis, the decentralized rollout of the pilot program has led to inconsistency across academic units (as Deans can either opt-in or opt-out of the program) and a greater administrative burden that seems disproportionate to the number of faculty participants. Faculty with similar research areas who happen to be in different colleges or schools would have inequitable access to this program. Determining systematic ways to implement the NSTP to reduce administrative burdens at the local level and create consistent data collection and monitoring are important priorities that warrant further consideration. Moreover, members suggested that these salaries, though not from state-supported funds, should be publicly reported and transparent.
- The CPB was troubled by the fact that departments are responsible for offsetting faculty members' increased salaries should faculty lose their extramural funding. The ability to participate in this program should be linked to faculty outcomes; if a faculty member loses their extramural funding, the department should not be responsible for compensating for this loss.

- It was unclear to the CPB whether faculty who are full-time but hold a 50% appointment from non-state-supported funds (i.e., In Residence faculty) would be eligible to participate in this program. The CPB recommends that In Residence faculty be eligible to participate in this program.

CPB appreciates the opportunity to comment and hopes the policy will be refined to address the committee's concerns.

Report of the Negotiated Salary Trial Program Phase 2 Taskforce

FEC: College of Agricultural and Environmental Sciences Committee Response

June 10, 2022

The Faculty Executive Committee of the College of Agricultural and Environmental Sciences (CA&ES) discussed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce at its regular meeting on 19 May 2022. Some faculty supported the program while others voiced concerns. The primary points:

1. Certain faculty are more likely to be able to take advantage of the program than others due to their research areas. Faculty may be doing mission critical research for the university and Agricultural Experiment Station, but they may not be able to raise funds in that area of investigation sufficient to participate. Thus, these faculty could switch research areas to one that is more lucrative. Because few faculty currently take part in the program, how significant a problem this could become is unknown, but it would certainly be unwelcome.
2. Regardless, there is an equity issue among faculty if some can easily participate and others cannot.
3. Many (perhaps most) faculty are completely unaware that the program even exists.
4. If the program is going to be used, then all faculty from both Academic Senate and Academic Federation should be eligible. As it stands, AF faculty are currently ineligible, which causes an equity issue.

The CA&ES faculty appreciates the opportunity to comment.

June 4, 2022

Richard Tucker
Chair, UC Davis Division of the Academic Senate

RE: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Richard,

The Faculty Executive Committee of the College of Biological Sciences has reviewed the request for consultation regarding the Negotiated Salary Program. We agree that this program is important for helping UC Davis to compensate participating faculty at a market level and to level the playing field with professors at Medical Schools. Although this program is used very little by CBS faculty, both increased compensation and the additional extramural and indirect funds it generates are welcome additions. We do not see any evidence that this program has a negative effect on other parts of the university's mission, such as instruction and training of graduate students. We support the recommendation to develop a permanent version of the program.

However, it is essential that the university observe key “not-to” recommendations, including but not limited to “not be seen as an excuse by UCOP or the Regents to avoid addressing salary scales that continue to be non-competitive with institutions with which the campuses compete for faculty talent.” The University should not try to claim increased salary competitiveness as a result of this program. If that were to happen, it could result in a slower trajectory of increases to the pay on the normal base scales, which would hurt the majority of faculty who do not participate in this program.

There are also significant problems with the way NTSP is currently set up and administered. In its current form, the NTSP is unnecessarily costly, complex, and burdensome for the home departments. In many cases, the University will get more money from the program than the individual professor, which is not sustainable and may be one of the reasons why NTSP is underutilized:

1. The benefit rate on NTSP salary is charged at 38.9%. This is excessive, given that NTSP salaries are likely to be above the FICA cap, are on top of the regular salaries that cover faculty health insurance and other benefits, and are not subject to UCRP.
2. The NTSP program requires a **non-refundable** 10% match as insurance (the contingency fund on page 95 of the report, pages 23-24 of appendix C3). This is despite the fact that all funds for NTSP have to be in place. It is difficult to believe the NTSP are defaulted on 10% of the time. Are there statistics of the default rate? Of all UC campuses, UC Davis has the largest contingency fund (as terms of %) in place. UCLA does not charge a contingency fee. Why does UC Davis charge as much as 10%?

Since NTSP funds are often paid from federal grants associated with 54% indirect costs, if you add up these three factors (38.9% benefits that don't go to the employee, 10% default

insurance, and 54% indirect costs) you can see the university often gets more dollars from NTSP than the faculty member does. This should be fixed moving forward. Treating NTSP like summer salary, which is charged a benefit rate of 9.9%, seems to be a reasonable compromise.

Administration of the NTSP is also burdensome at the departmental level. Its implementation is overly complicated, and it takes too much time at the departmental level to arrange NTSP. This could also be streamlined to be as simple as taking summer salary.

In summary, we believe that something like NTSP should remain, as its good for the faculty. However, if the program were streamlined to make it as easy as getting summer salary and the benefit rate was in line with summer salary, it would likely become more widely used and yield a greater benefit to the faculty and ultimately the university.

We appreciate being consulted on this proposal.

Artyom Kopp
On behalf of the CBS Faculty Executive Committee

Prof. Richard Tucker
Chair, UC Davis Division Academic Senate

RE: report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Richard,

I write on behalf of the College of Engineering Faculty Executive Committee in response to the RFC on the above-referenced report. Engineering FEC discussed this report at its regular meeting on June 3, 2022. In short, Engineering FEC is sharply divided on the practice of allowing general-campus faculty to negotiate salary increments that are funded by extramural sources.

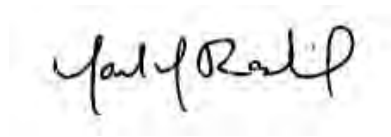
Some members of the committee emphasized the fiscal benefit of allowing well-funded faculty to, in essence, self-fund their own retention actions. These members see little harm in the practice, and point to the potential for lessening the fiscal burden, on both the departments and the College, associated with attracting and retaining excellent senior faculty; particularly in certain fields. This is no small benefit, especially considering the COE's bleak budget outlook. The Taskforce reports that, based on the available evidence, it was unable to conclude that the NSTP has had a broadly positive impact on recruitment and retention. The report attributes this difficulty to the small numbers of participants in the trial program, which precluded statistically rigorous conclusions. However, it seems entirely plausible that the existence of the program would favorably incline some current and prospective faculty toward pursuing their careers at UC Davis. The report contains anecdotal evidence that this is indeed the case, including comments by some administrators who were involved in retention actions.

Other FEC members expressed strong concerns about the potential for the program to create perverse incentives. These members worry that allowing self-funded academic-year salary increments would inevitably lead to a kind of "independent franchise" mentality, such that some faculty might prioritize the solicitation of funding for their own salaries over other teaching, research, and service responsibilities. The Taskforce reports no decline in instructional engagement nor in graduate-student mentorship among program participants. This observation was attributed to strong, and enforced, controls on teaching buy-outs and the like among program participants. However, the report also contains anecdotal accounts of borderline-unethical behavior on the part of PIs that essentially amount to PIs funding their NSTP increments on the backs of their graduate-student mentees. In general, it is hard to dismiss the potential for program-generated distortions in priorities and practices. And, while strong controls might be codified initially and with the best of intentions, the commitment to these controls at the unit and college levels over the long term would remain to be seen. There is also the question of whether the existence of a permanent negotiated-salary program might take the pressure off the systemwide administration to maintain a fair and equitable posture toward faculty compensation among non-participants.

The foregoing points were put forward by FEC members in earnest good faith, and with the best interests of the institution squarely in mind. Though Engineering FEC was unable to come to a consensus on the Taskforce's report and the NSTP in general, there is one observation on which we agree: one of the Taskforce's rationales for making the program permanent, namely that discontinuing it would cause intolerable "disruption," is a weak one. It is hardly surprising that current and prospective faculty who enjoy higher salaries because of the trial program would very much like to continue the program. In fact, one wonders why such an outcome could not have been predicted in advance of implementation of phase 1. Accordingly, one further wonders if the characterization of the program as a "trial" is entirely appropriate.

Engineering FEC appreciates the opportunity to comment.

Best regards,

A handwritten signature in black ink, appearing to read "Mark M. Rashid", is centered below the text "Best regards,".

Mark M. Rashid
Professor
Department of Civil and
Environmental Engineering
Chair, College of Engineering Faculty Executive Committee (2021-22)
mmrashid@ucdavis.edu

Report of the Negotiated Salary Trial Program Phase 2 Taskforce

FEC: School of Nursing Committee Response

June 10, 2022

The SON agrees that continuing the Negotiated Salary Program is an important method for attracting and retaining faculty at UC.

School of Veterinary Medicine Faculty Executive Committee

June 10, 2022

Richard Tucker
Chair, Davis Division of the Academic Senate

RE: Request for Consultation - Report of the negotiated salary trial program Phase 2 taskforce

Dear Richard,

While the NSTP has definite merits relating to a small percentage of faculty, it is not a program that the School of Veterinary Medicine has historically participated in and is unlikely to do so in the near future. There are 2 main issues contributing to this position:

- 1) Most significantly, the NSTP is in conflict with the SVM Faculty Salary Administrative program as outlined in APM 675. Previously called the Strict Full Time program, this was initiated in 1968 to address required higher salary scales for SVM faculty to be competitive in the recruitment marketplace. The salary pool to fund the Salary Administration Program (also from external fund sources) would be in direct competition with the NSTP with the potential to destabilize the Administrative Program.
- 2) The NSTP would only permit SVM I&R faculty members to participate to the exclusion of clinical track faculty. This further disenfranchisement of the clinical faculty and the resulting inequity would therefore not support the application of this mechanism to enhance SVM faculty salary across the whole school.

Sincerely,



Pete Dickinson
Chair, SVM FEC

June 24, 2022

Robert Horwitz, Chair
Academic Council

Re: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Chair Horwitz,

The Irvine Division discussed the report of the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce at its June 21, 2022 Cabinet meeting. The Council on Planning and Budget (CPB), Council on Faculty Welfare, Diversity, and Academic Freedom (CFW), Council on Research, Computing, and Libraries (CORCL), and Graduate Council (GC) also reviewed the report. Feedback from those councils is attached for your review.

While the Council on Academic Personnel (CAP) declined to opine on the report, one member commented that NSTP requires three months in summer salary, thereby precluding the participation of faculty who may have partial summer salary due to other opportunities they need to pursue during the summer (industry training was mentioned as an example).

Additionally, several Cabinet members agreed with the concerns of all reviewing councils that the program creates salary inequities.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Joanna Ho, Chair
Academic Senate, Irvine Division

Enclosures: CPB, CFW, CORCL, GC memos

Cc: Georg Striedter, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director



June 7, 2022

**JOANNA HO, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

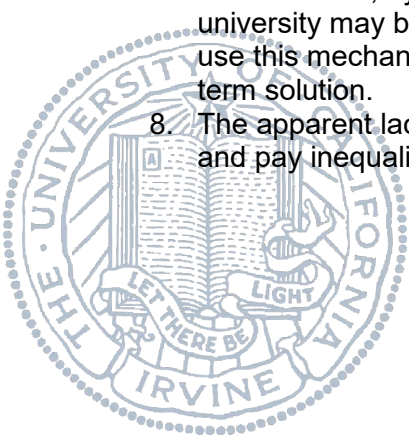
Re: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

The Negotiated Salary Trial Program (NSTP) was launched on three campuses, including UCI, as a five-year trial program from July 1, 2013 through June 30, 2018. A joint Senate-Administration taskforce reviewed the program, and in its June 2017 report recommended continuation of the program under certain conditions. Following systemwide review of the taskforce's report and additional consultation with Academic Senate leaders and campus administration, Provost Brown extended the program for another four years, with a review after the third year and adding a fifth year of "wind-down" should the program not be continued after four years. The Phase 2 Taskforce was appointed in October 2021 and included membership appointed by both the Academic Senate and Provosts/Executive Vice Chancellors.

