## COUNCIL ON FACULTY WELFARE, DIVERSITY, AND ACADEMIC FREEDOM (CFW)
### MEETING NOTICE

Tuesday, March 12, 2013  
3:30 - 5:30 P.M.  
Aldrich Hall, Room 338

<table>
<thead>
<tr>
<th>Agenda Item</th>
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<tr>
<td><strong>I. CHAIR’S REPORT</strong></td>
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| A. Senate Cabinet Actions and Discussions  
Meeting(s) – February 19 & March 5, 2013 | |
| B. Negotiated Salaries Trial | 1A (pg. 3-38) |
| **II. CONSENT ITEMS** | (To be distributed via e-mail) |
| A. Draft Minutes – February 12, 2013 | |
| **III. SUBCOMMITTEE ON EMERITI AFFAIRS** | |
| A. Status Report | |
| **IV. FACULTY WELFARE ISSUES UNDER REVIEW** | |
| **V. UCI SENATE ISSUES UNDER REVIEW** | |
| **VI. UC SENATE ISSUES UNDER REVIEW** | |
| A. UC Review of Proposed Revision to APM 430, Visiting Scholars  
Lead Reviewers: FW Subcom. - Meenakshisundaram, Dalton, Guidotti, Olivieri  
Issue: Request for Formal Systemwide Review and Comment  
Action/Deadline: Comments/Memo to Senate Chair prior to March 15 | 6A (pg. 39-80) |
| B. UC Review of APM 700, Leaves of Absences  
Lead Reviewers: FW Subcom. - Meenakshisundaram, Dalton, Guidotti, Olivieri  
Issue: Request for Formal Systemwide Review and Comment  
Action/Deadline: Comments/Memo to Senate Chair prior to March 15 | 6B (pg. 81-118) |
| **VII. STATUS REPORTS** | |
| A. University Committee on Faculty Welfare (UCFW)  
Gopi Meenakshisundaram, UCFW Rep  
(Mtg. of UCFW – March 8, 2013) | 7A (pg. 119-120) |
| B. University Committee on Affirmative Action and Diversity  
Grace Tonner, UCAAD Rep | |
| C. University Committee on Academic Freedom  
Jean Daniel Saphores, UCAF Rep | |
| D. Academic Personnel  
Joan Tenma, Director, AP | |
| E. Equal Opportunity & Diversity Status Report  
Gwen Kuhns Black, Associate Director, OEOD | |
| F. Human Resources/Benefits Status Report  
Melody McCulloch, Benefits Supervisor  
(Alternate: Kellie Jones) | |
VIII. INFORMATION ITEMS  *(Includes correspondence generated from previous meeting)*
   A. Status Report for 2012-13  8A (pg. 121-123)

IX. NEW BUSINESS

X. ADJOURNMENT

Distribution

Gopi Meenakshisundaram, Chair
Bruce Blumberg
Zhongping Chen
Teresa Dalton
Lucile Faurel
Michelle Garfinkel
Patrick Guidott
Sabee Molloi
Vincent Olivieri
Nasrin Rahimieh
Jean Daniel Saphores
Annette Schlichter
Grace Tonner
Kyoko Yokomori

Emeriti Members: (3)
Alan Elias
Julian Feldman
William Parker

Representatives:
Ashlie Lobos, ASUCI Rep
Linda Murphy, LAUC-I Rep
Victor Quintanar, AGS Rep

Consultants:
Gwen Kuhns Black, OEOD
Melody McCulloch, Human Resources
Alternate: Kellie Jones
Joan Tenma, Academic Personnel

c: Mary Gilly, Senate Chair

A Reminder:
Members should be prepared to lead discussions on topics for which they are listed on the agenda. For more complex issues, the reviewers may want to engage in an email dialogue or meeting prior to the CFW meeting. Senate Councils are working to improve the level of advice and counsel that they offer, and this step will improve the quality of CFW’s discussions. Following the Council’s discussion, and if a written response is required, a reviewer a may be asked to prepare a draft memo for the Chair’s signature. To promote careful review, each agenda item will be distributed to the designated reviewers and/or subcommittee a week prior to the meeting.
March 4, 2013

MARY GILLY, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

Re:  Negotiated Salary Trial Program

Pursuant to my February 25, 2013 letter about UC Irvine’s participation in the Negotiated Salary Trial Program (NSTP) along with UCLA and UCSD, I am now transmitting a Draft Implementation Plan for the Senate’s review and comment.

The NSTP is scheduled to begin on July 1, 2013, and Provost and Executive Vice President Aimée Dorr has requested our implementation plan by March 22. Please note that much of the language in this draft was supplied by her office, and we have limited flexibility to make substantial changes. I understand that Professor Gopi Meenakshisundaram, Chair of the Council on Faculty Welfare, has agreed to help coordinate the Senate’s review. Please provide me with the Senate’s comments and a statement on the consultative process by Monday, March 18, and contact Vice Provost Killackey should you or Professor Meenakshisundaram have questions in the meantime.

This is an important opportunity, and I look forward to partnering with you to address any implementation issues that may arise in your review. I believe that this plan is a step in the right direction toward ensuring that UCI can continue to attract, hire, and retain a competitive, world-class faculty.

Sincerely,

Susan V. Bryant, Ph.D.
Interim Executive Vice Chancellor and Provost

C: Chancellor Drake
Vice Provost Killackey

Attachments

1. Letter from Systemwide Provost Dorr to Participating Campuses, February 5, 2013
3. UCI Negotiated Salary Trial Program: Executive Summary and Draft Implementation Procedures
February 5, 2013

CHANCELLOR GENE D. BLOCK, UCLA
CHANCELLOR MICHAEL DRAKE, UCI
CHANCELLOR PRADEEP K. KHOSLA, UCSD
INTERIM EXECUTIVE VICE CHANCELLOR AND PROVOST SUSAN BRYANT, UCI
EXECUTIVE VICE CHANCELLOR SURESH SUBRAMANI, UCSD
EXECUTIVE VICE CHANCELLOR SCOTT WAUGH, UCLA

RE: General Campus Negotiated Salary Trial Program

Dear Colleagues:

I have had input now from both the Council of Vice Chancellors and the Academic Council about the option for a General Campus Negotiated Salary Trial Program. This input was in response to then Provost and Executive Vice President Lawrence H. Pitts’ memo of June 25, 2012 seeking review of the final report from the joint Senate-Administration Taskforce on a negotiated salary plan.

The members of the Council of Vice Chancellors (COVC) remain supportive about moving ahead with a Trial program, one that can be used to measure the effectiveness and impact of such salary practices. I understand that the Executive Vice Chancellors/Provosts of the Irvine, Los Angeles, and San Diego campuses are interested in participating in such a Trial program.

In contrast to the COVC, the Academic Council has deep and continuing concerns about the details of the Trial program as developed by the joint Senate-Administration Taskforce and is disappointed that most of the Senate’s concerns with proposed APM 668 were not substantively addressed in the plans for the Trial program. The Senate, however, does not oppose moving ahead provided that individual campus participation is approved through a formal letter from the divisional Senate Chair to his/her EVC (see enclosed November 28, 2012 Council letter). I understand that the San Diego division supports participation in the Trial program but the Irvine and Los Angeles divisions do not support participation.

Before deciding how to proceed amid these conflicting views, I carried out several activities. I reviewed the June 15, 2012 Taskforce report to then Provost and Executive Vice President Lawrence Pitts. The Taskforce consisted of four representatives from systemwide Senate committees and the Academic Council and four campus administrators. According to the report, they recommended “adoption of a ‘General Campus Negotiated Salary Trial Program’ as outlined in the attached document.” The report is not entirely specific about the extent to which campus Senate and administrative leaders must agree in order to proceed, but it is written as though Irvine, Los Angeles, and San Diego will participate.
I also reviewed Standing Order (of the Regents) 105.2 Duties, Powers, and Privileges of the Academic Senate. It is clear that the Academic Senate has the right to express “its views on any matter pertaining to the conduct and welfare of the University.” The areas in which Academic Senate decisions are determinative, subject to approval of the Board, are clearly laid out. There is nothing that suggests that the issues addressed by the Trial program or by proposed APM 668 before it are ones where the Senate’s views are determinative.

Finally, I consulted briefly with former Provost and Executive Vice President Pitts and extensively with UC Vice Provost for Academic Personnel Susan Carlson, who served as convener for the Taskforce and was deeply involved in its work and the work surrounding proposed APM 668 before that. In addition, I discussed the various issues and options with the current systemwide Senate leaders, Chair Powell and Vice Chair Jacob, who in my experience are consistently strong advocates for Senate positions and certainly were such in this instance.

With some reluctance, given the extent of negative opinions among the faculty, I have decided to accept the Taskforce Recommendations (as outlined in the enclosed June 15, 2012 “General Campus Negotiated Salary Trial Program” document) to move ahead with a Trial program to take effect on July 1, 2013. As outlined in the Trial Program document, the Executive Vice Chancellor/Provost (EVC/P) on each of the campuses potentially interested in such a plan – Irvine, Los Angeles, and San Diego – may decide whether to participate in the Trial program and if so, to create implementation documents following the Template developed by the Taskforce (enclosed). San Diego, with the support of its Senate, decided some time ago to participate. Irvine and Los Angeles will need to decide.

I strongly encourage the campus administrative and Senate leaders on each participating campus, but particularly Irvine and Los Angeles where faculty are negative, to work closely together so that any Trial program that is undertaken is as responsive to campus conditions and sentiments as it can be – while still meeting the requirements for participation. In addition, I ask that each campus that submits a plan also provide statements from the EVC/P and the Senate divisional chair regarding the consultation process and the resulting plan itself. Both parties should prepare their own statements and have the opportunity to review and respond to the other party’s statement prior to sending everything to me.

After reviewing the recommendations of the Academic Council and other Senate bodies, I have decided to extend the trial from four to five years with the full review to occur during year four, that is in 2016. This will allow us to make a more informed determination about the program and whether it has met its goals. In particular, we need to know what success or failure would look like and gather appropriate information to make informed judgments.

I have asked Vice Provost Susan Carlson to be responsible for working with participating campuses to gather the necessary information. Since the various responses collected by the Academic Council contain continuing concerns that the “Metrics, Reporting, and Assessment” outlined in the Program document are not sufficient, I am asking that she work with a small group to refine the metrics, reporting, and assessment. Please send Vice Provost Carlson the name of the appropriate person from your campus to join this working group, preferably someone with expertise in program evaluation and assessment. I will ask Chair Powell to
recommend a Senate member as well. Vice Provost Carlson will convene the working group quickly to ensure these details are worked out well before the July 1 start date.

I ask that the EVC/P on each participating campus send me potential Implementation Guidelines for your campus as early as you have them ready and no later than February 22, 2013 if possible. Because Irvine and Los Angeles learned only via this letter that the Trial program may be implemented on the campus if they so choose, they may have some difficulty meeting this deadline. If you anticipate delays, please contact me soon with a proposed timetable for your campus’ completion of the activities described in this letter. San Diego has known since the end of November that it can develop a Trial program and has always intended to do so; therefore, submission of a plan by February 22, 2013 is expected.

The June 15, 2012 “DRAFT Implementation Procedures for a Trial Negotiated Salary Program” was designed by the Taskforce as a template that you can adapt to campus needs. You may not make substantive changes (for example, you could not change the eligibility requirements), but you will need to use terminology that suits your operations. In the section “evaluation of proposals” (p. 2), you will need to select Option A or Option B according to which suits the operation of your faculty committee on academic personnel. Please also list the schools/colleges participating in the Trial program on your campus. The Trial program document assumes that you will develop the plans “in partnership between faculty and administration,” and I strongly encourage that. Please review the “Implementation” section of the Program document for further detail (p. 2).

I will review the individual campus implementation plans and the EVC/P’s and divisional Chair’s statements about the process and final plan with systemwide Academic Senate Chair Robert Powell, who may wish to have chairs of the appropriate systemwide Senate committees also engaged, and let you know quickly about any issues identified. Please consult with Vice Provost Carlson about issues that may arise in the development of your plan. In general you should not depart from the Implementation Guidelines. If you feel any deviation is necessary, the changes must be reviewed by the campus Senate, the EVC, and the systemwide Senate Chair before final approval by me (see June 15, 2012 report from the Taskforce).

I regret that there is much disagreement among faculty and administrators about the wisdom of embarking on a General Campus Negotiated Salary Trial Program. I expect that the participating campuses will be vigorous in their ongoing efforts to obtain information that will be useful to us all as we seek to understand whether a systemwide program can be a valuable component of our efforts to support UC faculty.

Cordially,

Aimée Dorr
Provost and Executive Vice President
Academic Affairs
Enclosures:
   November 28, 2012 letter from Academic Council Chair Powell
to Vice Provost Susan Carlson
June 15, 2012 Taskforce Report
June 15, 2012 Taskforce General Campus Negotiated Salary Trial Program
June 15, 2012 Taskforce Implementation Procedures
   for the Trial Negotiated Salary Program

cc: President Yudof
    Academic Council Chair Powell
    Vice Provost for Academic Personnel Carlson
    Division Chair Gilly (UCI)
    Division Chair Sarna (UCLA)
    Division Chair Masters (UCSD)
    Executive Director Winnacker
To: Executive Vice President and Provost Lawrence Pitts

From: Susan Carlson, Vice Provost for Academic Personnel (UCOP) (convener)
Elizabeth Deakin, UCPB representative (UCB)
Harry Green, UCAP representative (UCR)
Dan Hare, UCFW representative (UCR)
Kristi Larsen, Assistant Vice Chancellor (UCSD)
Gene Lucas, Executive Vice President and Provost (UCSB)
Bob Powell, Vice Chair, Academic Senate (UCD)
Victoria Sork, Dean of Life Sciences (UCLA)
Scott Waugh, Executive Vice Chancellor and Provost (UCLA)

Subject: Report from Taskforce on a negotiated salary plan for the general campus

In February 2012, you convened a Taskforce on a faculty negotiated salary plan for the general campus. You took this action after systemwide review of proposed APM - 668, a review which generated a mixed response to the possibility of a negotiated salary program for the general campus.

The Taskforce charge was as follows:

To explore and recommend possible paths forward in consideration of a negotiated salary plan in the light of the serious shortfall in UC salary competitiveness and the concerns about the proposed APM - 668 raised by the Academic Council. The Taskforce may explore possible mechanisms for quantifying the risks and benefits in such a plan. The Taskforce may define parameters of such a salary plan, i.e. should the plan be limited to specific units or disciplines or campuses? Taskforce members should confer with their constituencies during plan development as may be appropriate. The Taskforce will meet in person once and by phone at least twice per month until its final report is complete. Final report due to Provost by June 15, 2012.

The Taskforce met by teleconference five times (February 28, March 14, April 2, and 26, and June 4) and in person on May 14 in Oakland.
Recommendation

We are recommending adoption of a “General Campus Negotiated Salary Trial Program” as outlined in the attached document. We have come to consensus that a four-year Trial Program on three campuses meets a pressing recruitment and retention need while putting in place data collection to allow for a full assessment of the program during its third year. We recommend the Trial Program take effect on July 1, 2013. In order for this to occur, final review, endorsement and approval needs to occur no later than December 1, 2012 in order to give campuses enough time to plan, train personnel, and put in place reporting metrics.

Background

The Taskforce began its work with a review of nearly two decades of effort to put a negotiated salary policy in place on the general campus. Taskforce members compiled a matrix of key issues that had come up in the systemwide review of APM – 668 and matched concerns with currently available evidence (or lack of evidence) to address the concerns and proposed evidence to collect in a Trial. With the help of campus partners, staff in Academic Personnel collected available data on cognate salary processes at UC. Most useful were data on the following: HSCP (particularly faculty in the basic sciences and those general campus faculty on split appointments in HSCP), UCR Division of Biomedical Sciences salary program (2007-2011), UCLA Public Health salary processes, and faculty drawing summer salary. The Taskforce collected and reviewed a large body of materials, and these can be made available to aid you in your review of the Trial Program. Minutes for the meetings are also available.

Taskforce discussion revealed a range of opinion about the advisability of a Trial Program. We believe open discussion led to development of Trial Program details that will allow the University to address a particular set of salary challenges while collecting data on the Trial Program’s effectiveness.

Next Steps

The COVC has endorsed instituting a General Campus Negotiated Salary Trial Program, although they should be provided these final documents for review and final endorsement. Senate members of the Taskforce have asked that the Academic Council review and comment on this Trial Program before a final decision is made.