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) discussed this issue at its meeting on May 10, 2022, and would like to submit the following comments:

1. Members agreed that, overall, the data did not suggest any positive impacts.
2. Due to finding agency limitations, even people in very similar research areas have disparate access to this funding. Additionally, some fields don't need significant funding to do high quality research and hence have no access to this benefit. This creates salary inequities.
3. Since only a small fraction of faculty can benefit from NSTP, it is not clear that it will significantly reduce pressure for retention offers and could increase them given the salary inequities generated by NSTP.
4. Extending the trial to collect more information seems inconsistent with the statement that ending it would be too disruptive. It will be more disruptive in a few years.
5. Members expressed concern that the NSTP requirements do not include any prohibition against using grant funding to pay PI salary rather than support students.
6. A benefit of the NSTP is stated to be an increase in funding to participants. No comparison was given to non-participants, whose grant funding has also likely gone up.
7. It seems as if, by providing additional salary only in the form of "soft money," the university may be failing to keep up with fair salary rates for the units/programs that use this mechanism. It seems like a stop-gap measure at best and not a good long-term solution.
8. The apparent lack of transparency is another issue that could lead to insidious biases and pay inequality.

Sincerely,



A handwritten signature in black ink, appearing to read 'T. Dalton', with a large, stylized loop at the top.

Terry Dalton, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

C:

Jisoo Kim, Executive Director
Academic Senate

Gina Anzivino, Associate Director
Academic Senate

June 15, 2022

JOANNA HO, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: Taskforce Report on Negotiated Salary Program Phase II

At its meeting on May 19, 2022, the Council on Research, Computing, and Libraries (CORCL) discussed the recommendations by the Senate-Administration taskforce on the Negotiated Salary Trial Program (NSTP).

The potential benefits of the NSTP—recruitment and retention of top researchers, associated gains in research productivity and extramural funding, and alleviation of pressure for joint appointments in health science departments—as well as its potential drawbacks—unjustified inequalities in compensation and perverse incentives for faculty—appear to be well established. The Phase 2 Taskforce’s recommendation in favor of the continuation of the NSTP relies on data collected from participating faculty and on community surveys. Specifically, the Taskforce cites its conclusion that NSTP likely helps recruitment and retention of senior faculty and reduces the pressure for joint appointments in health science departments, that it does not lead to perverse incentives for participating faculty and that it may in fact lead to an increase in extramural funding and in graduate student and postdoc support, and that observed demographic inequities in compensation are either an acceptable unintended consequence of the program or reflect spurious associations. We offer several comments about these conclusions below.

Data Challenges

As an initial matter, it is important to note that program participation is limited, leading to small sample sizes for statistical analysis. Further complicating analyses of the program’s effects are the interplay of many potential confounding variables, as faculty member and department characteristics influence selection into the program and may also affect other aspects of compensation. While we applaud the Phase 2 Taskforce’s attempt to generate an evidence-based recommendation, this context makes this approach particularly challenging. Greater attention to these issues would be helpful.

Recruitment and Retention

The importance of NSTP in recruitment and retention is largely supported by positive comments from administrators, department chairs, and participating faculty. However, as the Phase 2 Taskforce notes, hard data on the benefit of NSTP is difficult to acquire.

Extramural Funding and Graduate Student and Postdoc Support

The determination that NSTP positively impacts extramural funding and graduate student and postdoc support is based on data presented in an appendix to the Taskforce report. Yet it appears that those data have not been collected or analyzed in a way that optimally assesses the impact of NSTP, as detailed in the following.

A notable concern about the NSTP program is that PIs may use it to draw funds from their extramural grants at the expense of financial support for graduate students and postdocs. For example, the Taskforce report notes that a faculty respondent to the 2021 NSTP faculty survey wrote:



I have been a co-PI on grants where the PI would collect his NSTP but claimed that he couldn't support students who worked on the grant. Then, the students were forced to get a TAship or support themselves while their work was perfectly fine. The NSTP was paid by the students. Simultaneously, the budget was completely opaque as the PI guarded the info about his NSTP because he wanted to hide this practice and didn't want to offer it to the other PIs. I have witnessed this behavior firsthand on several grants and heard anecdotally similar experience[s] from other colleagues. Overall, NSTP has had a perverting role and has led to unethical behavior among unscrupulous PIs who prefer to pay themselves than their students or co-PIs while the program [is] subsidized by TAships which are in short suppl[y].

The Taskforce report notes that this concern is alleviated, at least in part, by data shown in the appendix that is apparently self-reported by participating faculty. Specifically, headcounts in research groups of PIs that participate over two consecutive years analyzed do not decrease. Data on student support are also provided, which show strong year-to-year variations that it would be helpful to explain, and that do not explicitly provide the percentage of supervised students that are fully funded.

The Taskforce report also notes that NSTP participation may lead to increased extramural grant acquisition, which would in turn benefit students, postdocs, and the University as a whole. However, several questions about these data and their interpretation do not appear to be addressed:

- Are faculty that enrolled both in 2019-2020 and 2020-2021 representative of overall participating faculty? Could it be that some faculty participate for non-consecutive years, in a way that detrimentally impacts student and postdoc support?
- Faculty that enroll in NSTP are likely on an upward trajectory in terms of funding. It is therefore not surprising that they would be in the process of increasing the size of their research group. The real question is whether student or postdoc support would have further expanded *had these faculty not joined the NSTP program*. Perhaps this question could be addressed with comparisons to faculty in the same departments and with similar increases in funding, but who do not enroll in the NSTP program
- Noting an increase in extramural funding over a few years in participating faculty does not show that NSTP led to increased funding acquisition. This is because, for example, paylines of funding agencies vary from year to year. It would have been more meaningful to compare changes in funding levels across the years for participating faculty to changes for nonparticipating faculty with similar characteristics.

Demographic Patterns

Finally, the Taskforce reports unequal rates of participation in the program and unequal salary increases through the program by gender and race/ethnicity. The report states that this information “does not control for the myriad of factors (e.g., series, starting rank, time since degree, discipline, years of experience) that would normally be included in any salary equity analysis” and thus should not be interpreted as such. However, it makes no attempt to assess whether this observed variation is explained by observed characteristics.

CORCL Recommendation

Assuming the program is continued pursuant to the Phase 2 Taskforce's recommendation, the Council offers the following recommendations.

- Data collection efforts should continue, with the goal of better comparing similar participant and non-participant faculty members. This may be in tension with the recommendation that reporting requirements be reduced to lower the program's administrative burden.
- CORCL strongly supports the Taskforce's recommendation that NSTP be advertised to all eligible faculty. Relatedly, efforts to increase the program's transparency should be encouraged.

The Council appreciates the opportunity to comment.

On behalf of the Council,

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

Michele Guindani, Chair

c: Jisoo Kim, Executive Director
Gina Anzivino, Assistant Director
Michelle Chen, CORCL Analyst

June 20, 2022

JOANNA HO, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: Report of the Negotiated Salary Trial Plan Phase 2 Taskforce

The Council on Planning and Budget (CPB) discussed the recommendations proposed by the Negotiated Salary Trial Program Phase 2 Taskforce at its May 25, 2022 meeting and continued its review electronically.

In two previous evaluations (November 2011 and October 2012), CPB expressed strong disapproval of the NSTP. The objections were that the program increases salary inequity, that it reduces UC's incentive to make its regular salaries competitive, and that it violates the intent of federal research support (where grant-funded summer salary is meant to be the path to salary enhancement). In this current evaluation, the Council's review resulted in similar findings.

Although CPB had a robust discussion on the report, the Council was ultimately unable to come to a consensus. Below are comments from the discussion that demonstrate the range of opinions on the program:

Program Goals and Implementation

- From its implementation, no reliable data was collected on the effects of the NSTP on recruitment and retention. Also considering that only 6.4% of all eligible faculty across the six campuses participate in the program, there is insufficient data to appropriately evaluate the NSTP's efficacy and impact. Moreover, the report proposes the elimination of the administrative tracking of the program. This makes it so that it will be impossible to ever discern if the program is achieving its goals.
- The NSTP paves the way for federal grants to be used inappropriately. This will create problems with granting agencies. Restrictions that articulate unacceptable usage of grant funds should be considered.
- Consultation with campus counsel on the legal implications of the program is necessary. If the program is in violation with the law, the sanction could be severe for the whole UC system. The NSTP should not continue until this is clarified.
- The allowable funding sources include contracts and grants, and professional degree and self-supporting degree fees. Federal C&G funds account for 56.2% (\$9,262,250/year) of the fund sources. Some members agreed with the report that using degree fees may be politically fraught. To the extent they can be used to provide competitive salaries, there may be better ways to do so outside of the NSTP.

Other members supported the use of degree fees in this manner citing the case where a Dean allocates the funds to a research initiation program (which leads to graduate student support because the funds cannot be used to pay faculty salary but can be used to pay GSRs). Degree fees additionally finance a portion of temporary NSTP funding allowing the Dean to make a better offer to highly competitive mid-level faculty recruits, the argument being that there is an expectation that the faculty will eventually be supported by grants and



gifts. It was observed that this represented a small portion of the overall SSP surplus. In the context of SSPs being created with the expectation that some 33% goes toward graduate support (as stipulated by the Senate), the above distribution was well above that, and the graduate students benefit from the excellent faculty that the School was able to attract (which in turn has led to higher quality graduate students wanting to join the department and picking us over top places).

- The report notes that elimination of the NSTP program does not seem possible. The entrenched nature of the program means that its elimination would be highly disruptive. However, without reliable data to support this statement, it is unclear if this is indeed the case.
- Members observed that because negotiated salaries are not paid from 19900 funds, and because funding for negotiated salaries could fall through, campuses must ensure they have a strategy to cover negotiated salaries should the original identified funds ultimately prove unavailable.

Salary Inequity

- The program has created inequity based on race and ethnicity.
- The program exacerbates inequity between disciplines. Outside of STEM fields, most disciplines within the University have no access to the grant funds that can be used for negotiated salaries.
- The NSTP carries with it problematic optics on pay equity between graduate students and faculty. Concerned about the potential for the NSP to drive unwanted changes in available GSR versus TA positions, some members took particular note of the following reported comment::

"Overall, NSTP has had a perverting role and has led to unethical behavior among unscrupulous PIs who prefer to pay themselves than their students or co-PIs while the program is subsidized by TAships which are already in short supply". (3. Assessment of the NSTP, B. Assessment of the Current Program, Section iii. Graduate Student and Postdoctoral Support).

Other members observed that such situations are the responsibility of the campus to avert or manage through specific policies and oversight. Given that a chair or dean would likely be concerned if all of a particular PI's students are on TAships because the PI has budgeted grants to cover salary from the NSP rather than GSR lines, it was suggested that departmental and/or school policies include oversight of these funding plans at multiple stages, such as faculty recruitment, grant submission, and/or graduate student admission/lab assignment.

Recruitment and Retention

- Some members observed that the NSTP incentivizes faculty that can bring in significant amounts of funding that the campus could not otherwise compete with. However, others noted that an investigation of the program's impact in the past ten years in increasing the campus's stature as a research-focused institution is needed.
- The program functions as a self-fulfilling prophecy where faculty who already have access to grant opportunities happen to do research in something that is trendy are further rewarded. Faculty that are doing interesting and important work in areas that are not currently fashionable are not provided with comparable support.

The Council appreciates the opportunity to comment.

On behalf of the Council,

A handwritten signature in dark ink, reading "Alyssa A. Brewer". The signature is written in a cursive, flowing style.

Alyssa Brewer, Chair

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

May 26, 2022

**JOANNA HO, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

RE: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

At its May 12, 2022 meeting, Graduate Council reviewed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce. The Negotiated Salary Trial Program (NSTP) allows faculty to apply for a 1-2 year period in which they can supplement their salary above scale, using funds from external sources such as grants, gifts, and professional fees. It was instituted as a trial program for the years 2013-18 and then extended for 4 more years through 2022.

In previous reviews, several concerns have emerged related to the Program's low level of usage (6.4% in 2020-21; 93 faculty at UCI in 2020-21) and inequity across Schools (STEM being over-represented), funding sources (perceived as accessible primarily to those with NIH grants), level (under-represented for Assistant Professors), and minority status (under-represented for URM faculty). Additionally, concerns regarding the impact of graduate student funding, as well as post-doc funding, from the same sources as the NSTP funding have been persistent through the time period of the trials. That is, since the funding sources arrive with finite amounts of dollars, the money allocated to enhance faculty pay is simply not available for other purposes such as funding graduate students or post-docs.

However, despite these concerns, the Taskforce recommended instituting NSTP on a permanent basis. Although some comments about improving the program are made, no actual concrete ways to improve are presented. The argument for making the Program permanent is built upon a claim that removing it would be "very disruptive at the participating campuses, potentially leading to demands for significant increases to base salaries and/or retention issues". However, this is a bit of an odd argument since there are also claims, with supporting evidence, that the Program is only marginally used. There is no actual explication of how ending the Program would be "very disruptive" other than the assertion of disruption and some indications some highly paid faculty will make marginally less money.

In regard to graduate education, there were concerns following the 2017 review that there was not sufficient data to confirm the lack of negative side effects, particularly reduced graduate student support with funding sources (such as grants and revenue from professional programs) instead going towards supplementing faculty salaries.



In the most recent report, the Taskforce found that student support and research group size had increased over time (comparing pre-NSTP to post-NSTP), the main evidence provided that graduate student support is not being negatively affected. However, correlation is not causation and the evidence there is no impact is weak. A survey of those who are receiving NSTP funds resulted in assurances from 32% of the respondents to a survey about the NSTP that their support of graduate students has increased due to NSTP (64.7% reported no change). How this may have happened is unclear since the NSTP

does not actually have anything to do with graduate funding, but rather simply allows faculty to receive funding that may have otherwise gone to graduate students. Negative impacts to graduate students seem to occur according to a comment quoted from a non-participant who, as a grant co-PI, reported observing funds spent to supplement faculty salary to the detriment of graduate compensation.

The Taskforce concluded that “the increased research support incentivized by the NSTP does not solely benefit faculty salaries — it is having a significant positive impact consistent with the overall education and research mission of the University of California” and, by extension, is increasing funding for graduate research and support. There is, however, no empirical demonstration of this, but rather it is simply repeated several times as a fact or as received wisdom.

Graduate Council finds the Report disappointing due to the lack of a proper analysis to make a compelling case instead of high-level assumptions. An in-depth assessment would address any concerns about the potential impact on graduate student funding. Members noted that the NSTP is being used by some departments as a mechanism to incentivize and retain their most productive faculty.

On behalf of the Graduate Council,



Arvind Rajaraman, Chair

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

June 21, 2022

Robert Horwitz
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Chair Horwitz,

At its meeting on June 2, 2022, the Executive Board reviewed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce and divisional feedback. A majority of Executive Board members voted to accept the report, though the discussion highlighted several reservations. Members' concerns echoed the equity issue raised by letters from the divisional Council on Planning and Budget and Council on Academic Personnel, the Taskforce report, and the 2017 Academic Senate report. Additionally, members noted that one major reason for making this program permanent had been foreseen and warned against by the 2017 Senate report (as cited in the Taskforce report): the disruption that would be caused by ending it. We hope that a lesson was learned and that future proposals for trial compensation programs will avoid this constraint on future action.

Moving forward, members emphasized the importance of not losing focus on fairness and competitiveness of base salary scales, raising them to maintain faculty excellence and inclusion regardless of participation rates in the Negotiated Salary Program.

Sincerely,



Jessica Cattelino
Chair
UCLA Academic Senate

Encl.

Cc: Andrea Kasko, Vice Chair/Chair Elect, UCLA Academic Senate
Shane White, Immediate Past Chair, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate

May 26, 2022

Jessica Cattelino, Chair
Academic Senate

Re: Systemwide Review: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

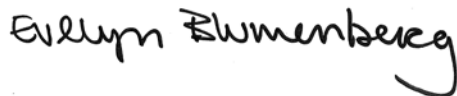
Dear Chair Cattelino,

At its meeting on May 16, 2022, the Council on Planning and Budget (CPB) reviewed and discussed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce.

Members expressed that the report is, at times, opaque in terms of the issues and the details associated with the program. Moreover, they did not think that the report provides adequate transparency and oversight on the process. They also were concerned that the program, although small, may have negative effects on pay scales and faculty lines. Members from the David Geffen School of Medicine provided information and commented on the health compensation plan (which also includes a negotiated component) which they believe is not equitable.

If you have any questions for us, please do not hesitate to contact me at eb Blumenb@ucla.edu or via the Council's analyst, Elizabeth Feller, at efeller@senate.ucla.edu.

Sincerely,



Evelyn Blumenberg, Chair
Council on Planning and Budget

cc: Andrea Kasko, Vice Chair/Chair-Elect, Academic Senate
Shane White, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Elizabeth Feller, Assistant Director, Academic Senate
Members of the Council on Planning and Budget

May 25, 2022

Jessica Cattelino, Chair
Academic Senate

Re: (Systemwide Senate Review) Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Chair Cattelino,

At its meeting on May 17, 2022, the Council on Academic Personnel (CAP) had an opportunity to review the Report of the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce. Members expressed concerns about potential equity issues arising from NSTP, and found the report insufficient in addressing their concerns. Members requested for specific examples to be included in subsequent reports, to enhance faculty's understanding of NSTP.

If you have any questions for us, please do not hesitate to contact me at csternin@ucla.edu or via the Council's analyst, Lori Ishimaru, at lishimaru@senate.ucla.edu.

Sincerely,



Catia Sternini, Chair
Council on Academic Personnel

Enclosure

cc: Andrea Kasko, Vice Chair/Chair-Elect, Academic Senate
Shane White, 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



OFFICE OF THE ACADEMIC SENATE
LEROY WESTERLING, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

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

July 13, 2022

To: Robert Horwitz, Chair, Academic Council

Re: [Report from the Negotiated Salary Trial Program Phase 2 Taskforce](#)

The report from the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce was distributed for comment to the Merced Division Senate Committees and the School Executive Committees. The following committees offered comments for consideration. Their comments are appended to this memo.

- Committee on Academic Planning and Resource Allocation (CAPRA)
- Committee on Research (CoR)
- Committee on Faculty Welfare and Academic Freedom (FWAF)
- Graduate Council (GC)

CAPRA was unclear how this program improves on the Step Merit System already established in the APM. The program could exacerbate inequities and problems of favoritism within departments creating more hostility. It is important for the UC System to establish flexibility for Deans of Colleges and Schools to be able to make counter-offers when a UC faculty member receives an outside offer. It seems out of equity concerns that the NSTP should be reserved strictly for faculty that have offers from departments that are equivalent or higher ranked than their current department. High achieving faculty should also be able to accelerate within the step merit system when they have extraordinary achievements. CAPRA agreed that the report lacks information and therefore cannot appropriately assess the NSTP at this time.

CoR noted that the NSTP attempts to test an extension of faculty salary increase policies that are normal to the health sciences compensation plans to other academic disciplines at UC. Such potential salary increases are considered necessary for recruiting and retaining top-notch faculty, especially in high-paying fields where it is difficult for UC to maintain competitive pay scales. These negotiated salary plans appear to be highly valued by participating faculty, and may add research value, with some dissent from non-participating faculty. CoR believed that such plans seem justified with the intention of keeping UC highly competitive, as long as equality concerns and restrictions, as discussed and recommended by the Taskforce, are built in and maintained in any future policies.

FWAF noted that though they found no hard evidence of its ability to achieve its purpose, the Taskforce recommends making a policy of this sort, The Negotiated Salary Program, permanent as a way to free up

the University to be competitive in the academic and industry markets. They qualify their recommendation by indicating that it shouldn't be an excuse not to seek other ways to increase the normal salary of all faculty and to improve salary equity of those salaries. They also recommend that the program should be set up in ways so that it won't incentivize faculty to reduce their teaching and mentoring load. However, FWAF noted they do not express concern about how it might reduce incentives to doing one's fair share of service; FWAF recommended they add that if they implement the policy. While this policy would perhaps attract those who need this form of incentive to carry on their research for the UC, FWAF asserted that it runs at cross-purposes to salary equity. The tradeoff appears to be between (a) the benefit of retaining and recruiting talented researchers and getting more money into their hands and (b) the opportunity cost of not being able to use those funds for other purposes and the injustice and harm to morale caused by a loss of salary equity. FWAF acknowledged that the UC has always had ways, independent of the proposed NSTP, to increase salaries to recruit and retain those faculty who bring in grants with overhead. And FWAF believes that even without the NSTP the UC has and can still attract and retain highly talented researchers, many of whom will be of equal or greater talent to those we would lose by not adopting this policy. When forced to choose between them, FWAF endorsed the values of justice, morale, and collegiality over that of giving the select few more money so they will stay on at the UC. FWAF therefore opposed the proposed NSTP and instead recommend that the UC focus on increasing the salaries of all and increasing salary equity.

GC appreciated the balanced considerations outlined in Section 4. Recommendations (page 18) of the report. Overall, the Taskforce members support the Negotiated Salary Program for further adoption systemwide. Members of GC agreed with the general assessment and recommendations of the Phase 2 Trial Program presented in the Taskforce report.

Divisional Council reviewed the committees' comments via email and supports their various points and suggestions.

The Merced Division thanks you for the opportunity to comment on this report.

CC: Divisional Council
Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Senate Office, UCM

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SANTA BARBARA • SANTA CRUZ

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

May 25, 2022

To: LeRoy Westerling, Chair, Division Council

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

Re: Report from the Negotiated Salary Trial Program Phase 2 Taskforce

Between, 2012 and 2021, a program on six UC campuses (Davis, Irvine, Los Angeles, Riverside, San Diego, and Santa Cruz) piloted the Negotiated Salaries program with a limited number of faculty. Faculty can enter in negotiations with their departments to adjust their salaries to attempt to reach current market rates. The program is popular for participants based on survey data of the population of participating academic units. A very low percentage of non-participants answered the survey (12%) and over half of non-participants had negative or neutral views of the program.

It is not clear how this program improves on the Step Merit System already established in the APM. The program could exacerbate inequities and problems of favoritism within departments creating more hostility. It is important for the UC System to establish flexibility for Deans of Colleges and Schools to be able to make counter-offers when a UC faculty member receives an outside offer. It seems out of equity concerns that the Negotiated Salary Program should be reserved strictly for faculty that have offers from departments that are equivalent or higher ranked than their current department. High achieving faculty should also be able to accelerate within the step merit system when they have extraordinary achievements.

CAPRA members agreed that the report lacks information and therefore we cannot appropriately assess the NSTP at this time.