In addition to the “Trial Program” document that is attached, we have also included a template for campus-level Implementation Procedures. If a Trial Program goes forward, each of the participating campuses would use this template to develop campus-based practices; these would be developed in partnership between faculty and administration. While each campus will need to design details of implementation that align with current campus practices, our recommendation is that departures from the Implementation Procedures template would be reviewed and endorsed by the local Senate and EVC and approved by the systemwide Provost, who would consult with the systemwide Senate Chair. Program consistency across campuses is essential to ensure that
the collected data are useful in assessing the program. This assessment process is core to the Taskforce recommendations.

Members of the Taskforce would be pleased to discuss these recommendations with you.

enc:    General Campus Negotiated Salary Trial Program
        DRAFT Implementation Procedures for Trial Negotiated Salary Program
General Campus Negotiated Salary Trial Program
June 15, 2012

Since at least 1995, UC faculty and administrators have been working to design a negotiated salary plan for faculty on the general campus. Given the concerns about proposed APM – 668 ("Negotiated Salary Program"), a Taskforce of campus administrators and faculty met in the spring of 2012 to design a Trial Program to test the effectiveness of the concept on a few UC campuses. The Trial outlined below will respond to an immediate recruitment and retention need on three campuses (UC San Diego, UCLA, and UC Irvine) and will allow the University to collect valuable data on the use and effectiveness of the program. Subsequently and with the data generated and collected through the Trial, parties can have a more informed discussion of the need for a systemwide policy. This Trial would be operational on July 1, 2013.

A. Program Components

Overview: The four-year Negotiated Salary Trial Program (Trial) will allow up to three UC campuses to test a negotiated salary process for general campus faculty. Eligible faculty will be able to voluntarily contribute external fund sources toward their total salary, with the negotiated salary amount funded through external sources. The amount of negotiated salary will have a cap of 30% of the base salary (academic or fiscal, including off-scale); and the Dean or designee will have responsibility for managing funding of the negotiated salary program. Merit review will continue according to campus policy, and each participating campus will determine the appropriate role for its Committee on Academic Personnel (CAP) or equivalent committee.

Scope: Administrators and Divisional Senates on three campuses (UCI, UCLA, and UCSD) will consult on potential participation. Once a Trial Program has been approved, the EVC on each campus, with Senate input, will coordinate with divisions/schools/departments that will take part.

Eligibility: Ladder-rank and in-residence faculty who have advanced in rank or step in their last academic review (or equivalent satisfactory review) are eligible, provided the faculty member’s campus and division/school/department has opted to participate. HSCP members and full-time deans and faculty administrators (as defined in APM – 240 & 246) are not eligible.

Faculty responsibilities: Participating faculty are expected to meet all teaching, research and service obligations and to be in compliance with all applicable University policies, procedures, and training requirements. The campus will ensure that policies about the buy-out of teaching are maintained.
Fund management: Only external funds will be used to support this program. "External funds" refers to any non-state-appropriated funds, such as (but not limited to) endowment or gift income, professional degree fees, self-supporting degree fees, and contract and grant support. The Dean or his/her designee will have responsibility for managing program funds, reviewing the availability of F&A, and for covering any unforeseen shortfalls. General Funds cannot be substituted for external funds in support of the program.

Salary: The total negotiated salary will be comprised of the salary covered under the University of California Retirement Plan (UCRP) (scale base plus off-scale components) and a negotiated salary component. Negotiations will be conducted annually to determine an individual’s total negotiated salary for the following year. The total negotiated salary must be effective for one full year, corresponding with the University fiscal cycle of July 1 – June 30 and may not be changed during that year. The faculty member’s salary (scale plus off-scale) will not be permanently affected (neither increased nor decreased) as a result of participating in this program.

Process: As outlined in the Implementation Procedures, eligible faculty will work with the department chair and department business officer to develop a proposal for a negotiated salary, with proposals approved by the dean.

Reporting/Review: At the end of each fiscal year, the systemwide Provost will gather (from each EVC whose campus is participating) data on the program, compile it, and share with the COVC and the Academic Senate. A comprehensive review will be undertaken during year three. Trend data will be provided in year two and after. Details of the report elements are listed below in section B. An interim report on participation will be submitted as soon as possible after the Trial begins on July 1, 2013.

Implementation: This document will serve as the Program Policy document with all items outlined here to be constant among all participating campuses. The systemwide Provost will also develop “Implementation Procedures for a Trial Negotiated Salary Program” with details about the procedural details of running the program on campus. Each campus will adapt this template to its own approval and review structures. Departures from this Program document and the “Implementation Procedures” must be approved by the systemwide Provost with input from the Chair of the Senate.

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1 Faculty will remain on pre-existing appointments (either academic or fiscal); those on academic year appointments remain eligible for summer ninths which will continue to be processed under pre-existing guidelines.
Compliance: When Federal projects are involved, the program must be compliant with Office of Management and Budget (OMB) Circular A-21. Participating faculty retain their obligation to abide by University policy including Conflict of Interest, Conflict of Commitment, the Faculty Code of Conduct, and the policy on the requirement to submit proposals and receive awards for grants and contracts through the University.

Duration and termination: The program will run for four years, beginning July 1, 2013, with a full review during the third year. At that time, the Provost and Academic Senate will determine the advisability of adding policy language to the APM, continuing the Trial, or terminating the Trial. The systemwide Provost may suspend the Trial effective June 30 of any year should the program be deemed to put the University at risk; an individual campus EVC may suspend the campus participation effective June 30 of any year.

B. Metrics, Reporting, and Assessment

An interim report on participation will be submitted as soon as possible after the Trial begins on July 1, 2013, including prospective information provided in the faculty applications for 2013-14. In addition, annually at the end of the fiscal year, the Office of the President will collect information on the operation of the program from each participating campus. The goal of the data collection will be to identify any positive or negative impacts of the Trial Program; i.e., was faculty retention positively/negatively impacted? was teaching positively/negatively impacted? was graduate student and postdoc support adequate? etc. The systemwide Provost will distribute a combined report to COVC and the Academic Council for review and feedback. The following information will be collected:

Funding

- Information on external funding utilized in connection with Trial: track funding by type (endowment funds, contracts and grants [by agency], gifts, fees, etc.).
- Development and use of the program funds.

Demographic information on faculty, teaching, and research support in participating units

- Collection of information on all faculty in participating departments: a) department and school or division, rank and step, gender, race/ethnicity, b) salary, including off-scale, summer ninths, negotiated amount, c) teaching loads, including those who bought out a teaching assignment during the year (data both before and during Trial period) and indication of teaching done on-load or as overload.
- Data on graduate student and post-doc support by department and individual (data both before and during Trial period).
Surveys

Faculty and administrators with expertise in survey design and administration will develop surveys for faculty and administrators involved to assess effectiveness of the program on Trial campuses. The surveys will allow for assessments of conflicts of interest and commitment as well as morale. They will be used to ascertain the extent to which this program has successfully helped with hiring and retention and has not been detrimental.

In addition, each annual report by the campus EVC will include an administrative assessment of relevant issues, including a review of the personnel process at various stages: CAP, department chairs, and deans.

A comprehensive three-year review will assess whether the Trial Program has helped UC meet University goals effectively. After the three-year reports are reviewed by the Academic Council and the COVC, the systemwide Provost will recommend to the President whether the Trial Program should be 1) reviewed for inclusion in the APM, 2) maintained for an additional trial period, perhaps on additional campuses, or 3) terminated.
DRAFT Implementation Procedures for a Trial Negotiated Salary Program
June 15, 2012

[This template will be used for any campus participating in the Trial. Revisions to the
template at the campus level will be reviewed by the Divisional Senate, approved by the
EVC, and forwarded to the systemwide Provost for final approval.]

The “Negotiated Salary Trial Program” (hereafter referred to as “Trial”) is outlined in a Program
Document approved by the Provost, after consultation with the Faculty Senate in fall 2012; the Program
Document will be appended to each Campus Implementation Procedures document.

All General Campus Academic Divisions (College A, School B, School C, etc.) will have the option to
participate in the Trial program. Deans will inform the EVC on or before March 1 which departments
will participate in the Trial.

For departments participating in the Trial, all eligible members of the department faculty may
participate in the negotiated salary program. All members would receive a copy of the implementation
procedures and any other related documents (i.e. Trial Program document).

Proposal Submission Process

For departments who are participating in the Trial:

- Eligible faculty members as provided for in the “General Campus Negotiated Salary Trial
  Program” (Program document) may participate in the negotiation process.
- Faculty members must have the allowable and appropriate funding resources available to
  support the total negotiated salary.

No later than March 1 of each year a call will be issued to eligible faculty by their respective home
departments regarding the annual negotiation for the coming fiscal year.

Interested and eligible faculty shall submit a Trial Plan Proposal Form for the following year. A common
proposal form will allow for a consistent collection of data on the Trial (see “Metrics, Reporting, and
Assessment” section of the Program Document).

Negotiations are for one fiscal year effective July 1 and ending on June 30. Retroactive participation is
not permitted.

Participation must be renegotiated each year. Renewals are not automatic. The systemwide Provost
may suspend the Trial Program on June 30 of any year; an individual campus EVC may suspend the
campus participation effective June 30 of any year.

Eligibility and Faculty Responsibilities

Faculty eligibility and responsibilities are outlined in the Program document, and include the following:

- Advancement in rank or step in last academic review (or equivalent satisfactory review)
- Fulfillment of faculty member’s approved teaching load
- University service commensurate with rank and step
- All research contracts and grants in good standing, (e.g. no outstanding agency reports or
  accounts in deficit)
DRAFT Implementation Procedures for a Trial Negotiated Salary Program
June 15, 2012

- Research support obligations fulfilled, including current students, incoming students, tuition, benefits, research support, post-docs, etc. Faculty have a responsibility to support such costs.
- Compliance with relevant reporting and training requirements.

Evaluation of Proposals

Prior to submission of a proposal, the faculty member must meet with the appropriate campus Fund Manager/Department Business Officer to verify the proposed funding source(s). The Fund Manager/Department Business Officer will confirm that the funding source(s) is allowable and that it will remain in place for the entire fiscal year.

Once the funding has been verified by the Fund Manager/Department Business Officer, the participating faculty member should submit the Proposal Form to her/his department Chair no later than April 1.

The Department Chair and department business office will review the proposal to ensure that:

- The requestor has met or will meet all teaching, research and service obligations; and is in compliance with all applicable University policies, procedures and training requirements
- The amount requested is consistent with these implementation procedures
- Allowable and appropriate resources are available to support the proposal including benefits costs and (if applicable) reserve funds requirement.

The Department Chair will review the proposals and forward endorsed proposals to the Dean no later than April 15. The Dean will review proposals and will forward all endorsed proposals to the EVC on or before May 1.

Each participating campus will review appropriate participation for CAP, so that the review of negotiated salary proposals is in line with other responsibilities of the CAP (or equivalent committee) for that particular campus.

Under Option A, The EVC will forward endorsed proposals to the Committee on Academic Personnel (CAP). CAP will review the proposals in the same manner it currently reviews salary and/or retention recommendations. The EVC will review and inform the dean of approved proposals no later than June 1.

Under Option B, the EVC will review and inform the dean of approved proposals no later than June 1. CAP will receive a report of the actions.

If a proposal is approved by the Chair, Dean and EVC, a salary confirmation letter will be sent to the faculty member confirming the faculty member’s total salary for the coming fiscal year. Notification of approved participation will be sent to the faculty member, Chair, MSO, and AP Office.

If the Chair does not endorse and forward a faculty member’s proposal, the Chair should meet with the faculty member and if an agreeable change to the proposal is reached, any modification should be documented and the proposal forwarded as outlined above.
If the Chair does not endorse because a faculty member does not have sufficient funding, the Chair will inform the Dean and the Dean will review. If the Dean concurs with the chair, s/he will communicate the finding to the faculty member and provide the faculty member a summary of review findings.

If the proposal is not endorsed by the Chair because the faculty member does not meet the minimum eligibility criteria, the Chair will inform the Dean and the Dean will review. If the Dean concurs with the chair, s/he will forward the proposal, the chair’s assessment and the Dean’s assessment to the EVC. These eligibility cases will be reviewed by CAP, who will provide a recommendation to the EVC. The EVC will issue a final resolution within 7 days of CAP review.

**Approval Process**

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<th>Action</th>
<th>Authority</th>
<th>Initial Response</th>
<th>Next Step/Comments</th>
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<tbody>
<tr>
<td>Funding Authorization</td>
<td>Dept business officer</td>
<td>30 days</td>
<td>Resolve any issues with faculty member then forward to chair</td>
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<tr>
<td>Salary Negotiation</td>
<td>Chair</td>
<td>30 days</td>
<td>Negotiate with faculty member and forward endorsement to Dean</td>
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<tr>
<td>Dean Review</td>
<td>Dean</td>
<td>14 days</td>
<td>Review proposal and forward endorsement to EVC</td>
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<tr>
<td>CAP Review Option A only</td>
<td>CAP</td>
<td></td>
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<tr>
<td>EVC Endorsement</td>
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<td>14 days</td>
<td>Endorse</td>
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<tr>
<td>Eligibility Appeals</td>
<td>EVC</td>
<td>7 days of CAP review</td>
<td>Review case and issue final resolution</td>
</tr>
</tbody>
</table>

**Compensation Components**

Negotiations between the faculty member and Department Chair will be conducted annually to determine the total UC salary for the year. Total compensation will be established as follows:

**Scale-Based Salary**

Participating faculty will receive their scale-based salary in addition to an optional negotiated component.\(^1\) The scale-based salary refers to an individual’s regular scale salary rate plus any off-scale as approved at the time of hire or as a result of a retention offer or regular academic review. The scale-based salary (scale and off-scale) is considered covered compensation under the University of California Retirement Plan (UCRP) up to the amount permissible by Internal Revenue Code provisions and in accordance with UCRP policy and provisions.

**Negotiated Salary Component**

A negotiated salary component beyond scale-based salary may be negotiated annually and has a cap of 30% of the scale based salary.

**Participation Effective Dates**

---

\(^1\) This Program does not change the faculty member’s basic appointment base: academic or fiscal. Those on academic year appointments remain eligible for summer ninths which will continue to be processed under pre-existing guidelines.
The total UC salary rate will be effective July 1 through June 30. Newly hired faculty with mid-year start dates may participate from the appointment begin date through June 30. Increases negotiated as a result of a formal retention will be effective on July 1 of the next year. Early withdrawal from the program is allowed only upon separation from the University or as a result of an official disciplinary action (as described in APM 015 and 016 and Senate Bylaw 230).

Salary Attributes

The following chart defines the normal funding source for each salary component and whether the salary component is considered covered compensation for UCRP:

<table>
<thead>
<tr>
<th>Salary Component</th>
<th>Fund Source</th>
<th>Covered Comp?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scale-Based Rate (rank/step + off-scale, if applicable)</td>
<td>State general funds</td>
<td>Yes</td>
</tr>
<tr>
<td>Negotiated Salary Component</td>
<td>External funds</td>
<td>No</td>
</tr>
<tr>
<td>Summer Salary</td>
<td>Varies</td>
<td>Not covered comp under UCRP but special Defined Contribution benefit applies (matching 3.5% contributions from employee and employer)</td>
</tr>
<tr>
<td>Administrative Stipend (if applicable)</td>
<td>Varies</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Fund sources may come from any combination of external funding sources as defined in the Trial Program document.

Funding must be awarded and in hand prior to June 30 of the current fiscal year to be considered for that year’s negotiation. The fund source must cover the entire year of the proposal. There are no exceptions. Funds awarded after the salary rate for the year is established may be considered eligible compensation for the following fiscal year.

Effort for salaries charged to sponsored projects funded by federal sources must be accurately and appropriately calculated and certified.

The total UC salary--scale-based salary plus negotiated component--may not be changed for any reason, including but not limited to: mid-year salary scale adjustments (e.g. general range/COLA), retroactive merit increases, or the receipt of additional contract and grant funds. If a faculty member’s salary is raised effective October 1 (or any other date other than July 1) due to a general range/COLA, the negotiated salary component will be adjusted downward while the covered compensation goes up so that the total UC salary remains unchanged for the fiscal year.

Other Additional Compensation
Additional compensation programs for faculty earning summer ninths remain intact. Faculty may earn up to three-ninths additional summer compensation for research, teaching, and/or administrative service. Summer ninths shall be paid at the total UC salary rate (scale-based plus the negotiated salary component) according to standard summer salary policies. Faculty will maximize summer ninth
opportunities before utilizing this Program. Any portion of a ninth paid for service in June shall be based upon the individual’s salary in effect on June 30.

If summer salary compensation is based on the academic year salary, Summer Session teaching compensation will be based upon the total UC salary rate (scale-based plus the negotiated salary component) in effect on June 30 of the calendar year in which the Summer Session begins.

All applicable Federal policies still apply. For example, a maximum of 2/9ths summer salary or the equivalent amount of academic year salary may be charged to NSF grants. Agency (e.g., NIH) salary caps must be observed and state funds may not be used to pay the cap gap.

Administrative Compensation
HSCP members, full-time Deans, and full-time faculty administrators (see APM – 240 and 246 for definitions) are not eligible for this program.

Stipends issued for official administrative roles may not be included in the negotiated salary component and must be recorded as separate payments. Classification of official administrative roles will be determined in accordance with campus practice.

Leaves of Absence
While leaves may not be common for Trial participants, sabbatical leave and other leaves with pay will be granted at the total UC salary rate in effect during the period of the leave. State funds may be used only for the portion of a sabbatical leave related to a faculty member’s scale-based salary. Plans for leave will be proposed to the department chair according to current procedures.

Medical leave will be granted at the total UC salary rate through June 30 of the year of the leave (see APM – 715). If external fund restrictions preclude payment of medical leave, the department must provide appropriate unrestricted funds to ensure full payment of the total negotiated salary (the negotiated component cannot be paid through state funds). The University is under no obligation to continue the negotiated salary component if the medical leave continues into the next salary negotiation cycle (7/1 - 6/30).

Intercampus Transfers
Temporary intercampus appointments, including Faculty Consultant payments, will be based on the total UC salary rate in effect during the temporary appointment. For permanent intercampus transfers, APM – 510 applies. The negotiated salary component may not be a factor in determining a competing UC offer (see Appendix A in APM – 510). If the new campus is participating in the Trial program, the faculty member must negotiate a new proposal with his/her new campus.

Overload Teaching
If any portion of the negotiated salary component is based on overload teaching in a self-supporting UC program, the appropriate number of consulting days must be forfeited in accordance with APM 025.

Financial Responsibility
The Dean or his/her designee is responsible for managing funding of the negotiated salary program and will cover a faculty member’s total UC salary for the entire fiscal year period (7/1 to 6/30). The Dean may establish a sufficient reserve fund to serve this purpose.
DRAFT Implementation Procedures for a Trial Negotiated Salary Program
June 15, 2012

Funding obligations for the total UC salary including negotiated component—as well as other research responsibilities such as reserve fund requirement, NIH salary cap gap, graduate student support, salary threshold levels, research equipment, benefits, salary raises, etc.—must be met and therefore this must be determined during the negotiation process.

Where applicable, the reserve fund will be built via the accumulation of faculty released base-salary by supporting a portion of the base on non-state sources. A faculty member participating in the Trial is required to release base-salary equal to a percentage (to be determined by the campus) of the negotiated component. If a faculty member loses funding during the annual negotiated year period, the department must assure the faculty member receives his/her total negotiated UC salary for the year.

The reserve fund account minimum balance will be set by the Dean or his/her designee. If accumulations fall below this level, an increase in contribution rates or a transfer of non-state-appropriated general funds will be required to bring the balance to the required level. Use of any reserve fund surplus will be reviewed by faculty in the affected unit and approved by the Dean and the EVC.

It is expected that Deans will discuss with the faculty (a Faculty Executive Committee, for example) the usage of surplus funds. Additional input or practices may be developed by faculty in the decanal unit.

Reserve account accumulations and expenditures are to be reported annually to the EVC, including what faculty consultation occurred regarding the use of the funds.

Reporting

The EVC is responsible for reporting on campus participation to the Systemwide Provost annually.

Notification, Documentation and Implementation

Approved proposals will be documented in writing and signed by the faculty member, Department Chair, Dean, and EVC.

Department Responsibilities

- Forward the EVC’s the annual call to the departmental faculty
- Document the funding authorization process used for all proposals
- Document the methodology used to determine the negotiated salary component in each case
- Issue an annual salary confirmation letter to the faculty member
- Enter the negotiated salary in the payroll system
- Perform a post-audit of the salary implementation in payroll
- Provide annual documentation of teaching and service activities and extramural expenditures for graduate students for all participating faculty. Explain changes in student support levels.

Dean’s Responsibilities

- Notify the EVC by March 1 as to which departments will participate
- Ensure all participation criteria have been met and maintain documentation of reviews
DRAFT Implementation Procedures for a Trial Negotiated Salary Program
June 15, 2012

- Forward to EVC information on proposed faculty participation by May 1
- Ensure payroll action matches the approved negotiated salary amounts
- Report funding summary to the EVC.

EVC Responsibilities

- Issue annual call to participating units
- Submit proposals to CAP (Option A) or report negotiated salaries to CAP (Option B)
- Review faculty appeals of negative findings by the Dean and Department Chair
- Maintain appeal resolution documentation
- Notify the faculty member, Department Chair, and Dean of approved plans
- Maintain open communications with Academic Senate on implementation issues and concerns
- Serve as Office of Record for approved proposals
- Forward the Campus Implementation Procedure to the UC Provost for approval
- Provide annual report to the divisional Academic Senate by October 1
- Prepare data for Provost annually as required by Office of the President.

CAP Responsibilities

- Review proposals prior to approval. Provide input to EVC (Option A). Or, review list of negotiated salaries (Option B).
- Review faculty appeals of negative findings by the Dean and Department Chair where eligibility is at issue
- Review post audit annual reports on participation; provide feedback to EVC if there are issues or concerns.

Academic Senate Council Responsibilities (both divisional and systemwide)

- Receive annual report on Trial participation and metrics. Forward to appropriate Divisional and Systemwide committees for analysis and input.
- Respond to third-year review of Trial program and its future status.
NEGOTIATED SALARY TRIAL PROGRAM
UNIVERSITY OF CALIFORNIA, IRVINE

Executive Summary

Current Challenges in UC Compensation

The UC system lags behind many of its peer institutions in faculty compensation, and the current budget crisis has increased the University’s vulnerability in the academic marketplace. Although an increase in salary scales across the board would be the best solution, state funds will be insufficient now and in the foreseeable future to accomplish that goal.

In the interim, UC Irvine must develop other instruments to prevent the loss of faculty to competing offers from other universities and industry, to address dissatisfaction resulting from salary scales that lag behind comparable universities, and to successfully recruit outstanding new faculty by offering competitive salaries. Moreover, these instruments cannot rely solely on diminishing state funds, which require us to sacrifice future recruitments to pay for current market faculty salaries.

The UC rank and step structure and the shared governance peer review process are central to the University’s excellence. Any new instrument designed to meet the challenge of uncompetitive salaries must abide by those existing practices. A process for determining negotiated salary increments on the Irvine general campus could help us achieve competitive salaries, conserve scarce state funding and, at the same time, retain our existing structure of academic review and promotion.

Proposed Negotiated Salary Trial Program

The Proposed Negotiated Salary Trial Program (“the NSTP” or “the Program”) will introduce a modest, uniformly available mechanism that allows ladder-rank faculty to voluntarily contribute external funding resources toward their total UC salary. The NSTP, like the well-established Health Sciences Compensation Plan, will utilize external fund sources to support a portion (the negotiated salary increment) of the total compensation for ladder-rank faculty in the Program, providing incentives to generate income and rewarding academic merit. The NSTP will not place any additional burden on the UC retirement plan.

The NSTP will allow ladder-rank faculty in all disciplines and fields of study to negotiate a supplemental compensation component when appropriate external funding is available. Although all faculty will not have funding sources necessary to receive a negotiated salary component, the NSTP will benefit all faculty by increasing indirect cost recovery funds (“IDC”) and reducing reliance on state funds for market-driven salary increments. The NSTP will accomplish these aims without negatively affecting any faculty member’s base salary guarantees.

The NSTP will also provide ladder-rank faculty an additional, valuable mechanism for obtaining an increased salary without pursuing outside offers. The negotiation process and Program outcomes will be closely monitored by campus administration and the Academic Senate.

What Will Not Change with Implementation of the NSTP

• The NSTP is not intended to influence the academic review process and will not affect the likelihood or amount of off-scale salary increases awarded via the academic review process.

• The traditional UC rank and step system is recognized as essential in promoting fairness and balance in teaching, research, and service responsibilities for all faculty. The Program will not be considered in future decisions about system base salary increases.
• The faculty member’s base salary (on-scale salary plus existing off-scale) will not be permanently affected as a result of participating in the Program.

• Participating faculty will be expected to meet all teaching, research and service obligations and to be in compliance with all applicable University policies (including, but not limited to the Faculty Code of Conduct and Conflict of Commitment), procedures, and training requirements.

• Undergraduate, graduate, and postdoctoral education and support remain an essential part of the UC mission. The Program will not reduce the University’s commitment to these essential missions.

Role of the Academic Senate

The UCI Academic Senate Council and Committee on Academic Personnel (CAP) will advise the Chancellor and Executive Vice Chancellor on the NSTP.

The EVC will provide annual reports to help monitor and evaluate the Program.

At the time of decision about continuing the NSTP, Schools, the Academic Senate and campus leadership will be asked to provide a recommendation on the Program’s continuation.
The Negotiated Salary Trial Program (“NSTP”) is a five-year trial program that will allow ladder-rank faculty in participating schools to voluntarily contribute external funding resources toward their total University of California (UC) salary. The NSTP, like the well-established Health Sciences Compensation Plan, will utilize external fund sources to support a portion of the total compensation for participating ladder-rank faculty, providing incentives to generate additional non-state funding and rewarding academic merit. The NSTP will not place any additional burden on the UC Retirement Plan (UCRP).

Participants in the NSTP will remain subject to the requirements of other UC policies including, but not limited to, Conflict of Interest, Conflict of Commitment, Faculty Code of Conduct, and policies requiring submission of proposals and receipt of awards for grants and contracts through the University. External consulting and other externally compensated activities will continue to be permitted in accordance with APM 025, Conflict of Commitment and Outside Activities of Faculty Members.

I. Eligibility

A. Except for the categories of faculty listed in subsection B of this section, the NSTP is available to all UCI ladder-rank faculty in participating schools who hold at least half-time appointments, and who meet the eligibility criteria set forth in subsection C of this section. Faculty may participate upon submission of a proposal for school participation by the Dean by March 1, 2013, and approval of the proposal by the Executive Vice Chancellor and Provost (EVCP).

B. The following faculty are not eligible to participate in the NSTP:

1. Full-time deans and faculty administrators listed in APM 240 and APM 246;
2. Senior Management Group (SMG) members;
3. Faculty members appointed in a Health Sciences department and eligible to participate in the Health Sciences Compensation Plan.

C. Faculty participating in the NSTP must be in good standing according to the following criteria:

1. Advancement in rank or step at the last academic review, or equivalent satisfactory review;
2. Fulfillment of the approved teaching load;
3. Fulfillment of research support responsibilities, including current and incoming graduate students tuition benefits, and post-docs;
4. Fulfillment of University service commensurate with rank and step;
5. All research contracts and grants are in good standing (e.g., no outstanding agency reports or accounts in deficit);
6. Compliance with all UCI reporting (e.g., Patent Acknowledgment, Outside Professional Activities) and training requirements (e.g., laboratory safety, sexual harassment).
II. External Funding

A. **External funding** is any fund source that is not State-appropriated general funds or resident student tuition funds, including but not limited to endowment or gift income, professional degree fees, self-supporting degree fees, royalties, licensing fees, and contract and grant support.

B. Funding for the **Negotiated Salary Component** provided under the NSTP (hereafter “NSC”) must be awarded and deposited to a UCI account prior to June 30 of the current fiscal year in order to be considered for the following year’s negotiation. *For example, funds to be used in FY 2013-14, must have been received prior to June 30, 2013.*

C. Adequate external funding must be available for the entire year of the proposal, **without exception.**

D. Funds awarded after the salary increment has been negotiated may be considered eligible compensation for the following academic year. *For example, Professor A enters an NSC agreement for AY 2013-2014, which begins on July 1, 2013. In October 2013, she receives a large award that she would like to have considered for NSC. The October 2013 award is not eligible compensation for AY 2013-2014, but is eligible compensation for AY 2014-15.*

E. Funding for the NSC must have a stable source, paid in accordance with any related fund source restrictions, and must be sufficient to include the related benefit costs.

F. All charges to contracts and grants must be compliant with Office of Management and Budget (OMB) Circular A-21. Effort for salaries charged to sponsored projects funded by federal sources must be accurately and appropriately calculated and timely certified. *At no time may effort exceed 100%.*

III. Compensation Components

Participating faculty will receive their scale-based salary in addition to an optional negotiated component.

A. **Scale-Based Salary.** The scale-based salary is an individual’s regular scale salary rate plus any off-scale as approved at the time of hire, as a result of a retention offer, or regular academic review. The scale-based salary is considered covered compensation under the UCRP, up to the amount permissible by Internal Revenue Service Code provisions and in accordance with UCRP policy and provisions.

B. **Negotiated Salary Component (NSC).** A negotiated salary component beyond scale-based salary may be negotiated annually. The NSC is capped at 30% of the scale-based salary. The NSC is not considered covered compensation under the UCRP.

C. **Total UC Salary (TUCS).** The total UC salary consists of the participant’s scale-based salary plus the NSC.

D. **Summer Salary.** Faculty may earn up to three-ninths additional summer compensation for research, teaching, and/or administrative service. Faculty must maximize summer ninth opportunities before utilizing the NSTP.

1. Summer ninths shall be paid at the TUCS rate. Any portion of a ninth paid for service in June shall be based upon the individual’s salary in effect on June 30. If summer salary compensation is based on the academic year salary, Summer Session teaching compensation will be based upon the TUCS rate in effect on June 30 of the calendar year in which the Summer Session begins.

2. Summer salaries may come from both internal and external fund sources, and are not covered compensation under UCRP, although a special Defined Contribution benefit applies.
3. All applicable Federal policies remain in effect for NSTP participants. For example, a maximum of 2/9ths summer salary or the equivalent amount of academic year salary may be charged to NSF grants. Agency (e.g., NIH) salary caps must be observed and state funds may not be used to pay the cap gap.

E. Administrative Stipend. A participant in the NSTP may receive an administrative stipend, in accordance with established campus policy; however, stipends issued for official administrative roles may not be included in the NSC and must be recorded as separate payments. Administrative stipends may come from both internal and external fund sources, and are covered compensation under UCRP.

IV. Participation Effective Dates

A. The first effective date of the NSTP will be July 1, 2013.

B. The systemwide Provost may suspend the systemwide trial program on June 30 of any year. The UCI EVCP may suspend the NSTP for some or all Schools on June 30 of any year.

C. The TUCS rate will be effective July 1 through June 30. Newly hired faculty with mid-year start dates may participate from their appointment begin date through June 30.

D. The TUCS for participating faculty may not be changed for any reason, including but not limited to mid-year salary scale adjustments, retroactive merit increases, or receipt of additional contract and grant funds. Salary negotiated as part of a retention offer for participating faculty shall become effective on July 1 of the following year. If a participant’s salary is raised effective October 1 (or any date other than July 1) due to a general range adjustment or Cost of Living Adjustment (COLA), the NSC will reduced, and the covered compensation increased, so that the TUCS remains unchanged for the fiscal year.

E. Early withdrawal from the NSTP is allowed only upon separation, retirement from the University, or as a result of an official disciplinary action, as described in APM 015 and 016 and Senate Bylaw 230.

F. Retroactive participation is not permitted.

V. Leaves of Absence

A. Sabbatical leave and other leaves with pay may be taken by NSTP participants in accordance with established campus policies. Leave will be granted at the TUCS rate in effect during the leave period.

B. State funds may be used only for the portion of a leave related to a faculty member’s scale-based salary.

C. If external fund restrictions preclude payment of medical leave, the department must provide appropriate unrestricted, non-state funds to ensure full payment of the TUCS.

D. The campus is under no obligation to continue the NSC if a medical leave continues into the next salary negotiation cycle (7/1 to 6/30).