We appreciate the opportunity to provide comments.

cc: Senate Office

UNIVERSITY OF CALIFORNIA, MERCED

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SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RESEARCH (COR)
JASON SEXTON, CHAIR

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

May 25, 2022

To: LeRoy Westerling, Senate Chair

From: Jason Sexton, Chair, Committee on Research (CoR) *J. P. Sexton*

Re: Negotiated Salary Trial Program Phase 2 Taskforce Report

CoR discussed the taskforce report at its May 2, 2022 meeting. The Negotiated Salary Trial Program attempts to test an extension of faculty salary increase policies that are normal to the health sciences compensation plans (HSCP) to other academic disciplines at UC. Such potential salary increases are considered necessary for recruiting and retaining top-notch faculty, especially in high-paying fields where it is difficult for UC to maintain competitive pay scales. These negotiated salary plans appear to be highly valued by participating faculty, and may add research value, with some dissent from non-participating faculty. Such plans seem justified with the intention of keeping UC highly competitive, as long as equality concerns and restrictions, as discussed and recommended by the taskforce, are built in and maintained in any future policies.

We appreciate the opportunity to review.

cc: Senate Office



ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM
DAVID JENNINGS, CHAIR
djennings3@ucmerced.edu

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

May 27, 2022

To: LeRoy Westerling, Chair, Division Council

From: David Jennings, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

Re: Report from the Negotiated Salary Trial Program Phase 2 Taskforce

FWAF reviewed the report from the Negotiated Salary Trial Program Phase 2 Taskforce (NSTP). NSTP is an effort to try out a mode of increasing compensation for certain faculty, especially those in grant-supporting STEM fields. The goal of the program is to improve recruitment and retention of top-quality scholars, who purportedly would otherwise be motivated to work elsewhere, by increasing their salaries beyond what is possible through on-scale and off-scale salaries. This above-scale funding cannot come from ordinary state-funds allotted to the University but only from federal or state grants and contracts, Endowments, Gifts, and monies from revenue-granting programs, and so on.

The Taskforce was unable to discover data that showed the program did indeed improve the University's ability to recruit and retain the types of faculty targeted by this policy. However, they surveyed participants, administrators, and non-participants. The survey data suggested that the former two groups approve of the program, and some administrators believe it's a critical tool for recruitment and retention. Some non-participants were critical of the program.

Though they found no hard evidence of its ability to achieve its purpose, the Taskforce recommends making a policy of this sort, The Negotiated Salary Program (NSP), permanent as a way to free up the University to be competitive in the academic and industry markets. They qualify their recommendation by indicating that it shouldn't be an excuse not to seek other ways to increase the normal salary of all faculty and to improve salary equity of those salaries. They also recommend that the program should be set up in ways so that it won't incentivize faculty to reduce their teaching and mentoring load. However, FWAF notes they do not express concern about how it might reduce incentives to doing one's fair share of service; we recommend they add that if they implement the policy.

While this policy would perhaps attract those who need this form of incentive to carry on their research for the UC, it runs at cross-purposes to salary equity. The tradeoff appears to be between (a) the benefit of retaining and recruiting talented researchers and getting more money into their hands and (b) the

opportunity cost of not being able to use those funds for other purposes and the injustice and harm to morale caused by a loss of salary equity.

FWAF acknowledges that the UC has always had ways, independent of the proposed NSP, to increase salaries to recruit and retain those faculty who bring in grants with overhead. And we believe that even without the NSP the UC has and can still attract and retain highly talented researchers, many of whom will be of equal or greater talent to those we would lose by not adopting this policy. When forced to choose between them, FWAF endorses the values of justice, morale, and collegiality over that of giving the select few more money so they will stay on at the UC. So, we oppose the proposed NSP and instead recommend that the UC focus on increasing the salaries of all and increasing salary equity.

We appreciate the opportunity to opine.

cc: Senate Office

UNIVERSITY OF CALIFORNIA, MERCED

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SANTA BARBARA • SANTA CRUZ

OFFICE OF THE ACADEMIC SENATE
ERIN HESTIR, CHAIR, GRADUATE COUNCIL
ehestir@ucmerced.edu

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

MAY 27, 2022

TO: LEROY WESTERLING, CHAIR, ACADEMIC SENATE

FROM: ERIN HESTIR, CHAIR, GRADUATE COUNCIL (GC)

RE: [REPORT OF THE NEGOTIATED SALARY TRIAL PROGRAM PHASE 2 TASKFORCE](#)

Graduate Council (GC) has reviewed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce and offer the following comments:

GC appreciates the balanced considerations outlined in **Section 4. Recommendations** (page 18) of the report.

Overall, the Taskforce members support the Negotiated Salary Program (NSP) for further adoption systemwide. Members of GC agree with the general assessment and recommendations of the Phase 2 Trial Program presented in the Taskforce report.

Graduate Council appreciates the opportunity to opine.

CC: Graduate Council
Senate Office



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

JASON STAJICH
PROFESSOR OF BIOINFORMATICS
RIVERSIDE, CA 92521-0217
TEL: (951) 827-6193
EMAIL: JASON.STAJICH@UCR.EDU

July 6, 2022

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

RE: Systemwide Review - Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Robert,

The Riverside Executive Council had an energetic discussion about the subject report, as well as the program during our June 27, 2022 meeting. Riverside Council's comments are below and attached is feedback from tasked local committees that responded to the call for review.

Some Executive Council members commented that perhaps the report is perhaps biased towards STEM faculty that are likely to have the federal grants, and against USDA or non-federal funded faculty and that when this topic is revisited in 5-7 years the make-up of who sits on the taskforce may correct this.

Other members were concerned about equity and transparency around funding sources and streams for self-supporting professional degrees being used to support NSTP. A member commented that for this program, state appropriation funding should not be allowed and there should be appropriate safeguards to oversee this in place. Another member commented that they do not favor the aspect of the program where the University is responsible for lapses in funding should a grant be overspent on NSTP.

The UCR Executive Council is cautious about the use of this program to supplement funding when it may impact the support of graduate or undergraduate students performing research.

Sincerely yours,

/s/Jason

Jason Stajich
Professor of Bioinformatics and Chair of the Riverside Division

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



Academic Senate

COMMITTEE ON ACADEMIC FREEDOM

May 18, 2022

To: Jason Stajich, Chair
Riverside Division Academic Senate

From: Ivy Zhang, Chair
Committee on Academic Freedom

Re: Report from the Negotiated Salary Trial Program Phase 2 Taskforce


The Committee on Academic Freedom reviewed the report from the Negotiated Salary Trial Program Phase 2 Taskforce and did not find any significant concerns related to the Committee's charge of academic freedom.



COMMITTEE ON ACADEMIC PERSONNEL

May 10, 2022

To: Jason Stajich
Chair, Riverside Division Academic Senate

Fr: Sean Cutler 
Chair, Committee on Academic Personnel

Re: [Systemwide Review] Report Review: Report of the Negotiated Salary Trial Program
Phase 2 Taskforce

CAP discussed the Report of the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce and voted unanimously (+10-0-0) in support of its recommendations to institutionalize the program in policy and create a permanent negotiated salary plan. CAP also noted that the negotiated salary program has been an effective tool in the recruitment and retention of high-caliber faculty at our campus since UCR participated in the NSTP since July 1, 2018.

COMMITTEE ON DIVERSITY, EQUITY, & INCLUSION

May 24, 2022

To: Jason Stajich
Riverside Division Academic Senate

From: Katherine Stavropoulos, Chair
Committee on Diversity, Equity, & Inclusion

Re: [Systemwide Review] Report Review: Report of the Negotiated Salary Trial
Program Phase 2 Taskforce

The DEI committee reviewed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce. The committee has some concerns regarding the implications of this program on equity. The program generally seems to give advantage to faculty who already have a good salary and are well-connected. This might have the side effect of increasing the salary gap rather than reducing it.

If this program moves forward, it will be crucial to keep equity concerns in mind and to increase awareness of this program to all faculty members (including more junior faculty who may not be aware). For future review, it would also be helpful to know if there are many faculty being awarded eligible grants who are not participating in the program. If there are, the review committee should figure out why.

Another concern of some committee members relates to equity across disciplines. This program appears to selectively benefit faculty in certain disciplines (e.g. those that are more competitive for NIH/NSF funding) than others.




Academic Senate

COMMITTEE ON FACULTY WELFARE

June 15, 2022

To: Jason Stajich
Riverside Division Academic Senate

Fr: John Heraty, Chair 
Committee on Faculty Welfare

Re: [Systemwide Review] Report Review: Report of the Negotiated Salary Trial Program
Phase 2 Taskforce

Faculty Welfare reviewed the NSTP policy at their June 14, 2022 meeting. Faculty were generally supportive of the program but did reflect some concerns.

Overall, this is a very thorough document that covers the issues and reasons for salary enhancement. If faculty can raise the additional funds, then it is within their right to do so. As a retention tool for those faculty then it is appropriate. It is likely not a recruitment tool other than offering the future possibility of participating in the NSTP. Non-NSTP faculty are less supportive and will likely feel undervalued in the system if they are not part of the same funding streams that would support such income (i.e. not NSF). There is general support for the program, certainly by participating faculty and administrators trying to retain those excellent faculty. A few points follow for clarification or consideration.

- a) The NSTP will likely have limited effect on equity adjustments for faculty across a college or campus. The university should be more aggressive about raising faculty salaries across the board to be competitive.
- b) It needs to be clear that no resources (especially state funds) beyond the targeted fund sources should be used to cover shortfalls in NS funding. If a grant or fund source is withdrawn, the salary should be renegotiated to the basic UC salary. Note that in the Health Sciences, many faculty are fully supported by grant funds and need to be covered after a loss. NSTP faculty always have a guaranteed UC base income.
- c) Funding agencies should be provided clarity that grant or gift funds are being directed to NSTP compensation.

- d) NSTP faculty should provide an agreement that funds are not being directed away from graduate student funding.
- e) The use of "*professional degree fees, self- supporting degree fees*" to cover salary should be clarified and monitored. Few faculty are using this support which seems unusual; however, it is unclear how professional school base salaries are currently covered. Are the base salary differences currently covered by professional degree fees? If so, what is the relevance of the shift to NS salary support. Any shift in salary support from student fees should be closely monitored.
- f) Are all faculty given the right to participate, or is this College or Campus dependent? Apparently, there is also a requirement to have at least a 50% IR appointment, which directly excludes a proportion of faculty, especially those involved in agricultural research.
- g) We strongly recommend that the program be reviewed every 5-7 years for impact on NSTP faculty, non-NSTP faculty and graduate student enrollment. Future reviews should contain a more fair balance of NSTP and non-NSTP faculty in the review process.



Academic Senate

PLANNING & BUDGET

May 26, 2022

To: Jason Stajich, Chair
Riverside Division

From: Dana Simmons, Chair
Planning & Budget

Re: [Systemwide Review] Report Review: Report of the Negotiated Salary Trial
Program Phase 2 Taskforce

The committee reviewed the Report of the Negotiated Salary Trial Program Phase 2 Taskforce at their May 24, 2022 meeting and is overall supportive of the program. However, the committee does have concerns regarding the Taskforce's suggestion to allow use of some directly appropriated state funds toward this program. State funds should not be used for this purpose.



May 20, 2022

To: Jason Stajich, Ph.D., Chair, Academic Senate, UCR Division

From: Declan McCole, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

Subject: Response to [Systemwide Review] Report Review: *Report of the Negotiated Salary Trial Program Phase 2 Taskforce*

Dear Jason,

The SOM Faculty Executive Committee has reviewed the report of the Negotiated Salary Trial Program Phase 2 Taskforce. The Committee offered the following feedback for consideration.