VI. Intercampus Transfers

A. Temporary intercampus appointments, including Faculty Consultant payments, will be based on the TUCS rate in effect during the temporary appointment.
B. For permanent intercampus transfers, APM 510 applies. The NSC may not be a factor in determining a competing UC offer (see Appendix A in APM 510). If the new campus is participating in the Trial program, the faculty member must negotiate a new proposal with his/her new campus.

VII. Teaching Overload

If any portion of the NSC is based on overload teaching in a self-supporting UC program, the appropriate number of consulting days must be forfeited in accordance with APM 025.

VIII. Proposal Submission Process

A. Deans must provide all eligible faculty, as defined in Section I, with a copy of these governing rules of the NSTP.

B. No later than March 1 of each year, a call will be issued to eligible faculty by their respective Deans regarding the annual negotiation for the coming fiscal year.

C. Prior to submission of a proposal, the faculty member must verify the proposed funding source with the appropriate Fund Manager/Department Business Officer in writing. The Fund Manager/ Business Officer will confirm that the funding source is allowable, available, unencumbered, and that it will remain in place for the entire fiscal year.

D. After funding has been verified by the Fund Manager/ Business Officer, the participating faculty member should submit the NSTP Proposal Form (Attachment A) to her/his Chair, by no later than April 1.

E. Renewals are not automatic. Continuing participating in the NSTP must be renegotiated, evaluated by the Chair and Dean, and approved by the EVCP each year.

IX. Evaluation of Proposals

A. Chairs and Business Officers, in collaboration with other essential UCI personnel will review proposal to ensure that:

1. The requesting faculty member meets the good standing requirements of Section II, C;

2. The TUCS requested is consistent with these rules;

3. Allowable and appropriate resources are available to support the proposal, including the reserve fund requirement, NIH salary cap gap, graduate student support, salary threshold levels, and research equipment.

B. The Chair will review proposals and forward recommended proposals with his or her signature to the Dean by no later than April 15.

C. The Dean will review proposals and forward recommended proposals with her or his signature to the Vice Provost for Academic Personnel (VPAP) by no later than May 1.

D. The VPAP will make a final decision and inform the EVCP and Dean of approved proposals no later than June 1.
E. Upon notification by the VPAP that a proposal has been approved, the Chair will send a salary confirmation letter (Attachment B) to the faculty member confirming the faculty member’s total salary (TUCS plus any additional compensation) for the coming fiscal year. Notification of approved participation will be sent to the faculty member, Dean, Business Office, and appropriate CPO.

F. If the Chair does not recommend a faculty member’s proposal, the following process shall be followed:

1. The Chair should meet with the faculty member within five business (5) days of receipt of the proposal to discuss the relevant concern, and to determine if a mutually agreeable solution can be reached.

2. If the Chair does not recommend a proposal due to insufficient funding, the Chair will inform the Dean and the Dean will review. If the Dean concurs, the Dean will communicate the finding to the faculty member and provide the faculty member an explanation. If the funding requirements can be reached prior to the annual deadlines, a proposal may be resubmitted.

3. If the Chair does not recommend a proposal because the faculty member does not meet the minimum good standing criteria set forth in Section I, C, the Chair will inform the Dean and the Dean will review. If the Dean concurs, the Dean will forward the proposal, the Chair’s assessment, and the Dean’s assessment to the VPAP. Good standing cases will be reviewed by CAP on an accelerated basis, which will provide a recommendation to the VPAP. The VPAP will issue a final decision in writing, within seven (7) days of CAP review.

G. Approved proposals will be documented in writing and signed by the faculty member, Chair, Dean, and VPAP.

X. Financial Responsibility

A. The Dean or her/his designee is responsible for managing funding of the NSTP and will cover a participant’s TUCS for the entire fiscal year period (7/1 to 6/30), even if the faculty member loses funding during the annual negotiated year period.

B. The Dean must establish a reserve fund at a designated percentage rate to ensure coverage of TUCS obligations.

1. The reserve fund will be built via participating faculty members’ supporting part of their base-salary on non-state sources. Faculty members participating in the NSTP may be required to release base-salary equal to a percentage of the NSC, as determined by the Dean for all NSTP participants in the respective School.

2. The reserve fund account minimum balance will be set by the Dean or his/her designee. If accumulations fall below this level, an increase in contribution rates or a transfer of non-state-appropriated general funds will be required to bring the balance to the required level.

3. Use of any reserve fund surplus will be discussed with the School’s Faculty Executive Committee, and approved by the Dean and the EVCP.

4. Reserve fund accumulations and expenditures shall be reported annually to the EVCP, including the consultation that occurred regarding the use of funds.

XI. Reporting to UCOP

The EVCP is responsible for reporting on campus participation in the NSTP to the Systemwide Provost annually.
Attachment A-1

NEGOTIATED SALARY TRIAL PROGRAM
UNIVERSITY OF CALIFORNIA, IRVINE

Draft Trial Compensation Request

Trial Compensation Request

Date: ____________________        FY _______________

Faculty Information

Name:
Employee ID:
Department/School:
Title/Step:
Scale-based salary (including off-scale)
Administrative Stipend (if applicable)

Participation Request

Negotiated Salary Component:
Total Institutional Pay-rate (Scale-based salary + Negotiated Salary Component):
External Fund Sources (for each, identify $ amount, account/fund, and type of funds (e.g., contract/grant)
1.
2.
3.
4.

Contingency Fund Obligation (for each, identify $ amount, account/fund, and type of funds)
1.
2.
3.

Approved Course Load for FY

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Course no.</th>
<th>Course Title</th>
<th>Regular or Overload?</th>
<th>Total # Consulting Days (overload only)</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

CFW 03.12.2013, Page 31 of 123
Faculty Certification

____ I have sufficient, appropriate external funding to cover my salary and contingency fund obligations

____ I will not reduce my teaching, research, service, and graduate support commitments during my participation.

____ I understand that early withdrawal from the program is allowed only upon separation from the University, or as a result of an official disciplinary action.

__________________________________________________________________________  ______________________
Employee Printed Name and Signature                  Date
Requestor’s Name:

**Fund Manager Verification**

____ I have verified that the funds listed in the request are appropriate and sufficient to cover the salary, benefits, and contingency fund obligations, and will be available for use from July 1, 20** to June 30, 20**.

____ I have verified that the funds listed in the request are not appropriate and/or insufficient to cover the salary, benefits, and contingency fund obligations, and will be available for use from July 1, 20** to June 30, 20**.

__________________________________________       ______________________
Fund Manager Printed Name             Date

__________________________________________
Fund Manager Signature

**Department Chair Endorsement**

____ I certify that the following Trial Compensation Program eligibility requirements have been met by the Requestor:

- Advancement in most recent academic review;
- Regularly fulfills all teaching, research, and service obligations; and
- Is in compliance with all applicable University policies, procedures, and training requirements.

____ I certify that the requested salary amount is within the norms of the department/discipline and is consistent with the UCI Negotiated Salary Trial Implementation Plan.

____ I certify that allowable and appropriate resources are available to support the Proposal, and that the Contingency Fund Requirements have been met.

__________________________________________       ______________________
Department Chair Printed Name            Date

__________________________________________
Department Chair Signature

**School/Dean Approval**

I approve the Requestor’s participation in the UCI Trial Compensation Program as follows:

<table>
<thead>
<tr>
<th>Salary Component</th>
<th>Amount</th>
<th>Covered Compensation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scale-based Salary rate</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Negotiated Salary Component</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Total UC Salary rate</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- The Total UC Salary rate will be in effect for the period July 1, 20** to June 30, 20**
- Up to 3/9ths additional summer compensation may be earned based on the Total UC Salary rate, subject to local summer salary policies and procedures. Contract and grant salary caps apply, and may be supplemented up to the
Total UC Salary rate.

- Administrative stipends may be paid in addition to the Total UC Salary rate, in accordance with local policies and procedures.

__________________________________________       ______________________
Dean               Date

__________________________________________
Dean Signature
[Date]

To: [Name of Faculty Member]

From: [Name of Department Chair]

Subject: Salary Confirmation for FY [Insert FY dates, e.g., 2013-2014]

This memo is being provided to confirm your Total UC Salary for the [FY dates] fiscal year.

1. **Scale-Based Salary** [in total dollars, Rank/Step plus Off-Scale, if any – provide base value/year] - $ [amount]

   This value is considered “covered compensation” and is recognized for purposes of determining your UCRP benefit calculations, i.e. retirement, disability, life insurance, health insurance, etc.

2. **Negotiated Salary Component (NSC)** [in total dollars/year] - $ [amount]

   This value is not recognized for benefit calculations.

3. **Total UC Salary** [in total dollars/year; Total Covered Compensation Rate, plus Negotiated Salary Increment]

   Please note that the Negotiated Salary Increment may not be changed due to mid-year salary scale adjustments (e.g. General Range adjustments or Cost-of-living adjustments), or based on receipt of additional contract/grant funds. If your scale-based salary is increased mid-year, i.e., effective October 1 due to a General Range or Cost-of-Living adjustment, the Negotiated Salary Increment will be adjusted **downward**, while the Covered Compensation Rate will **increase**. Your Total UC Salary rate will remain unchanged and in effect for [FY dates].

Should you have any questions about the content of this memo, please contact [Department Contact, including name, phone number and e-mail address].

cc: Executive Vice Chancellor & Provost
    Dean
    Vice Provost, Academic Affairs
    Assistant Dean
    Director of Finance
    CPO
### Attachment C-1

**NEGOTIATED SALARY TRIAL PROGRAM**  
**UNIVERSITY OF CALIFORNIA, IRVINE**

*Draft Approval Process – Approved Proposal*

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsible Party</th>
<th>Deadline for Submission/Response</th>
<th>Next Steps/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Funding Authorization</strong></td>
<td>Business Office</td>
<td>30 days of faculty request</td>
<td>Responsible for resolving any issues with faculty member, providing up-to-date, accurate information, and forwarding response to faculty member and chair</td>
</tr>
<tr>
<td><strong>Proposal Submission</strong></td>
<td>Faculty Member</td>
<td>April 1</td>
<td>Proposal must include written verification of availability of funding.</td>
</tr>
<tr>
<td><strong>Salary Negotiation</strong></td>
<td>Department Chair</td>
<td>Within 15 days of receipt of faculty request, but by no later than April 15</td>
<td>Responsible for negotiating with faculty member, and forwarding endorsement to Dean.</td>
</tr>
<tr>
<td><strong>Dean Review</strong></td>
<td>Dean</td>
<td>Within 14 days of receipt of proposal from Department Chair, but by no later than May 1</td>
<td>Responsible for reviewing proposal, and forwarding endorsement to the Vice Provost for Academic Personnel</td>
</tr>
<tr>
<td><strong>Vice Provost Review</strong></td>
<td>Vice Provost for Academic Personnel</td>
<td>Within 30 days of receipt of Dean’s endorsement, but by no later than June 1</td>
<td>Approve and report action to Dean and EVC; Dean reports approval to Department Chair.</td>
</tr>
<tr>
<td><strong>Approval Notification</strong></td>
<td>Department Chair</td>
<td>Upon receipt of approval from Dean, but by no later than June 15</td>
<td></td>
</tr>
</tbody>
</table>
# NEGOTIATED SALARY TRIAL PROGRAM
UNIVERSITY OF CALIFORNIA, IRVINE

## Draft Proposal Appeal Process

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsible Party</th>
<th>Deadline for Submission/Response</th>
<th>Next Steps/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Authorization</td>
<td>Business Office</td>
<td>30 days of faculty request</td>
<td>Responsible for resolving any issues with faculty member, providing up-to-date, accurate information, and forwarding response to faculty member and chair</td>
</tr>
<tr>
<td>Proposal Submission</td>
<td>Faculty Member</td>
<td>April 1</td>
<td>Proposal must include written verification of availability of funding.</td>
</tr>
<tr>
<td>Proposal Discussion</td>
<td>Department Chair</td>
<td>Within 5 days of receipt of faculty request, but by no later than April 7</td>
<td>Responsible for discussion relevant concern with faculty member, and either (i) resolving concerns or (ii) forwarding to the Dean for additional review</td>
</tr>
<tr>
<td>Dean Review</td>
<td>Dean</td>
<td>As soon as possible upon receipt of proposal from Department Chair</td>
<td>If basis of decision is <strong>insufficient funding</strong>: Dean communicates basis for non-approval to faculty member</td>
</tr>
<tr>
<td>Vice Provost Review</td>
<td>Vice Provost for Academic Personnel</td>
<td>As soon as possible upon receipt of Appeal Package</td>
<td>If basis of decision is that good-standing criteria has not been met, Dean forwards Appeal Package - Chair’s Assessment and Dean’s Assessment to Vice Provost for Academic Personnel for additional review</td>
</tr>
<tr>
<td>CAP Review</td>
<td>Committee on Academic Personnel</td>
<td>Within 14 days of receipt of Appeal Package from VPAP</td>
<td>VPAP forwards final decision to faculty member, with copies to Dean and Department Chair</td>
</tr>
<tr>
<td>Appeal Decision</td>
<td>VPAP</td>
<td>Within 7 days of receipt of CAP recommendation</td>
<td>CAP issues recommendation to VPAP</td>
</tr>
</tbody>
</table>

*If VPAP decision is favorable, Faculty Member may resubmit proposal within deadlines set forth in Attachment C1*
Attachment D

NEGOTIATED SALARY TRIAL PROGRAM
UNIVERSITY OF CALIFORNIA, IRVINE

Draft Implementation Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 15, 2012</td>
<td>Task Force issues final report to UC Provost on Negotiated Salary Plan</td>
</tr>
<tr>
<td>February 5, 2013</td>
<td>Letter from Provost AD to UCI, UCLA and UCSD Chancellors and EVCs regarding moving forward with a trial program at those campuses</td>
</tr>
<tr>
<td>February 22, 2013</td>
<td>UCI EVC/Provost verbally advises Deans of plans to move forward with NSTP at UCI campus.</td>
</tr>
<tr>
<td>March 4, 2013</td>
<td>EVC/Provost forwards formal notification of participation in Trial NSTP to Deans</td>
</tr>
<tr>
<td>March 4, 2013</td>
<td>EVC/Provost forwards Trial Program Document and Draft Implementation Procedures to Divisional Senate for Comment</td>
</tr>
<tr>
<td>March 8, 2013</td>
<td>Deans inform EVC/Provost regarding School implementation plans for FY 2013-14</td>
</tr>
<tr>
<td>March 18, 2013</td>
<td>Divisional Senate response to Draft Implementation Procedures due to EVC/Provost</td>
</tr>
<tr>
<td>March 22, 2013</td>
<td>EVC/Provost finalizes Implementation Procedures</td>
</tr>
<tr>
<td>April-May, 2013</td>
<td>Proposal Review, as outlined in Attachments C-1 and C-2</td>
</tr>
<tr>
<td>June 15, 2013</td>
<td>Cutoff for Proposal Review</td>
</tr>
<tr>
<td>July 1, 2013</td>
<td><strong>Trial program at UCI, UCLA, and UCSD begins</strong></td>
</tr>
<tr>
<td>July 1, 2016</td>
<td>Review of trial program at UCI, UCLA, and UCSD</td>
</tr>
<tr>
<td>July 1, 2017</td>
<td>End date of trial program</td>
</tr>
</tbody>
</table>
Charlene Mandau

From: Luisa Crespo <mcrespo@uci.edu>
Sent: Wednesday, March 06, 2013 9:08 AM
To: Alan Terricciano (UCI); Gopi Meenakshisundaram
Cc: charlene.m@uci.edu; Michelle Aucoin; Mary C. GILLY
Subject: Draft New APM - 430, Visiting Scholars and Other Visitors for FINAL REVIEW
Attachments: Final Review Proposed New APM - 430 Visiting Scholars & Other Visitors.pdf; RLP_Carlson_APM430_FINAL.pdf

GOPI MEENAKSHISUNDARAM, CHAIR
COUNCIL ON FACULTY WELFARE, DIVERSITY, AND ACADEMIC FREEDOM

ALAN TERRICCIANO, CHAIR
COUNCIL ON ACADEMIC PERSONNEL

RE: SYSTEMWIDE REVIEW OF APM 430 (VISITING SCHOLARS AND OTHER VISITORS)

EXPECTED ACADEMIC COUNCIL AGENDA DATE: March 27, 2013

The Academic Council has submitted for Final Review the proposed new APM 430. You reviewed this proposed policy in the fall, Council discussed comments from Senate committees and divisions in December, and formal comments were forwarded to Vice Provost Carlson on December 20 (Bob Powell’s letter and comments attached as a single pdf file). All divisions and the committees on Academic Personnel, Faculty Welfare, and Planning & Budget commented.