While we are not affected by this program, we do appreciate and welcome the availability of this program for non-HSCP faculty to promote retention and recruitment at UCR. SOM FEC had one question regarding Section 4 A (page 23 / page 18 of 26 within the PDF). Will there be safeguards to restrict either systemwide, or individual campus, administrators from using a NSP to circumvent/avoid faculty salary issues as described in Section 4 A, bullet 1:

- *Not be seen as an excuse by the Office of the President or the Regents to avoid addressing salary scales that continue to be non-competitive with the institutions with which the campuses compete for faculty talent. The citizens of California deserve access to higher education provided by the best faculty. Moreover, given the spillovers that the University creates in terms of the innovations, entrepreneurship, and an educated workforce that make the California economy the envy of the world, it is essential that the University of California remain competitive in all areas of scholarship*

The current phrasing is very weak with respect to preventing this concern from being realized.

Yours sincerely,

A handwritten signature in cursive script that reads "Declan McCole".

Declan F. McCole, 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

June 22, 2022

Professor Robert Horwitz
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of the Negotiated Salary Trial Program Phase 2 Taskforce Report

Dear Professor Horwitz,

The Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce Report was distributed to San Diego Divisional Senate standing committees and discussed at the June 13, 2022 Divisional Senate Council meeting. Senate Council had no objections to the Taskforce recommendations, and offered the following comments for consideration.

Council members noted many positive aspects of the NSTP program: it is a helpful tool in faculty retention and recruitment and it has allowed for the expansion of the research enterprise in participating departments by incentivizing faculty to increase engagement in sponsored research. However, some Council members were concerned that faculty in areas such as the Arts & Humanities and Social Sciences rarely have the opportunity to participate in the program since these fields typically do not offer as many grant opportunities. The salary inequities between those disciplines and research-heavy fields, such as engineering or STEM, continue to grow. Council was united in its concern about this inequity and urges further consideration of ways to address it.

That said, some Council members noted that salary inequities already exist regardless of the NSTP program. One member noted that because inequities are probably inevitable, it is preferable for faculty to be able use the external funds they bring in themselves rather than be supported by the institution's funds. In relation to the NSTP funding source, some Council members disagreed with the proposed expansion of the allowable funds to include Dean's discretionary funds, even if they are to be used for recruitment or retention. Council felt that that institutional money, 19900 funds or otherwise, should never be used for NSTP, and that the program should not be used as a substitute for longer-term FTE resourcing. Council members were also concerned that some faculty may be abusing the program by shifting their grant support from graduate students to their own salary, as illustrated by at least one faculty survey respondent. Council encourages further data collection and analysis to ensure that the program is not harming graduate student funding.

Council was encouraged by the preliminary evidence of gender equity among users of the program, and that some underrepresented minorities have been able to utilize the program. However, Council encourages further plans be developed to improve other racial/ethnic utilization rates as well as plans to expand the program to include other academic series, campuses, and departments. Some Council members felt other academic series, including non-Senate series such as the Research series, should be allowed to participate in the program if they have enough funding to support their participation. Council also noted that it would have been helpful to see a comparative study between the campuses that are

currently participating and those that are not before deciding to extend the trial program, and suggested that a study could even be done now before deciding to institutionalize the program. In addition, there is an implication in the report that the NSTP program would be available to all UC campuses, but it did not give any details on whether or not a campus has the choice to participate or if it will be required.

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

Sincerely,

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

Tara Javidi
Chair
San Diego Divisional Academic Senate

Attachments

cc: Nancy Postero, Vice Chair, San Diego Divisional Academic Senate
Lori Hullings, Executive Director, San Diego Divisional Academic Senate
Hilary Baxter, Executive Director, UC Systemwide Academic Senate
Monica Lin, Executive Director, UC Systemwide Academic Senate

June 01, 2022

IN CONFIDENCE

TARA JAVIDI

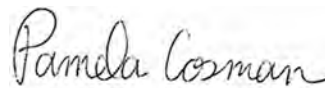
Academic Senate, San Diego Division

SUBJECT: Negotiated Salary Trial Program Phase 2 Taskforce Report

The Committee on Academic Personnel (CAP) appreciates the opportunity to provide comments on the Negotiated Salary Trial Program Phase 2 Taskforce Report. CAP discussed the report at its May 25, 2022 meeting. CAP has no objections to the taskforce's recommendation to institutionalize the program in policy and create a permanent negotiated salary plan.

CAP members commented that the program provides flexibility to faculty in increasing their salary without undergoing academic review and likely serves a useful role in faculty retention and as an attractive recruitment incentive. Several CAP members, while agreeing with the continuation of the program, opined that faculty in areas such as the Arts, Humanities, and Social Sciences rarely have the opportunity to participate in the program considering that these fields traditionally do not offer as many grant opportunities. Committee members were concerned that this would create even greater salary equity issues between the STEM fields and the Arts/Humanities/Social Science fields, for which the committee is already concerned. CAP members hope that the University employs other strategies to help mitigate the ever-growing salary gap among faculty.

Some CAP members were particularly concerned that some faculty may be abusing the program to shift their grant support from graduate students to their own salary as illustrated by at least one faculty survey respondent. CAP hopes that further data analysis on this issue is done to determine if the program is harming graduate student funding. It would be useful to know, for example, for those faculty who participate in the program, whether the students advised by them have an increased reliance on TA positions as opposed to GSR positions when the faculty member participates in the salary program.



Pamela Cosman, Chair
Committee on Academic Personnel

Cc: N.Postero
L. Hullings
J. Lucius

May 27, 2022

TARA JAVIDI, CHAIR
Academic Senate, San Diego Division

SUBJECT: Negotiated Salary Trial Program Phase Two Taskforce Report

The Committee on Diversity and Equity (CDE) considered the Systemwide Report from the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce at its meeting on May 20, 2022.

Broadly the Committee found that the NSTP serves an important role, in providing a flexible and immediately available way for faculty to increase their salary (and group funding support), which may aid in the short term with both recruitment and retention of faculty with compelling offers elsewhere. The case for this type of a tool is straightforward from the Committee's perspective, and eliminating the NSTP would be disruptive and counter to many of the recruitment and retention diversity and equity objectives of the university. However, the Committee shared the view expressed in the report that this tool cannot be viewed as substituting for longer-term FTE resourcing that enables competitive offers across the board.

The Committee was encouraged by the preliminary evidence of gender-equity in use of the program (though potential disparities in dollar amounts are concerning). CDE was also encouraged that Asian & Asian American faculty have been able to utilize the program above their representation in participating units. The committee requests that specific plans be put in place to improve other racial/ethnic usage equity (the report notes that African/African American faculty, Chicanx/Latinx/Hispanic, and White faculty have utilization rates below their representation in participating units).

The committee commends the Task Force Report for addressing the different dimensions of equity that need to be considered in deciding to adopt this program into policy. Namely, as the program expands:

- All campuses and departments should have access to the program, and mentoring/orientation to the UC should include awareness of this program. CDE suggests that example case studies for different types of faculty would be helpful in illustrating how the program would work to faculty in different fields.
- Although the data collected during the trial phase was perhaps burdensome, it was instrumental in understanding the usage of the NSTP and potential equity issues. As such, CDE recommends that systematic data collection remain, with clear guidelines for who will provide such data and how.
- CDE shared the concerns that the report (or the trial period itself) did not generate sufficient data (or include sufficient analysis) to understand whether the NSTP is in fact having a positive impact on recruitment and retention or detrimental impacts on equity, faculty teaching effort, or graduate student support. The committee suggests a prospective evaluation effort be implemented at the start of the next phase (whether trial or scale-up to policy).
- Finally, CDE agreed that the extension of the trial program and expansion to other campuses without a rescindment plan does make it seem like a fait accompli. As such if NSTP becomes

policy, the Taskforce should consider whether any such conditions or limitations might be relevant.

Sincerely,

Jennifer Burney, Chair
Committee on Diversity & Equity

cc: N. Postero

May 31, 2022

TARA JAVIDI, CHAIR
Academic Senate, San Diego Division

SUBJECT: Negotiated Salary Trial Program Phase 2 Taskforce Report

The Committee on Faculty Welfare considered the Report from the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce at its May 18, 2022 meeting. The committee endorsed the continuation of the program.

The committee noted that the NSTP has an overall low participation rate (6% of all faculty across campuses), but at UCSD it is utilized at 12% (or 18% among STEM and public health faculty). It will indeed be disruptive to UCSD if the program is discontinued. The Taskforce report has a good list of recommendations on what NSTP is not. The committee also supports the Taskforce's point to encourage faculty to maximize summer salary first before using the NSTP program to reduce burden on the administrative staff.

However, we would caution against the Taskforce's suggestions on ending some of the reporting requirements to reduce administrative burden. It is reasonable to drop the collection of participant data on rank, step, ethnicity, gender as those can be gathered from UCPath, but the other elements to ensure participant accountability such as teaching load, lab support, etc. are still worthwhile to monitor. The fact that participants need to report on accountability criteria also serves as a reminder that NSTP should not be abused to increase faculty compensation at the expense of lab support or teaching duties.

Sincerely,

Shantanu Sinha, Chair
Committee on Faculty Welfare

cc: N. Postero

June 6, 2022

TARA JAVIDI, Chair
Academic Senate, San Diego Division

SUBJECT: Review of the Negotiated Salary Trial Program Phase 2 Taskforce Report

The Committee on Research (COR) discussed the system-wide review of the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce Report at their May 16, 2022 meeting. The Committee is supportive of the Taskforce's recommendation to continue the NSTP with several needed improvements as outlined in the report. While experience with the NSTP has shown positive outcomes in expanding the research enterprise in participating departments by incentivizing faculty to increase engagement in sponsored research, it raises issues of inequity across departments due to lack of access to sponsored research funding in certain disciplines, potentially widening systematic gaps in faculty pay. The data in the report also underscores existing inequities in faculty compensation by gender and ethnic background, although the NSTP seems to have benefited faculty from all backgrounds uniformly.

Sincerely yours,

Gert Cauwenberghs, Chair
Committee on Research

cc: S. Golden
L. Hullings
J. Lucius
N. Postero



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>

July 15, 2022

To: Robert Horwitz, Chair
Academic Senate

From: Susannah Scott, Chair
Santa Barbara Division 

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

The Santa Barbara Division distributed the proposed revisions to the Council on Planning and Budget (CPB), Committee on Academic Personnel (CAP), Committee on Research Policy and Procedures (CRPP), Council on Faculty Welfare, Academic Freedom, and Awards (CFW), the Committee on Diversity and Equity (CDE), and the Faculty Executive Committees (FECs) for the College of Letters and Science (L&S), College of Engineering (ENGR), Bren School (BREN), the College of Creative Studies (CCS), and the Gevirtz Graduate School of Education (GGSE). BREN, CCS, and GGSE opted not to opine.

The Negotiated Salary Program Phase Two Task Force makes recommendations for improvement and expansion of the Negotiated Salary Trial Program (NSTP), and recommends making the program permanent and available to all campuses for use. To be clear, the NSTP is not currently in use on our campus. The Santa Barbara Division has significant concerns about the program that prevent it from offering its full support. The main points are summarized below, with more details in the attached reviewing group responses.

Overall reactions to the program were mixed. Some groups recognized the program as a potential tool for faculty recruitment, retention, and enhancement of the University's competitiveness, and a way to relieve pressure on the UC retirement system. These groups are concentrated in STEM disciplines where faculty may be more likely to benefit financially from the program. However, there are many concerns about the narrow (and possibly uncertain) benefits of the program, as well as the associated risks and costs. Indeed, some groups found reports of benefits to be not entirely convincing, since they are self-reported by those who benefit financially from the program. Likewise, the costs (e.g., to teaching and service) may also be minimized by being self-reported by program beneficiaries.