In a Final Review of proposed changes to the APM, the administration releases its proposed final version of the policy along with an explanation of what changes have been incorporated as a result of comments received during Systemwide Review. The administration does not anticipate making further changes as a result of Final Review, but this phase of the policy process provides an opportunity to make a record of any remaining concerns that may prompt further review now or in the future. Many Senate agencies elect not to opine in a Final Review, and there is no requirement to do so. For this Final Review, I anticipate that UCFW and UCAP will be most likely to wish to opine again; perhaps some divisions will wish to do so as well.

Please note that the attached pdf file titled “Final Review Proposed New APM – 430” is Vice Provost Carlson’s letter summarizing changes since the last version of the policy was reviewed and explaining the Final Review process. The policy itself is available online at the link provided in Vice Provost Carlson’s email message below.

I would ask that your Councils consider the proposed revisions, and submit your comments to me by March 26. This review is similar to that of APM 700 and is an opportunity to provide any additional comments or concerns that your councils might have. Please note that APM 700 and APM 430 will not be presented at Cabinet due to the short deadline. If you have any questions, please do not hesitate to contact me.

Luisa Crespo | Executive Director, Academic Senate
University of California, Irvine | 307 Aldrich Hall | Irvine, CA 92697-1325
949.824.6727 v | 949.824.2215 f mcrespo@uci.edu
Re: Final Review of Proposed New Policy APM - 430, Visiting Scholars and Other Visitors

Dear Colleagues:

Enclosed for Final Review is proposed new Academic Personnel Manual (APM) Section 430, Visiting Scholars and Other Visitors. The proposal is responsive to campus requests to create a new title to accommodate domestic and international visitors who are students enrolled in universities in the United States and abroad, and academics employed at other institutions who are visiting the University of California for short-term academic or cultural exchange experiences. This draft policy has been reviewed during Management Consultation and Systemwide Review with amended language proposed each time in response to reviewers’ comments.

Following distribution of proposed language, Academic Personnel received a broad set of comments during both Management Consultation and Systemwide Review from campus administration and Senate committees. Respondents generally agreed with the proposed revisions; others offered recommendations to improve the language which are reflected in the revised draft policy.

Newly-proposed language includes the following:

- APM Section 430-0, Policy, describes more fully the purpose for establishing the new policy and title.
- New categories have been added to designate different types of visitors, e.g., Visiting Scholars, Visitor (Graduate Student) or Visitor (Undergraduate).
- Guidance has been added for those seeking the appropriate academic title for individuals who will be employed and compensated by the University of California.
- A specific reference has been added regarding eligibility for reimbursement of business, travel, and insurance expenses.
- Eligibility has been described for supplementary support in the form of per diem allowances or other support to help defray the cost of living, housing, travel, insurance, and incidental research expenses.
- An explicit statement has been added indicating that Visitors are bound by the rules and policies of the University of California.
February 25, 2013

Final review is intended to advise the results of the Systemwide Review and how language has been refined. We do not anticipate substantive revisions during final review. This stage of consultation is intended to resolve prior discussions and to answer remaining questions.

This letter and enclosures anticipate that you will submit comments no later than **Wednesday, March 27, 2013**. Please send comments on the proposed policy to ADV-VPCARLSON-SA@ucop.edu. Questions may be directed to Janet Lockwood at janet.lockwood@ucop.edu or (510) 987-9499.

Sincerely,

[Signature]

Susan L. Carlson
Vice Provost
Academic Personnel

Enclosure:  *Proposed New APM - 430, Visiting Scholars and Other Visitors*

cc:  President Yudof
     Chancellors
     Provost Dorr
     Executive Vice President Brostrom
     Senior Vice President Vacca
     Vice President Beckwith
     Vice President Duckett
     Vice Provosts of Academic Personnel
     Academic Personnel Directors
     Executive Director Fox
     Executive Director Rodrigues
     Executive Director Tanaka
     Executive Director Winnacker
     Deputy General Counsel Birnbaum
     Senior Counsel Van Houten
     Systemwide Policy Director Capell
     Director Jennings
     Director Chester
     Manager Lockwood
     Human Resources Analyst Bello
     Senior Administrative Analyst Rupert
Robert L. Powell
Telephone: (510) 987-0711
Fax: (510) 763-0309
Email: Robert.Powell@ucop.edu

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

December 20, 2012

SUSAN CARLSON
VICE PROVOST, ACADEMIC PERSONNEL

Dear Susan:

As you requested, I distributed the proposed new policy, APM 430 on Visiting Scholars, for systemwide review. All ten divisions and three committees (UCAP, UCFW, UCPB) responded. In general, respondents were supportive, although there was a diversity of opinion within divisions, and several divisions noted that many campuses already have titles that accommodate such visitors. UCFW opposed adoption of the revisions. I have enclosed all of the responses, and highlight a few of the comments, below.

- Some faculty expressed concern that the APM should be reserved for policies governing employees (UCLA).
- The provision for undergraduates should be removed and a distinction should be made between visiting scholars and visiting students (UCSB).
- The APM should either specify what University resources will be made available to Visiting Scholars or expressly direct the campuses to develop local policies regarding access to University resources (UCR, UCSB, UCSC, UCSF).
- The requirement that the Visiting Scholar be affiliated with an outside institution or agency might also be overly restrictive as it would exclude some very desirable Visitors, such as some McArthur Fellowship recipients (UCR, UCSB). Perhaps, instead, the sponsor should be required to justify the appointment of a Visiting Scholar in terms of academic training and/or experience and expertise in a particular field (UCSD, UCSF, UCFW).
- Some mechanism for broader faculty oversight of the appointment process should be devised in order to serve as a check on the conveyance of the title in inappropriate ways and to ensure that it is not granted at the discretion of an individual faculty member (UCSB, UCFW).
- The APM should clarify that not everyone who is visiting a UC campus as a researcher/scholar needs such a title classification and official authorization (UCSB).
- The 12-month maximum is restrictive; a process for extending the appointment should be clarified (UCSB).
- UCLA has recently issued a Visiting Graduate Researcher policy and is gathering data on the experience of graduate researchers that may be able to inform systemwide policy.

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

Robert L. Powell, Chair
Academic Council

Cc: Academic Council
    Martha Winnacker, Senate Executive Director
December 3, 2012

ROBERT POWELL  
Chair, Academic Council

Subject: Proposed APM 430 (Visiting scholars)

Dear Bob,

On November 5, 2012, the Divisional Council of the Berkeley Division discussed proposed academic personnel policy, APM 430, governing visiting scholars, informed by reports of our divisional committees on Budget and Interdepartmental Relations, Educational Policy, Faculty Welfare, and Graduate Council. We have no objections to the proposed policy.

Sincerely,

Christina Maslach  
Chair, Berkeley Division of the Academic Senate  
Professor of Psychology

Cc: Shannon Jackson, Chair, Committee on Budget and Interdepartmental Relations  
Ronald Cohen, Chair, Committee on Educational Policy  
Calvin Moore, Chair, Committee on Faculty Welfare  
Mark Stacey, Chair, Graduate Council  
Martha Winnacker, Executive Director, Academic Senate  
Linda Song, Berkeley Division Associate Director staffing Graduate Council  
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations  
Linda Corley, Senate Analyst, Committee on Educational Policy
December 11, 2011

ROBERT L. POWELL, CHAIR
University of California
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: APM 430 – Visiting Scholars Proposed New Policy

The proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees within the schools and colleges for comment. Responses were received from the CAP Oversight Committee, Faculty Welfare, Graduate Council – Academic Planning and Development Committee, and Committee on Research.

The Davis Division has reviewed and supports the proposed APM 430 to create a position for visiting scholars at the University of California. No concerns were identified, and Division currently has no comments or recommendations to offer for consideration.

Sincerely,

Bruno Nachtergaele, Chair
Davis Division of the Academic Senate
Professor: Mathematics
Robert Powell, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review of Proposed APM 430: Draft Policy on Visiting Scholars

At its meeting of December 4, 2012, the Irvine Division Academic Senate reviewed the proposed new policy, APM 430: Visiting Scholars. The following Councils commented on the proposal.

Council on Faculty Welfare, Diversity, and Academic Freedom (CFW)
Members found the proposal to be reasonable, noting it decreases overall liability for the University produced by departments that have in the past been forced to create academic titles for visiting scholars. The Council unanimously endorsed the proposal and recommends its implementation. However, the Council also raised the issue of clarifying the protections extended to visiting scholars as noted by the Council on Academic Personnel.

Council on Academic Personnel (CAP)

It appears that the new title simplifies the process currently used by departments and administrative offices for visiting faculty and students who do not receive compensation. However, it is not clear from the text of the new policy, whether the Visiting Scholars and the University would have the same protections (e.g., in the event of an injury) as the existing titles offer. Other than this last observation, CAP members had no objections to the proposed new APM-430.

The Irvine Division appreciates the opportunity to comment.
Mary C. Gilly, Senate Chair

C: Martha Kendall Winnacker, Executive Director, Academic Senate
November 29, 2012

Robert Powell  
Chair, Academic Council

Re: APM 430 Proposal

Dear Bob,

Thank you for the opportunity to review and opine upon the proposed APM 430. I requested review from the Council on Planning and Budget, the Council on Research, the Graduate Council, the Undergraduate Council, and the Faculty Executive Committees. I have attached their responses, for your information.

UCLA is not opposed to the proposal in principle, but cannot support it in its current form. Chief among our concerns are the following:

1. No compelling rationale for the creation of the policy was articulated. Existing policies and practices at UCLA appear to be adequate for regulating both visiting students and academic personnel. We are not aware of any compelling difficulties being addressed by the creation of the APM 430, and are therefore reluctant to endorse it.

2. The draft policy requires a statement that it does not supersede campus policies. UCLA has a well articulated Visiting Graduate Researcher policy (see attached). The policy is in a three year pilot period and is enabling us to gather important data on visiting graduate researchers, applicable fees, and the like. It may well be that UCLA will have a policy that can inform the formation of a systemwide policy on the matter.

3. Faculty are concerned that the APM is being modified to regulate non-employees in the UC. It strikes us that the APM is best reserved for policies governing employees.

Thank you again for the opportunity to review this proposed policy. We would be happy to review it again, when these important concerns have been addressed.

Sincerely,

Linda Sarna  
Chair, UCLA Academic Senate

Cc: Carole Goldberg, Vice Chancellor, UCLA Academic Personnel  
Martha Winnacker, Executive Director, Academic Senate  
Jaime R. Balboa, Chief Administrative Officer, UCLA Academic Senate
Deans, Directors, Department Chairs, and Senate Faculty:

I am pleased to announce a new campus policy for Visiting Graduate Researchers (VGRs). The Graduate Council, Deans’ Council and EVC/Provost have endorsed implementing this policy as a four-year pilot program. As part of this policy, VGR appointments will be made through the Graduate Division, rather than the International Education Office, beginning July 23, 2012 for visits that will commence on or after September 24, 2012.

The VGR policy applies to individuals, both domestic and international, who are enrolled as degree-seeking graduate students at their home institutions and who are invited to conduct short-term doctoral research or participate in a "prescribed course of study" such as a mentored or independent research project or master’s research collaborations with a faculty member at UCLA. The initial VGR appointment can range from 3 weeks to 12 months; the maximum stay is 24 months.

The posted chart describes the elements of the VGR program, along with the existing No Degree Objective (NDO) mechanism for visiting students. For the fee schedule, please visit here. The schedule includes specific fees that were approved by the Office of Academic Planning and Budget and vetted by the Graduate Council and Deans’ Council. At the Provost’s direction, it also includes a VGR supplemental fee of $535 per quarter. Taken together, the total fees for an international student visiting for 12 months in 2012-13 will be the same as they were in 2011-12. Please note that students whose current health insurance does not meet the UCLA minimum coverage requirements will need to purchase the supplemental health insurance.

Key features of the VGR policy:

- Allows a VGR to conduct research at UCLA for a minimum of three weeks to a maximum of two years. The initial appointment would be for up to one year and could be renewed through the Graduate Division for a second year contingent on approval by the mentor and the availability of appropriate resources.

- Requires the faculty mentor, host department and the Graduate Division, in coordination with Dashew Center for International Students and Scholars or other appropriate campus visa office, to vet the VGR appointment.

- Requires faculty mentors to be members of the Academic Senate, i.e., eligible to mentor doctoral students.

- Places no specific limit on the number of VGRs a faculty member can sponsor at one time. Department chairs are empowered to decline to authorize appointments if they have concerns.

- Allows the VGR to receive fellowship stipends from UCLA funding sources or engage in up to 20 hours of employment at UCLA (50% work appointment in specific title codes such as a Staff Research Associate) subject to visa limitations.

- Enables VGRs to enroll in UNEX courses or UCLA courses via concurrent enrollment (which requires faculty permission to enroll) at existing fee-per-unit rates.

- Provides the VGR with a BruinCard, UID, BOL account, and library access (fees to be paid by the student, faculty mentor or host department).
- Requires the VGR to have health benefits coverage through the Visiting Scholar Injury and Sickness Insurance Plan (VSISP). The VGR can opt out if he or she can demonstrate equivalency of coverage.

- Requires the VGR to comply with relevant campus policies including intellectual property, and lab safety training.

The Graduate Division will begin to accept VGR appointment requests on July 23, 2012. For information about the application process and requirements, please visit here. Individual faculty who would like to host a visitor but who have concerns about their or their visitor’s ability to pay the required fees should contact their school or divisional dean, who will work with me to identify appropriate resources.

Sincerely,

Robin L. Garrell
Vice Provost for Graduate Education
Dean, Graduate Division
November 14, 2012

Professor Linda Sarna
Chair, UCLA Academic Senate

Re: Proposed New Policy, APM 430, Visiting Scholars: Council on Planning and Budget Response

Dear Professor Sarna,

The Council on Planning and Budget (CPB) discussed the proposed APM 430, Visiting Scholar Policy, at our meeting of October 22, 2012. No clear statement was presented of the problem that this APM was designed to solve or respond to, other than being “responsive to campus requests”.

Since a number of CPB members have routinely utilized a title of Visiting Scholar for appointments of visiting faculty for terms typically one year or less, it was not clear to the Council that a new APM was necessary for this constituency. In fact, we currently are able to request an appointment of up to two years for visiting scholars, and the proposed APM would be more restrictive, limiting the appointment to one year. The inclusion of students in the policy also appears to create a potential for circumventing enrollment of students to avoid some costs associated with the existing policy on Visiting Graduate Researchers. The Council expressed concern that the utilization of an appointment category for visiting students that precluded compensation from the University of California may contribute to reduced diversity and access, as the student or sponsoring University would have to provide full support for the term of the visit. Since this may not be a significant issue for visiting faculty, treating students and faculty equally in the single APM is unwise.

In summary, CPB does not see a clearly defined and valid rationale for creating an APM for Visiting Scholars, particularly one that simultaneously attempts to include both students and faculty. Existing policies and practices at UCLA appear to be adequate for appointing visiting students and faculty, and we are not aware of any difficulties being expressed by UCLA faculty that would be mitigated by the proposed APM 430.

Sincerely,

Neal Garrett
Chair, Council on Planning and Budget

cc: Jan Reiff, Vice Chair, Academic Senate
    Andy Leuchter, Immediate Past Chair, Academic Senate
    Jaime Balboa, Chief Administrative Officer, Academic Senate
    Linda Mohr, Assistant Chief Administrative Officer, Academic Senate
    Members of the Council on Planning and Budget
The Council on Research has considered the proposed system-wide APM 430, a policy that would “create a new title to accommodate domestic and international visitors who are students enrolled in universities in the United States and abroad, or academics employed at institutions visiting the University of California for a short-term academic or cultural exchange experience.”

In its broadest formulation, COR supports this initiative, and believes that the flexibility for short-term visitors encapsulated in this proposal is one that helps foster the type of research environment that we support here at UCLA. We believe that this title will be particularly useful to various units on campus that hold short-term workshops, such as the Institute for Pure and Applied Mathematics, that have their own rigorous review process and regulations concerning participation. As this title augments, rather than replaces, the existing campus options for visitors, we believe that this increased flexibility is a positive addition as we move to support complex research projects here on campus.

That said, COR also recognizes that APM 430 raises a possible conflict with a pre-existing local policy governing Visiting Graduate Researchers. Although we largely support the VGR policy as an important and necessary control protecting the rights and responsibilities of visiting graduate researchers, it has been brought to our attention that the VGR policy can saddle attendees at short term workshops with high fees that may not be appropriate for their stay (e.g. a health services fee for a student at another university campus who has health insurance may not be appropriate for an attendee at a three week workshop). The VGR policy also has fairly onerous restrictions concerning IP agreements that may dissuade potential graduate students from participating in these educational opportunities. Several members of council pointed out that PI’s might be very reluctant to allow their graduate students to attend workshops at UCLA if their status required such an IP agreement. Currently, sponsors of short-term projects or workshops must seek individual exemptions from the VGR policy to avoid duplicate work, unnecessary fees, and/or onerous IP agreements. We believe that the adaptation of the APM 430 policy, with its flexible “Visiting Scholars” title, may help alleviate some of this burden.
To: Linda Sarna, Chair/Academic Senate

From: Joseph Nagy, Chair/Graduate Council

Date: November 15, 2012

Re: Senate Item for Review – Proposed New APM 430, Visiting Scholars

At its meetings on October 12 and November 9, 2012, the Graduate Council reviewed the proposed new policy for visiting scholars (APM 430) as distributed by UC Vice Provost for Academic Personnel Susan Carlson. Despite our lengthy discussions, no vote was taken, given the general confusion about the origins of the proposed policy and its impact on existing policies for “visiting” categories at UCLA. With this response, I register the Council’s general consensus that: 1) the policy as proposed is much too vague and all-encompassing to serve the UCLA campus well; and 2) its restrictive conditions that prohibit compensation and limit visits to more than one year will likely not serve other UC campuses well either.

The distribution of this newly proposed policy immediately following our own Division’s implementation (as a three-year pilot program) of an even more elaborate and granular policy caused significant confusion and skepticism. Given our existing categories of “Visiting Scholar,” “Visiting Graduate Researcher,” and “Visiting Undergraduate Students” (as overseen by the office of the UCLA Vice Chancellor for Research), the proposed one-size-fits-all APM 430 confuses matters in regard to the different types of “academic visitors” that may come to a UC campus, as well as in regard to their varying needs for campus services and privileges.

Much of the confusion centers on the potential implementation of this policy and whether it would be mandatory or optional at each campus. Could, for example, faculty who wish to sponsor a student and not pay the associated fees to appoint them as a VGR opt to appoint the student as an APM 430 Visiting Scholar, understanding that the visiting student would not be eligible for any form of compensation and would be restricted to an appointment of no more than twelve months? Will the Division provide guidance on this matter if the policy is approved and implemented at UCLA? Or would it require the elimination of existing “visiting” categories, for which administrative frameworks already exist? Would such an action be operationally efficient and meet the needs of every campus in the UC system?

At the very least, members felt that a preamble should be added to the policy to clarify its intent, how far-reaching it is, and to what extent campuses with existing definitions and corresponding categories are bound by it. Additionally, given the consensus that the policy is much too broad, members endorsed a recommendation to refine it and make distinctions between current degree-candidates and advanced scholars who have already received a terminal degree. For lack of any background information, members could only surmise that the intent of the policy was to create a broad definition for campuses
without existing frameworks for accommodating “visiting scholars,” but its very breadth will ultimately serve to complicate matters when those campuses are confronted with questions about compensation and extended durations of a visiting scholar’s stay at the University. Hence members of the Graduate Council cannot endorse the proposed policy in its current form.

Thank you for the opportunity to opine on this important matter.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
    Linda Mohr, Assistant CAO, Academic Senate
    Kyle Cunningham, Policy Analyst, Graduate Council
    Dorothy Ayer, Policy Analyst, Academic Senate
November 16, 2012

To: Professor Linda Sarna, Chair
   Academic Senate

From: Professor Troy Carter, Chair
      Undergraduate Council

Re: Undergraduate Council Response to Proposed New Policy APM 430: Visiting Scholars

On behalf of the Undergraduate Council, I would like to thank you for the opportunity to review and opine on the proposed new policy, APM 430: Visiting Scholars. The Council thoroughly reviewed and discussed the proposal at its October 19, 2012 meeting. While the Council decided to raise no objections to the proposal, our discussion noted the following concerns:

- Although the policy does not address this fee, Council members are aware of a $3,000 fee paid by Visiting Scholars at UCLA. Perhaps the policy should indicate that fees may be collected from visitors carrying this status. It is also not clear to the membership how this fee is determined or how the funds are allocated.

- Members are concerned that section 430-18b of the policy, which requires visiting scholars to be self-funded, could potentially limit the number of visiting scholars from developing countries. This may have long-term implications in regards to the diversity of visiting scholars. Allowing for a mix of funding – partial from home institution or country, with some support from the University of California – might be warranted.

If you have any questions, please contact me (x54770; tcarter@physics.ucla.edu) or Academic Senate Policy Analyst Melissa Spagnuolo (x51194; mspagnuolo@senate.ucla.edu).

cc: Dorothy Ayer, Policy Analyst, Academic Senate
    Jaime Balboa, Chief Administrative Officer, Academic Senate
    Linda Mohr, Assistant Chief Administrative Officer, Academic Senate
    Melissa Spagnuolo, Principal Policy Analyst, Academic Senate
To: Linda Sarna, Chair, UCLA Academic Senate

Fr: Michael Meranze, Chair, College Faculty Executive Committee

Date: November 13, 2012

Re: College FEC response to the proposed creation of APM 430 (Visiting Scholars) and revisions to APM 700 (Leaves of Absence)

The College FEC appreciates the opportunity to review and opine on the creation of section 430 (Visiting Scholars) and the proposed revisions to section 700 (Leaves of Absence) of the Academic Personnel Manual. We discussed the proposals at our November 9, 2012 meeting, and I recount here a brief summary of the points that were made during that discussion:

1. **APM 430:*** Members generally agreed on the importance of creating a formal system that can accommodate visiting scholars on UC campuses; however, the APM is reserved for policies that pertain to the employment relationship between academic appointees and the University of California. APM 430's explicit statement that Visiting Scholars are not academic employees of the University suggests the policy does not belong in the APM.

2. **APM 700:*** A concern was raised about the adoption of the phrase "absence from duty," which suggests the absence of a work product (e.g. teaching, research, service). We believe the APM should include a definition of "absence from duty" in the same manner that "leaves of absence" are defined in 700-8.

3. **APM 700:*** Members were concerned about the proposed 30 day trigger. It is more conventional in employment matters such as these to allow 90 to 180 days before the process begins. The FEC could imagine various scenarios where a 30 day trigger might lead to a premature start of the process. Given that once the process is started, the burden falls on the faculty member to prove that s/he has not resigned, this short trigger seems unjustified.

4. **APM 700:*** While members were not necessarily opposed to the remedies proposed under APM 700, several wondered whether there was a genuine need for such a policy and why other provisions in the APM (e.g. APM 016: University Policy on Faculty Conduct and the Administration of Discipline, or APM 075: Termination for Incompetent Performance) could not be used to handle situations where academic appointees abandon their teaching, research, or service responsibilities.

As always, our membership appreciates the consultative process and welcomes the opportunity to opine on important matters like this. You are welcome to contact me at meranze@history.ucla.edu with questions. Kyle Stewart McJunkin, Academic Administrator, is also available to assist you and he can be reached at (310) 825-3223 or kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Lucy Blackmar, Interim Associate College Dean, College of Letters and Science
Dear Jaime,

Visiting Scholars

GSEIS’s FEC saw no particular impact from the changes proposed in the Visiting Scholars program.
RESPONSE OF THE HSSEAS FEC TO THE PROPOSED NEW UC APM 430

Date: November 14, 2012

To: Linda Sarna
Chair, UCLA Academic Senate

From: Alan Laub
Chair, Faculty Executive Committee
UCLA Henry Samueli School of Engineering and Applied Science

Re: Assessment of the proposed APM 430 on Visiting Scholars

The UCLA SEAS FEC has considered the proposed new policy on UC Visiting Scholars, documented as APM 430 and available at http://fec.ea.ucla.edu/f12_fec_documents-jan_joet/Transmittal%20Letter%20for%20Proposed%20New%20Policy%20APM%20430%20Visiting%20Scholars.pdf. We offer the following commentary.

The SEAS FEC appreciates the development of this new UC title and policy, designed “to accommodate domestic and international visitors who are students enrolled in universities in the United States and abroad, and academics employed at other institutions who are visiting the University of California for short-term academic or cultural exchange experiences.” The SEAS FEC agrees with the constraints on such visitors described in this new policy, i.e., the time limit for visitation of 12 months (with the possibility of extension by exception), that visitors be ineligible for compensation from the University of California, and that they may be eligible for reimbursement of business and travel expenses.

We believe that this policy is fair and appropriate, especially for the increasing numbers of graduate students from other institutions who wish to visit UC campuses to perform research for a short duration. The prohibition on compensation for these visitors from UC sources is entirely appropriate in that it will avoid the potential for disadvantaging our own UC graduate students, who necessarily must have their tuition and benefits covered, in addition to salary. We do not want to make employment of visiting students so financially attractive to faculty and/or departments as to limit opportunities for our own graduate students. It is also important, of course, to verify that these visiting students have sufficient support for their stay at the campus.

We do note, however, that some campuses such as ours impose fees to cover necessary campus staff time, etc., that are associated with processing paperwork and otherwise accommodating such visiting students (see...
http://www.gdnet.ucla.edu/gss/postdoc/vgrfees.htm, for example). If these visitors do not have funds to cover these fees, one might consider allowing the ability for research grant funds, for example, to cover these fees.
Dear Jaime:

The School of Arts and Architecture Faculty Executive Committee welcomes the opportunity to opine on APM 430 Visiting Scholars Policy. The SOAA FEC endorses the proposed changes with revisions.

While SOAA FEC recognizes the need for clarity and specificity regarding visiting scholars versus other academic positions, such as those funded by the university, the current wording is ambiguous. It appears to apply to all academic visitors, from undergraduate students to visiting faculty. We would therefore request that the policy be clearer in its definition of the term ‘scholars.’ In addition, it appears unclear from the documentation how the title of visiting scholar is conferred. We would urge greater clarity in the policy regarding the process through which a visiting academic receives the title visiting scholar.

Thank you for the opportunity to opine on APM 430.

Best Regards,

Janet O’Shea
Chair, SOAA FEC
UCLA SCHOOL OF THEATER, FILM, AND TELEVISION

FACULTY EXECUTIVE COMMITTEE

S.I. Salamensky, Chair (ss@tft.ucla.edu)

REPORT TO THE ACADEMIC SENATE, NOVEMBER 9, 2012:

Proposal Paper: APM 430, Visiting Scholars

Response: We endorse this initiative.
December 7, 2012

ACADEMIC COUNCIL CHAIR POWELL

RE: Merced Division Comments on the Proposed New Policy APM - 430, Visiting Scholars

Three standing committees of the Merced Division reviewed the proposed new policy, APM -430. The Division Council reviewed the committees’ responses and discussed the proposed revisions at its December 6 meeting.

Two committees (Committee on Academic Personnel and Graduate and Research Council) supported the proposed new policy as presented. The Faculty Welfare Committee commented that the proposed policy lacked detail regarding the criteria for appointment of a Visiting Scholar and faculty involvement in the appointment process. Presumably, the policy for appointment at each campus would supply these specific details, as indicated by 430-24(b). Division Council thought that the policy was appropriate and would provide guidance for campus-specific implementation.

Sincerely,

Peggy O’Day
Chair, Merced Division of the Academic Senate

cc: Executive Director Winnacker
Division Council
Senate Office

Encl. (5)
Date: November 8, 2012
To: Peggy O’Day, Chair, Division Council (DivCo)
From: Raymond Gibbs, Chair, Committee on Academic Personnel (CAP)
Re: Proposed APM 430 (Visiting Scholars)

CAP has reviewed and approves of the proposed changes to APM 430 on “Visiting Scholars.”

CC: CAP
DivCo
Faculty Welfare welcomes the notion of a uniform policy for Visiting Scholars. In reviewing the proposed APM 430, however, FW was concerned with the general lack of prescribed faculty oversight in the process, especially since the minimum criteria for becoming a Visiting Scholar are relatively slim. What if, for example, a large individual donor to the university or an influential politician asked to be appointed as a Visiting Scholar as a condition of their largess? Would the faculty have the ability to vet this person to ensure that their appointment was in keeping with the UC’s mission of scholarly and educational excellence? The language in the proposed draft of APM 430 is vague enough on the issue of faculty oversight to raise troubling questions and we urge that it be revised to be more explicit on this point.

CC: DivCo
    FW
November 6, 2012

To: Peggy O’Day, Senate Chair

From: Valerie Leppert, Chair, Graduate and Research Council (GRC)

Re: GRC response to Proposed New Policy APM-430, Visiting Scholars

GRC has reviewed the proposed new Systemwide policy APM-430, Visiting Scholars. The committee has no objections or additional comments to the proposed policy that accommodates students and academics visiting the University of California.

CC: Graduate Research Council
Division Council
Academic Senate Office
November 26, 2012

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

Dear Bob:


The Executive Council reviewed the proposed APM 430 addition to the Academic Personnel Manual; the committees on Academic Personnel, Graduate Council, International Education, and Research also commented on the proposal. The responses were all positive and we recommend adoption with two proposed changes:

1. The limitation of the appointment to one year (430-20.a) is overly restrictive; we suggest allowing the possibility to renew the appointment, contingent, of course, on approval by the authority in charge.

2. The requirement that the Visiting Scholar be affiliated with an outside institution or agency might also be overly restrictive as it would exclude some very desirable Visitors, such as some McArthur Fellowship recipients. We suggest language be added to include these cases.

In addition, it would be useful to specify whether the appointees would be able to receive housing assistance and to indicate the campus services Visitors would have access to (library, network, etc.)

Sincerely yours,  
Jose Wudka  
Professor of Physics & Astronomy and Chair of the Riverside Division

CC: Martha Kendall Winnacker, Executive Director of the Academic Senate  
Cynthia Palmer, Director of UCR Academic Senate office
September 26, 2012

To: Jose Wudka, Chair
Riverside Division of the Academic Senate

From: Sarjeet Gill, Chair
Committee on Academic Personnel

Re: Systemwide Review of Proposed New Policy - APM 430, Visiting Scholars

On September 24, 2012, CAP voted unanimously to approve APM 430 - Visiting Scholars (+10-0-0). In addition, CAP suggests that appointment of Visiting Scholars be delegated to the Deans.
November 2, 2012

To: Jose Wudka, Chair  
Riverside Division

From: Connie Nugent, Chair  
Graduate Council

Re: SYSTEMWIDE REVIEW OF PROPOSED NEW POLICY – APM 430, VISITING SCHOLARS

Graduate Council discussed APM 430 at its October 18, 2012 meeting and agreed that it clarifies issues surrounding the visiting scholar title. Visiting Scholars play an important role in spreading the impact of UCR internationally. This policy was considered to be beneficial to both UCR and to the scholar. One question the committee raised is whether housing assistance for Visiting Scholars would be permissible under this policy.
To: Jose Wudka, Chair  
Academic Senate, Riverside Division

From: Lucille Chia, Chair  
International Education

Re: Comments from IEC on the APM 430 Review

The Committee on International Education has reviewed the APM 430 Review (allowing for appointments of students and academics as Visiting Scholars) document and is in support of the policy. The committee’s comments in support of APM 430 are as follows:

The new academic title makes sense. A committee member provided the example of losing a visiting scientist who had support from his government to come to UCR for a research leave. However, the visiting scientist’s stipend was below the UC pay scale for a postdoc and UC required that a large supplement from grant funds be provided, which was not available using the current available grants at that time. Even after the visiting scientist offered to set up an account to support himself from personal funds, he still was unable to come to UCR because postdocs cannot be self-supported according to UC rules. The new category proposed here eliminates this problem by creating a nonpaid category for visiting scholars who are self-supported or who come here with support from their own government or university.

One committee member who supported APM 430 did question if the policy will come with the same privileges such as library access, ID card, and network ID as other titles have access to.