One of the Task Force's primary findings was that discontinuing the trial was too disruptive to consider. This raises the question of whether the NSTP was ever a meaningful trial program, and why no plans were made for an eventual phase-out if the trial were not deemed successful.

The apparent inability to phase-out a trial program is not a compelling rationale for its implementation on a permanent basis; the fate of the program must be evaluated on its merits.

There was some concern that the proposed NSP, which privatizes grant fundraising, is not consonant with the mission of a public university. Several groups are concerned about the incentive it creates for faculty to channel their research toward areas that are more personally lucrative, rather than for their “intrinsic importance” or benefit to the public. It may also sway faculty searches towards research fields more likely to benefit from the program. CPB observed that corporate funds would be the most likely source for NSP, which have the potential for “serious conflicts of interest (either in fact or appearance), should faculty solicit or be awarded funding from corporations or other funding sources that benefit from or advocate for particular research outcomes.”

CAP expressed strong concerns that the program would undermine UC’s existing merit system. Several groups share similar concerns about whether the program will effectively serve as a long-term excuse for the State and/or the UC not to address the inadequacy of current faculty salaries. We urge the University not to ignore this broader issue.

A widely expressed opinion is that the NSP would exacerbate existing faculty salary inequities between different disciplines and impact efforts to improve DEI in ways that are undesirable in terms of the university’s mission and perceptions of fairness. It is unclear if a mechanism is in place to monitor inequities in faculty salaries that would inevitably arise as a result of this program, and who would be the responsible parties to recommend or mandate responses.


Finally, the reviewing groups also raised concerns about the administrative structures and associated costs of the program, which did not seem to have received much attention in the report. Given the severe staffing constraints faced by the campuses, this issue should be prioritized.

We appreciate the opportunity to comment.

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

July 7, 2022

To: Susannah Scott, Divisional Chair
UCSB Academic Senate

From: Rene Weber, Chair 
Council on Planning & Budget

Re: Negotiated Salary Trial Program Phase 2 Taskforce

The Council on Planning & Budget (CPB) has reviewed the report of the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce. The report proposes principles for making the program permanent, becoming a Negotiated Salary Program (NSP), and implementing it on all UC campuses. It would be governed by draft APM section 668, included as an appendix to the report.

The principal objectives of the NSP are to aid in faculty recruitment and retention and to incentivize faculty to seek more extramural funds. It envisions that faculty who attract significant eligible funding and are already drawing three months of summer funding will be able to negotiate a further temporary salary increase out of the remaining funds. The report evaluates the NSTP with respect to its effectiveness, finding that it was generally viewed as helpful for retention and recruitment; probably increased fundraising and graduate mentoring; and did not decrease teaching effort. It considers the primary potential costs of the program to be an increase in “salary inequity”, and some tradeoffs regarding the university’s mission. The report treats increases in salary inequity as unavoidable and deems that the program serves the university’s mission, narrowly defined.

CPB concludes, on the basis of the available information, that the benefits of the NSP to UCSB would probably be smaller than its costs. Our concerns, some of which are specific to UCSB, are as follows:

1. The financial benefits for UCSB could be small—even negative. The program will only increase net campus revenue if attracting a dollar of extramural funding costs less than a dollar in additional costs—a condition that available research indicates is not assured.
2. Evidence in the report of benefits for recruitment and retention is not entirely convincing, as it relies on self-reporting by administrators who work with faculty who benefit financially from the program.

3. 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.
4. Not many UCSB faculty are likely to benefit from the program. Benefits would (and should) only be available to those faculty who already receive three months of summer funding. This would exclude the vast majority of UCSB faculty. Given this limited applicability of the program to our campus, CPB feels that any potential benefits are outweighed by the risks identified in this memo.
5. Privatizing the 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 (the report's finding that participation reportedly did not reduce mentoring *on average* does not mean that one can be sanguine about this going forward).
 - d. reduce teaching effort (ditto—evidence that participants did not reduce teaching output on average does not indicate that one can be sanguine about this going forward).
6. The program could facilitate the recruitment and retention of faculty whose preferences skew towards private gain rather than contributions to the campus mission.
7. 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. CPB does not see the need for initiatives which might distort the vibrant research culture that already exists on our campus. In a nutshell, the program could very well turn out to be ineffective, unnecessary, and come at a significant cost to campus culture and intellectual diversity. It should be clear from the above that CPB disagrees with the narrow and strictly quantitative vision of the campus's mission presented in the report, wherein bringing in more extramural funding and supporting more graduate students without teaching fewer classes is sufficient

evidence of benefit. A public research university must also be attentive to what it does, who it does it for, and whether it does it well.

The NSP proposal provides a framework and set of principles and guidelines for implementation and asks the campuses to fill in the details, keeping local conditions in mind. Draft APM-668 gives chancellors the authority to determine whether their campus will participate in the NSP after consultation with the Academic Senate and the EVC. If the campus chooses to proceed with the NSP over these concerns, CPB strongly advises the following course of action:

1. Campus administration should seek extensive input from the Academic Senate on implementation arrangements, and Senate approval prior to implementation. The need for this is underscored by the report's assertion that the NSTP, once implemented, was effectively impossible to rescind.
2. Negotiated salaries and the corresponding funding sources should be a matter of public record. The report details at length (pp. 23-24) scenarios under which salaries may be negotiated out of funds whose eventual receipt is uncertain—which underscores the need for this transparency and oversight.
3. Administration should commit to clear indicators of program success with respect to recruitment and retention, and of faculty Good Standing with respect to mentoring and teaching effort. Anecdotal and perceptions-based evidence of the sorts utilized in the report are inadequate.
4. The campus should follow the report's suggestion that eligibility be extended only to faculty already drawing three summer months of salary.
5. The report envisions that funds from Self-Supporting Graduate Programs (SSGPs) could fall under the definition of eligible non-state funds that can be used to pay negotiated salaries. CPB feels strongly that they should not. While privatizing the benefits of SSGPs would encourage their establishment, these programs draw on shared resources and are, as a matter of logic, more likely in fields capable of contributing to these shared costs. Making SSGPs eligible sources for negotiated salaries could also provide faculty a financial advantage when teaching in those programs at the cost of state-supported programs, and lead to increased tension within faculties.
6. Clear guidelines will be required for how much of an external fund source could be utilized for NSP (see draft APM-668-16). Who will determine this? How will the campus balance faculty incentives with ensuring that the campus is compensated for its role in making such revenue-raising activities possible?

cc: Shasta Delp, Academic Senate Executive Director

ACADEMIC SENATE
SANTA BARBARA DIVISION

June 6, 2022

TO: Susannah Scott, Divisional Chair
Academic Senate

FROM: Omar Saleh, Chair
Committee on Academic Personnel

RE: CAP Response to the Report from the Negotiated Salary Trial Program Phase 2 Taskforce

The Committee on Academic Personnel discussed the NSTP briefly in a mid-June meeting. First, the committee notes that it is highly regrettable that comments on this major issue were requested during the most busy time of the academic personnel season. Second, as members of a non-participating campus, we clarify that most committee members had not recognized that this program existed. That said, the major conclusion was clear— The committee’s comments were largely negative, and against widespread adoption of the NSTP. In fact, the discussion touched on many of the major critical comments that were included in the Phase Two Taskforce Report, including strong concerns about the enshrined inequity that obviously would come from making such a program permanent, the likelihood that the NSP would undermine the existing merit system (and thus reduce the pressure in making the existing merit system competitive), and the NSP being inconsistent with the mission of a public university. These concerns are mentioned in the Taskforce report (along with other, troubling, concerns regarding potential unethical use of NSTP funds), and, further, the summary indicates that there is a lack of clear evidence for many of the program’s benefits. Yet, the bottom line of the Taskforce recommendation is to make the NSTP permanent (as the NSP) because “ending the negotiated salary program would be so disruptive.” The committee notes that this rationale raises serious questions as to the meaning of the program’s “trial” designation (i.e. the ‘T’ in ‘NSTP’), that is: Was the NSTP really started with no thought as to how to end it? Having started a program allowing certain faculty to increase their salaries by tens of thousands of dollars, did no one consider that it might be difficult to stop allowing these faculty to take those stipends, and take appropriate steps to plan for the program’s end?

For the Committee,

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

Omar Saleh, Chair

June 6, 2022

To: Susannah Scott, Divisional Chair
Academic Senate

From: David Stuart, Chair
Committee on Research Policy and Procedures

Re: Report from the Negotiated Salary Trial program Phase 2 Taskforce

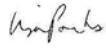
The Chair of the Council on Research and Instructional Resources, Karen Lunsford, delegated the review of the Report from the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce to the Committee on Research Policy and Procedures. The committee discussed the report at its meeting on June 3, 2022. Neither the Committee on Library, Information & Instructional Resources nor the Committee on Information Technology reviewed the report. CRPP's comments are as follows:

- Members recognize this program has been an effective tool for addressing compensation and retention issues for faculty at the UC; some members find this worrisome, although others think bringing market incentives to UCSB could be a good thing.
- Concerns exist as to how this program will not exacerbate existing funding gaps between the disciplines, i.e., STEM vs. humanities and fine arts. More information should be outlined for how campuses can make strategic decisions to guide use of funds so that the program is beneficial for all rather than select fields.
- Because the program does not exist at UCSB, it is difficult for members to fully comprehend the scope of the NSTP program were it to be enacted on this campus, who would be able to access the program, and what impacts there would be.
- Members were wary of the tone of the report and the indication that it will be "too disruptive" to end the program. This makes the whole concept of a trial seem disingenuous. Moreover, the program seems to institutionalize the notion that the state will not adequately support the mission of the UC and that other fund sources are necessary to retain world class faculty.
- Members are concerned that the program, in and of itself, doesn't seem to be fully driven by merit - only if people know about the program and apply for it, with access to funds. Building on this, is it reasonable to rely on data that reflect the program is a success, when that data comes only from participating faculty?
- Members question whether this has impacts related to academic freedom. In the long run, will people be incentivized to research more lucrative topics?
- The members wanted to see more information about the opportunity cost of this program. They advocate that the program should pay for itself and not become an additional administrative burden. They felt the report was lacking in this information.

CC: Shasta Delp, Executive Director, Academic Senate

June 6, 2022

To: Susannah Scott, Divisional Chair
Academic Senate

From: Lisa Parks, Chair 
Council on Faculty Welfare, Academic Freedom, and Awards

Re: Report from the Negotiated Salary Trial program Phase 2 Taskforce

The Council on Faculty Welfare, Academic Freedom, and Awards reviewed the Report from the Negotiated Salary Trial program Phase 2 Taskforce at its final meeting on June 1, 2022.

Several members observed the university's need to pursue alternative avenues of compensation in order to recruit and retain faculty and keep the UC competitive, and they recognize this program as a valuable tool for doing so. However, they had numerous concerns about the program.