As chair of the committee, I support the new policy, since it provides greater flexibility, which is much needed, in welcoming students and post-docs from abroad to come to UCR, who otherwise may encounter regulations that do not allow them to come.
November 13, 2012

To: Jose Wudka, Chair
   Riverside Division

Fr: Len Nunney, Chair
    Research

Re: APM 430, Visiting Scholars

   The Committee on Research discussed APM 430 pertaining to Visiting Scholars. There was strong support for having such a title, and the committee's only major concern was that its use should not be restricted by a narrow interpretation of a scholar’s need to be "affiliated" with an outside institution or agency. The committee felt that if a scholar is being supported by a scholarly agency (e.g. the MacArthur Foundation), they should be permitted to come to UCR even though they may not be strictly "affiliated". The committee suggests explicitly broadening the definition to include scholarly funding.
December 7, 2012

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

Subject: Proposed New Policy, APM 430, Visiting Scholars

Dear Bob,

The proposed new policy APM 430, Visiting Scholars was sent to the appropriate Divisional committees for comment; the Senate Council discussed the proposal on December 3, 2012.

Most reviewers endorsed the policy as proposed. Two changes were suggested: first, that the policy explicitly require the sponsor to justify the appointment of a Visiting Scholar on academic training grounds and, second, that the phrase “…authority and procedures to appoint and reappoint…” in APM 430-24b be changed to “…authority and procedures to appoint, reappoint, and remove…”

Sincerely,

T. Guy Masters, Chair  
Academic Senate, San Diego Division

cc: Divisional Vice Chair Pogliano  
Executive Director Winnacker
November 13, 2012

Robert Powell, Chair
Academic Council

Re: Proposed New Policy APM-430, Visiting Scholars

Dear Bob,

The UC Santa Cruz Division has reviewed and discussed the proposed new policy APM-430, Visiting Scholars. Our Committees on Academic Personnel (CAP), Privilege and Tenure (P&T) and Research (COR) as well as our Graduate Council (GC) have generally responded in support of the creation of the new title but have one principle concern regarding the wording of the new policy.

The policy is unclear about what privileges Visiting Scholars will have for the use of University resources. Our committees feel that either these privileges should be clarified in the wording of APM-430 or the campuses should be asked to develop specific policies for this.

While UCSC supports the intent of the proposed new policy, we respectfully suggest more clarity in this one area described above before it is formally adopted.

Sincerely,

Joe Konopelski, Chair
Academic Senate
Santa Cruz Division

CC: Pamela Peterson, AVC
    Christina Ravelo, CAP Chair
    Bruce Schumm, GC Chair
    Lynn Westerkamp, CPB Chair
    Scott Oliver, COR Chair
    Onuttom Narayan, P&T Chair
December 10, 2012

Robert Powell, PhD
Chair, Academic Council
Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
senatereview@ucop.edu

Re: Proposed New Policy APM 430 Visiting Scholars

Dear Chair Powell:

The San Francisco Division of the University of California Academic Senate has reviewed the proposal for APM 430 Visiting Scholars. We received comments from the Committee on Faculty Welfare as well as from the four School Faculty Councils which include Dentistry, Medicine, Nursing and Pharmacy). Those who responded from the San Francisco Division did not raise any issues with the proposed new policy.

Furthermore, we support the recommendations submitted by UCSF Vice Provost for Academic Affairs, Sally Marshall, which include the following recommended changes (in italics):

430-4 Definition
Recommend adding the following line to the definition:

Participates in one-time accredited UC continuing education activities are exempted from this definition.

430-10 Criteria for Appointment
Visiting Scholars will possess:
1) a baccalaureate degree; or
2) equivalent; or
3) recognized expertise in a field.

#2 “equivalent” should be part of the previous line which refers to a baccalaureate degree, rather than a separate category.

430-20 Conditions of Appointment
e. Visiting Scholars may be eligible for reimbursement of business and travel expenses. A reimbursable expense is an expense incurred which is related to activities that contribute to any one of the University’s major functions of teaching, research, patient care, or public service.

Propose that the policy be amended as follows:
e. Visiting Scholars may be eligible for reimbursement of business and travel expenses, as well as health insurance and/or malpractice insurance if appropriate or required.

We appreciate the opportunity to review the proposed policy.

Sincerely,

Robert Newcomer, PhD
Chair, UCSF Academic Senate
December 5, 2012

Robert Powell, Chair
Academic Senate

RE: Proposed APM 430: Visiting Scholars

Dear Bob,

The proposal for APM 430 regarding Visiting Scholars was reviewed by several groups at the Santa Barbara Division, including: Committee on Academic Personnel (CAP), Committee on International Education (CIE), Council on Faculty Issues and Awards (CFIA), Graduate Council (GC), Council on Planning and Budget (CPB), Council on Research and Instructional Resources (CRIR) and the Faculty Executive Committees from the College of Letters and Science, the College of Engineering, the College of Creative Studies, Bren School of Environmental Science and Management, and the Gevirtz Graduate School of Education. The campus review has produced a mixed response.

Several groups stated that they were supportive of the concept and of the language of APM 430 as proposed (CRIR, CPB, CAP, FEC-Bren, FEC-CCS). They see the proposal as a useful tool for scholars who visit the campus. The L&S FEC endorsed the proposed APM with the understanding that some compensated scholars and researchers can be brought to the campus under other, existing policies. Both the Education FEC and CIE suggest that wording should be added that would allow for the payment of an honorarium for a colloquium or departmental talk, in light of how frequently this kind of event occurs.

Graduate Council was unequivocal. It does not endorse the proposed language in APM 430, and argues that the policy is poorly conceived, incomplete and unnecessary. They suggest that there are existing mechanisms in place to bring scholars to campus and that the proposed policy is overly restrictive in two ways: firstly, it narrows the definition of visiting scholars and, secondly, it is concerned that the lack of remuneration may create negative impacts on graduate students. Some of their concerns are echoed in the comments from other groups.

Other groups stated they were generally supportive of the concept and the proposed language, but offered hesitations about APM 430. CIE notes “that the policy specifies a maximum length of time for a visitor (12 months, but typically less than 6 months), but it does not mention a minimum stay. The committee is concerned that the policy may inadvertently create a burdensome bureaucratic framework whereby anyone who is a scholar who is visiting campus would be considered a “visiting scholar” and require to jump additional authorization hurdles. Such hurdles would have a detrimental effect on various University units and research centers that host a large number of visitors per year (e.g. the Kavli Institute for Theoretical Physics, KITP at UCSB).” The Engineering
FEC felt that the one-year time frame for appointments is restrictive, since many research projects that involve visiting scholars continue for longer than 12 months. In addition, the FEC recommends that a defined process for approving extensions to these appointments will need to be clarified.

CIE also states that “The definition of visiting scholar is overly broad, but the text also implies elsewhere that the designation of a “visiting scholar” is a title conferred on an individual by a university official. It should be clear that not everyone who is visiting a UC campus as a researcher/scholar needs such a title classification and official authorization, unless they need to gain some privilege of such a title. CIE suggests that the APM 430 text should reflect that intention, and not lead to a blanket bureaucracy that interferes with the regular operations of departments and units across the UC campuses. CIE also points out that there are often well established procedures to reimburse visitors for travel expenses to give a talk, or to collaborate on a scholarly research activity.” Finally, CIE states that the proposed APM language regarding the University reserving “the right to withdraw the privileges” of such an appointment is not helpful, as there is no language that specifies what those privileges might be. They recommend that there needs to be more specificity about what the privileges might be, and these should be included in the proposed language.

Both CIE and CFIA recommend that the language regarding appointment authority should be made more explicit. CIE states that “such authority should rest with the appropriate department / program chair, institute director, program head, or dean. A visiting scholar appointment should not be at the discretion of an individual faculty member who is inviting a visitor to campus, without the approval of their department.” CFIA suggests that an academic unit be the sponsoring group on a campus.

CFIA notes that there is a “discrepancy between this description and the actual policy, which in CFIA’s estimate is overly broad and non-specific. First, there should be a distinction between visiting students and visiting scholars. Council suggests the removal of the following sentence: “Undergraduate students may be sponsored as well at the discretion of the host campus.” In addition, CFIA is concerned about the vagueness of the criteria for defining a visiting scholar as listed in the policy. For example, CFIA suggests that the policy should also include “professionals (non-academics) who have a specific expertise in their field who may also be considered “visiting scholars.”

Finally, the Engineering FEC suggests that it would be helpful if clarification were provided to distinguish this new title in relation to the existing Specialist Series, beyond the salary implications.

As you may see, there is a wide range of views on APM 430 from the UCSB Division.

Thank you for the opportunity to comment.

Sincerely,

Kum-Kum Bhavnani, Chair
Santa Barbara Division
November 13, 2012

BOB POWELL, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED REVISIONS TO APM 430

Dear Bob,

UCAP discussed the proposed APM 430 during its October 23rd meeting. Although members agree that the new title will save time, there is concern that section 430 8.b may create a burden with the requirement that these domestic and international visitors provide evidence that they are self-supporting or have other adequate funding. UCAP supports this new policy as long as it is not a means to eliminating other titles.

Sincerely,

Harry Green, Chair
UCAP
ROBERT POWELL, CHAIR
ACADEMIC COUNCIL

RE: Proposed New APM 430 (Visiting Scholars)

Dear Bob,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed new APM 430 (Visiting Scholars), but we cannot endorse it. As the previous UCFW noted, the problem being solved by the proposal is unclear especially as other means of redress currently exist. For example, Berkeley offers the title of “student researcher” already. The committee also finds that the proposed language is too vague: an “outside institution or agency” reflects no scholarly requirements, while a clearer description of foreign scholars and visa circumstances that require extension of a title would be well received; members noted that overseas entities often use “academic” in different contexts to convey different meanings. Furthermore, the proposal omits broad faculty oversight, empowering a single PI to convey the title; the committee finds this omission unacceptable.

For your reference, we include the committee’s previous response, submitted during management review last year.

Please let us know if you have any questions or concerns.

Sincerely,

J. Daniel Hare, UCFW Chair

Copy: UCFW
Robert Powell, Chair, Academic Council
William Jacob, Vice Chair, Academic Council
Martha Winnacker, Executive Director, Academic Senate
March 23, 2012

SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL

RE: Proposed APM 430 (Visiting Scholars)

Dear Susan,

Thank you for providing the University Committee on Faculty Welfare (UCFW) the opportunity to participate in the management review of proposed APM 430 (Visiting Scholars). The committee has two observations at this time: 1) some campuses already have mechanisms in place to accommodate visiting students or scholars, and it is unclear what problem the new APM would solve; and 2) the committee is concerned about combining students from other universities with individuals from basically anywhere, and the possibility the policy could be used in inappropriate ways—for example, rewarding campus donors with an honorary title.

Please contact us if you have any question or concerns.

Sincerely,

William Parker, UCFW Chair

Copy: UCFW
Robert Anderson, Chair, Academic Council
Martha Winnacker, Executive Director, Academic Senate
Dear Martha:

Re: New APM-430

As Chair of UCPB, I have reviewed the new APM section 430. Although this section is not directly related to UCPB's charge, it seems clear that it brings transparency and predictability to the issue of hosting students at a UC campus for limited periods of time, and for covering non-salary expenses associated with such visits.

Best regards,
Bernard Minster
Chair, UCPB.

On Sep 14, 2012, at 9:56 AM, Martha Winnacker wrote:

CHAIRS OF SENATE DIVISIONS AND COMMITTEES

Dear Committee and Division Chairs:

I am forwarding for your review a proposed new APM Section 430, which creates a new Visiting Scholar title in response to requests from campus administrators. All Senate committees and divisions are invited to comment, but none is required to do so. Vice Provost Carlson's transmittal letter is attached as a pdf file. The proposed new APM section is available online at http://www.ucop.edu/acadpersonnel/apm/review.html.

Please submit your comments, if any, to Senate.Review@ucop.edu no later than December 8, 2012 for possible discussion at the December 12 meeting of the Academic Council.

Sincerely,
Martha Winnacker

Martha Kendall Winnacker, J.D.
Executive Director, Academic Senate
(510) 987-9458
February 26, 2013

GOPI MEENAKSHISUNDARAM, CHAIR
COUNCIL ON FACULTY WELFARE, DIVERSITY, AND ACADEMIC FREEDOM

ALAN TERRICCIANO, CHAIR
COUNCIL ON ACADEMIC PERSONNEL

RE: SYSTEMWIDE REVIEW OF APM 700 (LEAVES OF ABSENCE)

EXPECTED COUNCIL AGENDA DATE: March 15, 2013

Enclosed please find Vice Provost Carlson’s letter requesting final review of proposed revisions to APM 700-Leaves of Absence adding “Presumptive Resignation.” As you know, this policy was considered in a management review and then in a systemwide review. VP Carlson’s cover letter outlines changes made in response to the systemwide review.

The Senate’s main substantive critiques have been incorporated: defining “absence from duty,” and assigning authority for determining the date when absence began to the department chair. Academic Personnel rejected the Senate’s idea of modifying other APM provisions to include presumptive resignation, and provided their reasoning in the cover letter. They did not extend the period (30 days) beyond an approved leave when absence from duty can be declared, as recommended by several Senate respondents.

While we do not anticipate that Academic Personnel will be amenable to further changes, the final review serves as an opportunity to place any serious or substantive objections on the record, which can be revisited in future APM reviews, as well as to advise respondents of the results of the shared governance process. Please send comments by Friday, March 15.

I would ask that your Councils consider the proposed revisions, and submit your comments to me. If you have any questions, please do not hesitate to contact me.

Mary Gilly, Senate Chair

C: Mia Larson
Charlene Mandau
Luisa Crespo
February 15, 2013

ACADEMIC COUNCIL CHAIR POWELL
COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ANR VICE PRESIDENT ALLEN-DIAZ

Re: Final Review of Proposed Revised APM - 700, Leaves of Absence / General, Presumptive Resignation

Dear Colleagues:

Enclosed for Final Review are proposed revisions to Academic Personnel Manual (APM) Section 700, Leaves of Absence / General, Presumptive Resignation. This draft policy has been reviewed during Management Consultation and Systemwide Review with amended language proposed each time in response to reviewers’ comments.

This policy is proposed to address circumstances under which an academic appointee chooses not to return to his/her University appointment following the expiration of a leave of absence, or chooses to be absent from that appointment without obtaining prior approval for a leave. The presumptive resignation policy is designed to prompt an appointee in such circumstances to take affirmative steps to counter the University’s presumption that the appointee’s intention is to resign the University appointment.

Following distribution of proposed revised language amending the policy, Academic Personnel received a broad set of comments during both Management Consultation and Systemwide Review from campus administration and Senate committees. Respondents generally agreed with the proposed revisions; others offered recommendations to improve policy language, which are reflected in the proposed draft policy.

Newly-proposed language includes:

- Assigning responsibility to the department chair to establish the start date of the unexplained absence.
- Defining “absence from duty”.
- Adding a provision stating that a copy of the written notice of intent to presume resignation will be sent to the Chair of the Committee on Privilege and Tenure.
- Adding a provision reiterating the Chancellor’s authority to reinstate an academic appointee for good cause at any time.

Additionally, some respondents requested a timeline outlining the process (a draft of which is attached).
Some respondents suggested that other APM sections might be used to handle unauthorized leaves of absence (e.g., APM - 075, Termination for Incompetent Performance or APM - 015, The Faculty Code of Conduct). However, those policy sections are not intended to address circumstances related to leaves of absence. The purpose of APM - 075 is to provide a process for evaluating teaching and scholarship which may result in terminating incompetent faculty. The purpose of APM - 015 is to protect academic freedom, to help preserve the highest standards of teaching and scholarship and to advance the mission of the University. A presumed resignation does not constitute a “termination” within the meaning of Senate Bylaw 337 or Regents Standing Order 103.9 or a “dismissal” within the meaning of Regents Standing Order 101.1.

Final review is intended to advise the results of Systemwide Review and how language has been refined. We do not anticipate substantive revisions during the Final Review process – this stage of consultation is intended to resolve prior discussions and answer remaining questions.