- While members appreciate the degree of flexibility and autonomy each campus wields, the program functionality is considerably opaque as to how it works and who is eligible. This may be a function of the fact that UCSB is not a current participant in the program, but more information is needed for members to assess its overall success as well as what it would look like were it in effect at UCSB.
- Members note that the report gives assurance that teaching duties are not impacted under the NSTP, however it does not discuss service commitments. Are program participants performing a comparable load of service to non-participants?
- Is this program effectively serving as a long-term excuse for the state to avoid addressing the insufficient levels of current salary scales? The root problem seems to be insufficient funding, and this policy doesn't address that problem at a systemic level by encouraging utilization of non-state funds.
- Who will be responsible for continuing to monitor and flag inequities as a result of this program, and recommend or mandate responses?
- There is significant concern about disadvantages among disciplines. Members feel this largely benefits faculty in STEM and would be much more difficult to optimize for faculty in the humanities and arts. Moreover, will it encourage some faculty to change their research to pursue only what is more profitable? Interest and curiosity in a variety of disciplines should be broadly preserved and attended to, in the spirit of the mission of the university.
- This effort seems contradictory with the faculty salary equity report, and at odds with other initiatives that are attempting to improve the landscape of diversity, equity and inclusion.

- The report acknowledges the high administrative impact but ultimately seems to diminish the concern. UCSB is in the midst of a perilous staff shortage, like other campuses, and we need to be acutely mindful of increasing the work of existing staff that are already over extended.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate
Santa Barbara Division**

June 17, 2022

To: Susannah Scott, Divisional Chair
Academic Senate

From: Jean Beaman, Chair
Committee on Diversity and Equity



Re: Report from the Negotiated Salary Trial Program Phase 2 Taskforce

At its meeting of May 23, 2022, the Committee on Diversity and Equity (CDE) reviewed the Report from the Negotiated Salary Trial Program Phase 2 Taskforce. CDE thought that augmenting salary could have positive implications for faculty recruitment and retention, if campuses are seen as more competitive. CDE suggests that language could be added about the disparity for faculty in disciplines that are less likely to access grants with large amounts of funding. The NSTP should also not be used as a way for campuses to ignore salary issues that will arise. CDE appreciates the Taskforce's engagement with how this program could affect equity among faculty.

CC: Shasta Delp, Executive Director, Academic Senate

May 12, 2022

To: Susannah Scott
Chair, Divisional Academic Senate

From: Peter Ford
Vice-chair, L&S Faculty Executive Committee



Re: Systemwide Review of Negotiated Salary Trial Program Phase 2 Taskforce Report

At its meeting on May 5, 2022 the Faculty Executive Committee of the College of Letters and Science (FEC) reviewed the Negotiated Salary Trial Program (NSTP) Phase 2 taskforce report, which evaluates the program and makes specific recommendations for the program's future.

The committee respects the potential value of converting the trial NSP to a permanent systemwide option for each campus, with adjustments in line with task force recommendations, and giving each campus the control to evaluate the program's relevance to their own processes and personnel structure. In particular, members commented on the potential benefit of NSP arrangements relieving pressure on the UC retirement system, based on the additional salary being exempt from benefits calculations. This could make retention of faculty less costly to the campus.

With respect to UCSB, members did express significant concerns around the potential for an NSP of the nature described on our campus to exacerbate existing inequities between faculty salaries. Though it is unclear to us at this time whether UCSB would adopt the proposed NSP, we do not object to its codification at the systemwide level, expecting that campus leadership would exercise wide consultation and careful judgment in determining whether the program was right for our campus, and what if any local modifications could support its adoption.

Thank you for the opportunity to comment.

cc: Pierre Wiltzius, Executive Dean of the College and Dean of Science
Michael Miller, Interim AVC and Interim Dean of Undergraduate Education
Mary Hancock, Acting Dean of Humanities and Fine Arts
Charlie Hale, Dean of Social Sciences

July 5, 2022

TO: UCSB Academic Senate, Shasta Delp

FROM: Tobias Höllerer, Outgoing Chair
College of Engineering, Faculty Executive Committee

DocuSigned by:

41E9FEAB98F442F...

RE: Report from the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce

The UCSB College of Engineering FEC reviewed the *Report from the Negotiated Salary Trial Program Phase 2 Taskforce* sent for systemwide review on April 15, 2022 by Michael T. Brown, Provost and Executive Vice President for Academic Affairs.

The CoE FEC acknowledges the taskforce's recommendation to continue, improve, and expand the negotiated salary program (NSP). The report states that "the taskforce has concluded that ending the negotiated salary program would be so disruptive that we cannot recommend such a course of action. Rather, accepting that it needs to continue, we have addressed how it can be improved and expanded".

The recommendations include that the program **become available on all UC campuses** for the use of faculty that are not on the health sciences compensation plan (HSCP), that its implementation on each campus should **allow for some local campus autonomy** on issues such as fund sources, defining good standing, etc., and also outline a number of principles that a universally adopted NSP should adhere to.

The FEC felt strongly that given the task force's recommendation to transition the NSTP (which UCSB did not participate in) to a full-fledged NSP, and especially given the taskforce's portrayal of a continuation of the program at currently participating campuses as basically inevitable, **UCSB would have to participate in an expanded NSP.**

In FEC discussions, this was seen mostly as a necessity for reasons of competitiveness and equal opportunity. If UCSB does not move forward with this, we could see a retention and recruitment problem. Within UCSB, the CoE is likely to have among the highest number of faculty (and prospective faculty) potentially interested in participating in such a program, and thus the question of competitiveness is more pronounced than it may be across the UCSB campus and the whole system.

At the same time, FEC members lobbied for the same conditions for the NSP implementation to be applied across all campuses. For example, any constraints on the types of funds that can be applied to the NSP should be uniformly decided across ALL campuses.

The FEC appreciated the thorough discussion of concerns with and potential negative effects of the NSTP (and a continuing NSP) in the report. The committee strongly agrees with the concern for such a program to be potentially used as an excuse by the university to avoid its responsibility to pay a competitive salary to all faculty. One additional concern, which is briefly mentioned in the report, but didn't get picked up in either the NSTP evaluation or the taskforce recommendations, is that the program might lead to more faculty choosing areas of research for their fundability rather than their intrinsic importance. Discussion of that possibility should be included in continuing deliberations regarding the final shape of the program.

Finally, given this committee's **strong support for UCSB's inclusion in the NSP**, the members feel that the general faculty population needs to be more comprehensively informed about the program. Reading in the report about many queried faculty not knowing about the NSTP at their institutions did not instill confidence about an equitable and fair unrolling of the trial program. The full program will need to be more transparently administered than this.



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SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

June 24, 2022

Robert Horwitz, Chair
Academic Council

Re: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Robert,

The Santa Cruz Academic Senate has reviewed your request for feedback on the Report from the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce and associated recommendations. The Committees on Academic Personnel (CAP), Emeriti Relations (CER), Faculty Welfare (CFW), Research (COR) and Planning and Budget (CPB) have responded. The responses reiterated previous concerns regarding equity, the possible effect on graduate student support, and the risk of undermining the single salary scale across the system, and emphasized the need for program caps and thorough and routine review if the program is to become permanent.

The Negotiated Salary program has consistently met with skepticism on the UCSC campus. When policy supporting the program was originally proposed, our division raised concerns that the program would only be available to a small number of faculty, and that the then proposed program ran the risk of undermining the single salary scale across the system.¹ This concern was reiterated the following year in our response to the proposed systemwide Negotiated Salary Pilot Plan, which raised concerns that the program could interfere with the “University’s commitment to salary equity across the campuses”, and noted that the program was most relevant to faculty in the STEM fields.²

After the completion of the initial five-year Phase I period and associated review, the UCSC divisional response raised concerns that “extending the program for another trial period could easily become a backdoor means of making the program permanent without adequate formal

¹ UCSC Senate Chair Gillman to Council Chair Anderson, 11/18/11, Re: UCSC Response to APM – 688, Negotiated Salary Program

² UCSC Senate Chair Konopelski to Council Chair Powell, 11/05/22, Re: Systemwide Negotiated Salary Proposed Pilot Plan

review.”³ It appears that this concern has been realized. In the cover letter for this review of the Phase 2 Taskforce Report, Provost Brown states that the review of the committee “has concluded that ending the negotiated salary program would be so disruptive that we cannot recommend such a course of action. Rather, accepting that it needs to continue, we have addressed how it can be improved and expanded.”⁴

Although the NSTP boosts the salaries of the small percentage of faculty who can participate, it is not clear from the report whether the program is achieving the original goal to attract and retain outstanding faculty. It is clear however, that as suspected, there are inherent equity issues associated with the program, particularly on the UCSC campus where the option is *de facto* available only to faculty in the STEM fields. Our division is deeply concerned about the potential of this program to create salary and workload inequities among equally excellent and accomplished faculty across different campuses, academic divisions and departments, and even within individual departments. Although the Taskforce acknowledges equity issues in program participation, it does not adequately address these issues. Our responding committees noted that one key issue that inhibits program participation (even across STEM fields) seems to be the tight conditions on eligibility of the funding sources. For example, very few federal grants allow forward spending for an entire academic year, which is a necessary condition for the NSTP. Allowing for quarterly, rather than academic year participation in the NSTP may increase access to the program. Further, if the program is made permanent, it should be publicized more in order to promote broader participation. Question 4 of the 2021 NSTP Faculty and Administrator Survey in Appendix C2, showed that 23% of those surveyed stated that they did not know about the program, and therefore, did not apply. It is crucial that faculty are made aware of the program, across all divisions and ranks. Furthermore, if the program is made permanent, it should be developed in such a way as to warrant participation beyond the STEM fields.

Our responding committees noted that there are already equity concerns regarding the ability of some faculty, and not others, to obtain summer salary, and raised concerns about the potential for misuse of the NSTP compounded by the issue of access to summer salary. For this reason, the Santa Cruz Division strongly supports the Taskforce recommendation that negotiated salaries be capped at an appropriate percentage. However, we note that the suggested 30% cap may be used in conjunction with other salary augmentations such as summary salary, and could result in a total 60% increase in salary, and potentially exacerbate departmental and campus inequities when decoupled from transparent evaluations of merit and performance. If the program becomes permanent, we recommend the consideration of a total cap to the sum of NSTP salary increases and additional salary increases, such as summer salary. Our Committee on Emeriti Relations further recommended that negotiated salary augmentations should not be considered part of the base salary that is used to determine defined pensions through UCRP, as this could potentially have a crippling effect on the health of our retirement system and violate restrictions on using state funds to support this program. An additional suggestion was made that because this is an inequitable program, NSTP salary should be considered in the calculation of equity adjustments for faculty in the same department.

³ UCSC Senate Chair Einarsdóttir to Council Chair White, 11/21/17, Re: Systemwide Review of Taskforce Report on the Negotiated Salary Trial Program

⁴ Prost Brown to Council Chair Horwitz, EVCs, and Provosts, 4/15/22, Re: Systemwide Review of the Report from the Negotiated Salary Trial Program Phase 2 Taskforce.

On page 24, the Taskforce recommends, “campuses must have a strategy to cover negotiated salaries should the originally identified funds ultimately prove unavailable”. Our responding committees questioned whether the program could then run with no grants in hand, which is a course of action that we oppose. Campuses should not be responsible for a shortfall of a grant that was associated with the NSTP. In the spirit of keeping the program at no cost to the University, the negotiated salary should be calculated on grants already obtained. A recommendation was made that if funds are unavailable, the burden should fall on the PI and the salary renegotiated.

A few of our responding committees felt strongly that state funds (19900) should never be used for individual faculty salary augmentations outside of the normal personnel review process. Concerns were raised about the Taskforce recommendation on page 17 that states, “However, if a faculty is participating in NSTP, salary savings from 19900 funds may not be used to pay the NIH gap. Should the NSTP be made permanent, we recommend that how the NIH cap gap be covered not be a function of participation in the NSTP *per se*.” This recommendation suggests that there may be support for future use of 19900 funds. These responding committees recommended that it be made clear in any permanent policy/program that state funds cannot be used to cover shortages in NSTP funding.

Careful review and consideration should additionally be given to which, if any, non-state funds are used to support this program. One committee noted that although most members had few concerns about faculty members using direct funds or a portion of overhead generated from their own grants to “boost” their salaries, there was considerable concern about the potential use of general pooled campus indirect funds for this purpose.

Our committees raised concerns that the NSTP adds complexity to what has long been a tightly controlled set of salary scales. It is fairly clear in the report, but worth repeating, that the NSTP should not be considered a solution to the issue of UC faculty salaries and the salary scale falling below comparative universities, particularly amidst high housing costs and the general cost of living in California. Careful attention must be made to ensure some level of control so that salary scales do not become further disparate, or dependent on how much money a researcher can secure.

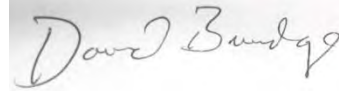
As raised in previous NSTP reviews, our responding committees questioned the real impact of the program on graduate students. It is difficult to assess whether faculty in the NSTP are spending more time looking for sources of funding to boost their own salaries, and less time providing graduate support. However, data on the number of proposals and grant applications submitted, rather than just the number of successful grants, may shed more light on this question. Additionally there were concerns about faculty reducing graduate student GSR support as a means of securing NSTP funds, and if so, departments or divisions may end up supporting those graduate students through TAs. There may be a need to look at the details of how graduate students who work with NSTP faculty are supported over time (through GSRs, TAs, etc.) in order to gain a better picture of the full impact of this program.

If the NSTP is made permanent, the Santa Cruz Division recommends that it undergo regular periodic campus and systemwide review to ensure that equity concerns are proactively addressed and not exacerbated, funding sources are used appropriately, graduate mentoring and funding are not negatively impacted, and participation in the NSTP does not have negative effects on teaching and/or service to the department and the University. We note that the membership of the Negotiated Salary Trial Program Phase 2 Taskforce was unbalanced and was composed primarily

of administrators and faculty from units that have benefited from the program. The composition of future campus and systemwide review committees should be diverse and balanced in their representation, and include administrators and faculty that come from units that both are and are not participating and benefiting from the program.

Thank you for the opportunity to opine.

Sincerely,

A handwritten signature in cursive script, reading "David Brundage", written in dark ink on a light-colored background.

David Brundage, Chair
Academic Senate, Santa Cruz Division

cc: Stefano Profumo, Chair, Committee on Academic Personnel
Judith Habicht Mauche, Chair, Committee on Emeriti Relations
Nico Orlandi, Chair, Committee on Faculty Welfare
Nick Davidenko, Chair, Committee on Research
Dard Neuman, Chair, Committee on Planning and Budget
Matthew Mednick, Executive Director, Academic Senate



UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)
Senate
Kathleen McGarry, Chair
Floor
mcgarry@econ.ucla.edu

Assembly of the Academic
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June 15, 2022

**ROBERT HORWITZ, CHAIR,
ACADEMIC COUNCIL**

**RE: REPORT OF THE NEGOTIATED SALARY TRIAL PROGRAM PHASE 2
TASKFORCE**

Dear Robert,

UCPB appreciates the opportunity to review the Report of the Negotiated Salary Trial Program Phase 2 Taskforce.

UCPB expressed concern that funds from Self-Supporting Graduate Programs (SSGPDs) have been used to pay faculty negotiated salaries as reported by the taskforce. While UCPB acknowledges that these comply with the definition of eligible non-state funds, their use in this regard encourages the proliferation of SSGPDs and incentivizes teaching in those programs likely at the cost of state-supported programs.

UCPB notes that the phase 2 NSTP review was hampered by a similar lack of metrics to assess its effects on recruitment, retention, and graduate student support as was the phase 1 review. The taskforce's conclusions were over-reliant on anecdotal reporting by faculty and administrator participants rather than drawing on data collected for standard metrics. Transparent and detailed data collection is necessary for a serious evaluation of the program.

Given the experience with NSTPs at the six trial campuses, UCPB supports moving forward with constructing a permanent NSP designed by the Office of the President and subsequently reviewed by the Senate. However, we would like to any permanent NSP program to include a regularly scheduled review based on an articulated set of metrics. Such periodic reviews

would help to ensure that the policy adheres to the principles outlined in the report and to any other features deemed important to ensuring the continued success of the academic mission and the avoidance of any unintended negative impacts.

Sincerely,

A handwritten signature in black ink that reads "Kathleen McGarry". The signature is written in a cursive, flowing style.

Kathleen McGarry, Chair
UCPB



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
John Kuriyan, Chair
kuriyan@berkeley.edu

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Phone: (510) 987-9466

June 29, 2022

ROBERT HORWITZ, CHAIR
ACADEMIC COUNCIL

RE: Report of the Negotiated Salary Trial Program Phase 2 Taskforce

Dear Robert,

UCAP has reviewed the report of the Negotiated Salary Trial Program Phase 2 Taskforce and we have no specific feedback.

UCAP appreciates the opportunity to comment on this matter. Please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "John Kuriyan".

John Kuriyan, Chair
UCAP



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



UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION, DIVERSITY,
AND EQUITY (UCAADE)
Daniel Widener, Chair
dwidener@ucsd.edu

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July 19, 2022

ROBERT HORWITZ
CHAIR, ACADEMIC COUNCIL

**RE: REPORT OF THE NEGOTIATED SALARY TRIAL PROGRAM PHASE 2
TASKFORCE**

Dear Robert,

UCAADE appreciates the opportunity to comment on the recent report on the Negotiated Salary Trial Program Phase 2 Taskforce (NSTP). The NSTP appears to provide valuable flexibility in setting competitive salaries without drawing on public or university resources. This is an important engine of setting competitive salaries in specific fields, most of which are of course in STEM and other grant-supported areas. There are concerns about the program that have been raised, including the expense of data tracking were the program to continue, the possibility of reduced graduate support as faculty pay themselves out of grants instead, and the effect of the program on URM and women faculty.

In the previous conversations about NSTP at the divisional (San Diego) and systemwide level, these concerns have been noted with a kind of “what else can we do” spirit of resignation. UCAADE understands this, but at this time feels that the inequities present in the NSTP program—in comparison to the rest of the faculty population—render the continuation of the program unacceptable from the point of view of the specific charge of our committee.

Other committees, with other mandates, will doubtless have other perspectives, as will senior management. UCAADE acknowledges this as well, and offers the following by way of rationale for our position.

UCAADE is concerned that the University of California, by acting in the interest of individual faculty, is contributing to three forms of inequity.

The first of these concerns the aim of the program itself. By augmenting and making more competitive salaries in the various disciplines which are heavily represented in the program, it would appear that additional salary disparities are created elsewhere. The overwhelming number of participants in NSTP come from STEM fields, where regular grants-based income is more forthcoming. This has the possibility of further worsening gaps between those who are “on-scale” and “off-scale,” as well as creating separation between STEM and non-STEM fields. Everyone knows this is a problem, and to date all the mechanisms for arriving at decent faculty salaries have been individuated, whether through retention offers or programs like NSTP. At some point, this has

to stop, and it is unlikely to do so while a segment of our faculty are allowed to take care of themselves. Non-STEM faculty are not a protected class, and so the inequities between various categories of professors are legal. But this doesn't make them healthy.

A second serious concern is racial. Although gaps are closing, at many divisions faculty of color, particularly Black faculty, are concentrated in non-STEM fields. This is truer at senior ranks than at the assistant level. In the absence of specific salary augmentation of non-NSTP salaries, it would appear that the program has the effect of worsening salary inequities along racial lines. As noted in figure 4, African/African American faculty comprise 2.7% of UC faculty, yet represent only 0.3% of NSTP enrollees. This was foreseen, at least at UC San Diego, when the program was inaugurated, and has now come to pass. UCAADE cannot in good conscience support the extension of a salary program that results in what appear to be obvious racial disparities. We understand that this is a function of the specific fields that make heavy use of the NSTP program, but the numbers are what they are. It should be pointed out that within the ranks of those using NSTP, there do not appear to be racial disparities. The problem becomes apparent when NSTP participation is examined in comparison to faculty demographics as a whole.

The gender statistics are just as bad, if not worse. Women constitute 33.4% of ladder-rank faculty, and are 46% of lecturers. In Arts and Humanities, women constitute a majority of lecturers, and around 44% of of ladder-rank faculty. As noted by figure 3, women make up just 25% of faculty enrolled in NSTP. The report notes the following:

the average negotiated salary increment percentage for female faculty is higher than that of male faculty at the assistant and full professor ranks. The average negotiated salary amount for female assistant professors is approximately 31% higher than that of male assistant professors. While the average negotiated salary increment at the full professor rank is approximately 8% lower for female faculty (compared to 16% in 2018-19), per the box plot below, the median negotiated increment is slightly higher for female faculty than male faculty at the full professor rank.

Although both women and male faculty of color show salary gains in the NSTP, these accrue, as noted, to the comparably smaller number of each that are enrolled in the program. Figures 13 and 14 would seem to confirm that the program serves to widen, rather than narrow, salary gaps on the basis of both gender and race/ethnicity.

As it shows a disparate impact on faculty of color, particularly Black faculty, and women faculty (of all colors), the NSTP arguably rises to the definitional threshold for disparate impact and/or unintentional discrimination. This is perhaps something that the Senate suggest both UC counsel and the UCOP AA/EO officials evaluate.

For the reasons given above, UCAADE believes that the NSTP should be discontinued, unless a mechanism (ie, some redistributive mechanism toward those areas generally unable to make use of negotiated salaries) can be found to offset the inequities created by the program.

In 2016, I wrote an assessment of an early NSTP annual report in my guise as chair of the Committee on Diversity and Equity for the San Diego Division. An excerpt of it is included below.

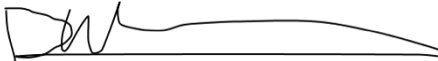
The Committee on Diversity and Equity (CDE) reviewed the NSTP Annual Report. Committee members offered a number of substantial concerns regarding the program, several of which are in line with previously raised issues. First, CDE members are concerned that the NSTP has the possibility to worsen existing concerns regarding gender and racial pay inequities, given the uneven distribution of URM and women faculty among the disciplines (which themselves have uneven access

to the sorts of external funding upon which the NSTP is based). CDE members would like to see data regarding how teaching loads compare for NSTP faculty as opposed to non-NSTP faculty. Likewise, there was a concern about whether or not participating faculty would be less likely to dedicate external funds to graduate support (instead of faculty salary) if able to do so under the terms of the NSTP. Moreover, CDE members noted the obvious possibility that by allowing a portion of the faculty to generate their own raises, the number of faculty invested in a push for a dramatic upward revision of the entire salary schedule would be reduced.

The members of the CDE are not naive, and recognize the rationale behind the program. Nor do we wish to block the entrepreneurial spirit or restrict the use of funds that our colleagues themselves generate. However, we do see the splitting of the faculty into ever-more individuated units as both a cause and a symptom of our larger difficulties in advocating for the sort of University that we profess to prefer.

It is the position of UCAADE that the NSTP reflects the collapse of the step system as an overarching mechanism for determining faculty compensation. It is our position that Senate energies must be devoted to rebuilding the norm of comparable pay at comparable levels of professional standing. This promises to be exceptionally difficult, and programs that further subdivide faculty into “haves” and “have-nots” are unlikely to generate the commonality of purpose necessary to producing a tide that can lift all boats.

Sincerely,

A handwritten signature in black ink, appearing to be 'DW', followed by a horizontal line.

Daniel Widener
Chair, UCAADE

cc. UCAADE