This letter and enclosures anticipate that you will submit comments on the proposed policy no later than Monday, March 18, 2013 to ADV-VPCARLSON-SA@ucop.edu. Questions may be directed to Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,

Susan L. Carlson
Vice Provost
Academic Personnel

Enclosures:  (1) Proposed Revised APM - 700, Leaves of Absence/General, Presumptive Resignation
(2) Draft Timeline

cc:  President Yudof
     Chancellors
     Provost Dorr
     Executive Vice President Brostrom
     Senior Vice President Vacca
     Vice President Beckwith
     Vice President Deckert
     Vice President and General Counsel Robinson
     Vice Provosts of Academic Personnel
     Academic Personnel Directors
     Executive Director Fox
     Executive Director Rodrigues
     Executive Director Tanaka
     Executive Director Winnacker
     Deputy General Counsel Birnbaum
     Senior Counsel Van Houten
     Systemwide Policy Director Capell
     Director Chester
     Manager Lockwood
     Human Resources Analyst Bello
     Senior Administrative Analyst Rupert
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<th>Department Chair</th>
<th>Open</th>
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<th>31 days after unauthorized LOA* start date is documented</th>
<th>0 to 30 days from date on written NOI**</th>
<th>31 to 60 days from date on written NOI</th>
<th>At least 61 days after date on written NOI, if no response from appointee</th>
<th>Up to 3 years after the date of separation</th>
<th>Up to 30 days after the date of separation</th>
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<td>Establish the start date of the leave of absence</td>
<td>Document efforts to contact the appointee</td>
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<td>Issue written notice of intent to presume resignation; copy Chair, Committee on Privilege &amp; Tenure</td>
<td>With no response from faculty member or academic appointee, submit written notification of presumed resignation to Chair, Committee on Privilege &amp; Tenure</td>
<td>Confirm presumed resignation with written notice of action presuming resignation, cease pay and benefits if appointee has not a) returned to academic duty or b) received approval for leave</td>
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<td>Respond in writing to Chancellor's notification of presumed resignation</td>
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<td>Respond to written notice of intent and either a) return to academic duty or b) request and be approved for leave</td>
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<td>Academic Senate faculty members who are deemed to have resigned may request a hearing before division Committee on Privilege &amp; Tenure under Senate Bylaw 337</td>
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<td>Academic appointees (other than Senate faculty members) who are deemed to have resigned may request Step III-B hearing under APM - 140</td>
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* LOA = Leave of Absence  
**NOI = Notice of Intent
December 20, 2012

SUSAN CARLSON
VICE PROVOST, ACADEMIC PERSONNEL

Dear Susan:

As you requested, I distributed the proposed changes to APM 700 for systemwide review. All ten divisions and two committees (UCAP, UCFW) responded. In general, respondents questioned the need for new policy language, and suggested that other sections of the APM can be, and in fact have been, used to handle the situations apparently envisioned by the proposed policy. In particular, APM 75, Termination for Incompetent Performance, could be revised to include language on presumptive resignation. Respondents also commented that any final version of the proposed new APM section should include a definition of the term “absence from duty” and specify who determines that such an absence has occurred. Finally, respondents felt that the time period following the expiration of an approved leave should be extended prior to initiating a process of dismissal.

Council unanimously supported a motion to recommend that UC abandon the proposed APM 700 and instead modify APM 075 to incorporate a process that addresses presumptive resignation.

Sincerely,

Robert L. Powell, Chair
Academic Council

Cc: Academic Council
Martha Winnacker, Senate Executive Director
ROBERT POWELL  
Chair, Academic Council

Subject: Proposed revisions to APM 700, Leaves of absence/general, presumptive resignation

Dear Bob,

On November 5, 2012, the Divisional Council of the Berkeley Division considered the proposed revisions to APM 700, informed by reports of the divisional committees on Budget and Interdepartmental Relations (BIR), Faculty Welfare (FWEL), and Privilege and Tenure (P&T). While we appreciate the intent of the proposed revisions, we agreed with FWEL: “It is true that the policies concerning faculty absences are under-enforced in higher education … We think however that UC can do better than this attempt at such a policy.”

In general, we find the proposed revisions to be poorly drafted, and conceptually flawed. We echoed FWEL’s concern about the lack of clear definitions for many of the terms used: “If the university is proceeding to dismiss a tenured faculty member on the basis of such definitions, the language must be much more precise.”

Our discussion highlighted numerous examples when such a policy could be a useful tool. Yet, given the ambiguities and lack of clarity in the proposed revisions, it is unclear to us how the revised APM provisions would apply. We also noted that a number of tools and options are currently available, such as APM 075. The proposed revisions should be drafted to dovetail with these.

Finally, we are pleased that the right to a hearing by the divisional Committee on Privilege and Tenure is explicit in the policy. We agreed with P&T that the final policy should include a timeline that balances the interests of both faculty members and the institution.
In sum, we strongly recommend that the proposed revisions be reconsidered and redrafted. We note that APM 075 might serve as a useful example in this regard.

Sincerely,

Christina Maslach
Chair, Berkeley Division of the Academic Senate
Professor of Psychology

Cc: Shannon Jackson, Chair, Committee on Budget and Interdepartmental Relations
    Calvin Moore, Chair, Committee on Faculty Welfare
    Robert Powell, Chair, Committee on Privilege and Tenure
    Martha Winnacker, Executive Director, Academic Senate
    Andrea Green Rush, Berkeley Division Executive Director staffing Committee on Privilege and Tenure
    Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations
ROBERT L. POWELL, CHAIR  
University of California  
Academic Council  
1111 Franklin Street, 12th Floor  
Oakland, CA 94607

Re:  APM 700 – Leaves of Absence General Revision Proposal

The proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees within the schools and colleges for comment. Responses were received from Committee on Academic Personnel-Oversight (CAP), Committee on Elections, Rules and Jurisdiction, and Faculty Welfare Committee.

The Davis Division has reviewed the proposed APM 700 revision, and generally supports the proposal. CAP noted some ambiguity as to when the 30 days of absence period will begin. CAP believes this could cause some confusion when an academic appointee is absent for a few days or even weeks before their supervisor officially notices the absence. This raises the issue of whether the 30 days should begin when the employee’s absence is first noted by a supervisor or when evidence indicates it to have begun. CAP therefore offers the following suggested wording: “In such cases the supervisor shall make appropriately diligent efforts to establish the starting date of the unexplained absence.”

Aside from the ambiguity noted by CAP, the Division is not concerned with any other aspects of the proposed revision.

Sincerely,

Bruno Nachtergaele, Chair  
Davis Division of the Academic Senate  
Professor: Mathematics
Robert Powell, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review of Proposed Revisions to APM 700: Leaves of Absence

At its meeting of December 4, 2012, the Irvine Division Academic Senate reviewed the proposed revision to APM 700, leaves of absence, which would create a presumption of resignation and spell out procedures for notifying the academic employee of that presumption. The following Councils commented on the proposal.

Council on Faculty Welfare, Diversity, and Academic Freedom (CFW)

The Council felt the proposed revisions offer a reasonable means of handling unexpected leaves of absence and unanimously endorsed the proposal.

Council on Academic Personnel (CAP)

In discussing the proposed policy, CAP noted that it is unclear what “absent” means and how it can be proven. For instance, if a faculty member asserts he/she has been working in the lab at night, but no one has seen him/her, is he/she absent? Other than pointing out this concern, the members of CAP endorsed the proposed revisions to APM-700.

The Irvine Division appreciates the opportunity to comment.

Mary C. Gilly, Senate Chair

C: Martha Kendall Winnacker, Executive Director, Academic Senate
November 27, 2012

Robert Powell
Chair, Academic Council

Re:  APM 700, Leaves of Absence

Dear Bob,

Thank you for the opportunity to review and opine on the proposed policy 700, for the APM. I specifically requested responses from the Faculty Welfare Committee, the Council on Academic Personnel, the Committee on Diversity and Equal Opportunity, and the Faculty Executive Committees; I’ve attached their responses for your information.

UCLA supports the proposal, but this is contingent on substantive revisions detailed below.

- The Executive Board is concerned about the short timeframe for triggering this policy. Several committees agreed with this concern that 30 days is not a long enough period to wait before beginning the process of presumptive resignation. We propose that a 90 day period of attempted contact with the faculty member be utilized before the process begins.
- Generally speaking, faculty found the proposal to have been lacking a clear rationale. Faculty were puzzled as to why the University needs a separate, presumptive resignation policy. Clarification is required regarding why disciplinary proceedings—already clearly outlined in the APM and generally understood by faculty—should supplanted by this new policy.
- Finally, faculty were concerned that the phrase “absence from duty” was too vague. As the College FEC remarked, the phrase “suggests the absence of a work product (e.g., teaching, research, service). We believe the APM should include a definition of ‘absence from duty’ in the manner that ‘leaves of absence’ are defined.”

Thank you again for the opportunity to opine.

Sincerely,

Linda Sarna
Chair, UCLA Academic Senate

Cc: Martha Winnacker, Executive Director
Jaime R. Balboa, Chief Administrative Officer, UCLA Academic Senate
November 13, 2012

To: Linda Sarna  
Chair, UCLA Academic Senate

From: Gerald Kominski  
Chair, UCLA Faculty Welfare Committee

Re: Senate Item for Review: APM 700, Leaves of Absence/General

The UCLA Faculty Welfare Committee (FWC) discussed APM 700, Leaves of Absence/General at their meeting on November 6, 2012. The Committee endorses the proposal contingent upon the below specified revision.

While the members felt that the proposal was reasonable on principle, the members felt that the defined 30-day absence of a faculty member was too brief. The members felt that the time period should be extended to 60-days following the expiration of an approved leave/absence from academic duty without approval.

Should you have any questions, please feel free to let me know.

cc: Jaime Balboa, Academic Senate Chief Administrative Officer  
Dottie Ayer, Academic Senate Policy Analyst
October 23, 2012

To: Linda Sarna, Chair
    Academic Senate

From: Council on Academic Personnel

RE: Leaves of Absence/General – APM 700

CAP has reviewed the Revised APM 700 and has no comment at this time.
November 06, 2012

To: Linda Sarna
Academic Senate, Chair

From: Francisco Ramos-Gomez
Committee on Diversity and Equal Opportunity, Chair

Re: APM 700 – Leaves of Absence/General

The Committee on Diversity and Equal Opportunity reviewed the proposed changes to APM 700 and is supportive.

Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Dottie Ayer, Assistant to Chief Administrative Officer, Academic Senate
Carolynne B. Hogg, Principal Policy Analyst, Academic Senate
MEMORANDUM

November 2, 2012

To: Jaime R. Balboa  
Chief Academic Officer, UCLA Academic Senate

From: Dominique M. Hanssens  
Chair, UCLA Anderson Faculty Executive Committee

The UCLA Anderson Faculty Executive Committee (FEC) met on Friday, October 26, 2012 to review and discuss the following five Academic Senate items:

- Open Access Proposal Policy
- Revised APM – Leaves of Absence/General
- New APM – Visiting Scholars
- Negotiated Salary Pilot Plan
- Re-benching Report

After review and discussion, the FEC agreed that they had no comments to provide in relation to the Open Access Policy, and the new Academic Personnel Policy 430 - Visiting Scholars. With respect to the three remaining items, they wished to relay these comments:

**Revised Academic Personnel Policy 700 – Leaves of Absence/General, Presumptive Resignation**: Suggest that absence from duty be defined as a 60-day period rather than 30 days, following the expiration of an approved leave or 30-day absence from academic duty without approval. The FEC endorses this proposal.

**Negotiated Salary Pilot Plan**: A concern was raised that the proposed plan institutionalizes inequity and promotes a compensation (rather than excellence) based culture. The University’s focus should be on excellence in research and teaching. This proposal also removes the first and last tiers of the evaluation system (Faculty, Chair, Dean and AVC) of academic work and teaching contribution. The removal of the first tier, wherein the greatest level of scrutiny occurs, is particularly disturbing as it opens up the system to non-transparent side deals. The FEC does not endorse this proposal.

**Re-benching Report**: The FEC agreed that they support UCLA’s opposition to this proposal.

Please let me know if you require any further information.

c: R. Bucklin, Faculty Chairman & Deputy Dean, Academic Affairs, UCLA Anderson  
J. Olian, Dean & John E. Anderson Chair, UCLA Anderson
To: Linda Sarna, Chair, UCLA Academic Senate

Fr: Michael Meranze, Chair, College Faculty Executive Committee

Date: November 13, 2012

Re: College FEC response to the proposed creation of APM 430 (Visiting Scholars) and revisions to APM 700 (Leaves of Absence)

The College FEC appreciates the opportunity to review and opine on the creation of section 430 (Visiting Scholars) and the proposed revisions to section 700 (Leaves of Absence) of the Academic Personnel Manual. We discussed the proposals at our November 9, 2012 meeting, and I recount here a brief summary of the points that were made during that discussion:

1. **APM 430:** Members generally agreed on the importance of creating a formal system that can accommodate visiting scholars on UC campuses; however, the APM is reserved for policies that pertain to the employment relationship between academic appointees and the University of California. APM 430’s explicit statement that Visiting Scholars are not academic employees of the University suggests the policy does not belong in the APM.

2. **APM 700:** A concern was raised about the adoption of the phrase “absence from duty,” which suggests the absence of a work product (e.g. teaching, research, service). We believe the APM should include a definition of “absence from duty” in the same manner that “leaves of absence” are defined in 700-8.

3. **APM 700:** Members were concerned about the proposed 30 day trigger. It is more conventional in employment matters such as these to allow 90 to 180 days before the process begins. The FEC could imagine various scenarios where a 30 day trigger might lead to a premature start of the process. Given that once the process is started, the burden falls on the faculty member to prove that s/he has not resigned, this short trigger seems unjustified.

4. **APM 700:** While members were not necessarily opposed to the remedies proposed under APM 700, several wondered whether there was a genuine need for such a policy and why other provisions in the APM (e.g. APM 016: University Policy on Faculty Conduct and the Administration of Discipline, or APM 075: Termination for Incompetent Performance) could not be used to handle situations where academic appointees abandon their teaching, research, or service responsibilities.

As always, our membership appreciates the consultative process and welcomes the opportunity to opine on important matters like this. You are welcome to contact me at meranze@history.ucla.edu with questions. Kyle Stewart McJunkin, Academic Administrator, is also available to assist you and he can be reached at (310) 825-3223 or kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Lucy Blackmar, Interim Associate College Dean, College of Letters and Science
Dear Jaime,

Leaves of Absence without Leave

GSEIS’s FEC felt that the new policy proposal should be changed to extend the window in which action is taken to at least 90 and maybe as much as 180 days for the good faith effort of contact, and from 180 days to a longer period for the consultation towards presumptive resignation. We also felt very strongly that this policy should be used with great restraint and only in extreme cases or circumstances. It should also be governed by common sense with regard to conditions that might cause unintentional absence without leave –such as detention in remote circumstances during field work.
UCLA

MEMORANDUM

Faculty Executive Committee
The Henry Samueli School of Engineering and Applied Science
6426 Boelter
160010

TO: Linda Sarna, Academic Senate Chair

FROM: Alan Laub, Chair of the HSSEAS Faculty Executive Committee

DATE: November 14, 2012

RE: COMMENTS ON THE REPORT ON THE ACADEMIC SENATE’S LEAVES OF ABSENCE/GENERAL POLICY

The Faculty Executive Committee (FEC) of HSSEAS has looked at and approves the proposed APM 700 (Leaves of Absence/General) policy. The issue of unexplained absence has never arisen in the School but could be dealt with along the lines outlined in the proposed policy should it ever arise.
From: O’Shea, Janet
Sent: Tuesday, November 13, 2012 1:18 PM
To: Balboa, Jaime
Subject: SOAA FEC Response to APM 700

Dear Jaime,
The School of Arts and Architecture discussed the proposed revision to APM 700 at our last meeting and have no objection to the new policy.

Best Regards,
Janet O’Shea
Chair, SOAA FEC
Memorandum

November 16th 2012

To: Executive Committee, Academic Senate

From: Diana Messadi, DDS., MMSc., DMSc
Chair, UCLA School of Dentistry
Faculty Executive Committee

Re: Revised policy, APM-700 Leave of Absence/General

Thank you for soliciting our input regarding the revised policy, APM-700 Leave of Absence/General. The School of Dentistry FEC met on October 22nd and unanimously approved and supported the revised policy, APM-700 Leave of Absence/General as presented.
UCLA SCHOOL OF THEATER, FILM, AND TELEVISION

FACULTY EXECUTIVE COMMITTEE

S.I. Salamensky, Chair (ss@tft.ucla.edu)

REPORT TO THE ACADEMIC SENATE, NOVEMBER 9, 2012:


Response: We endorse this initiative.
December 7, 2012

ACADEMIC COUNCIL CHAIR POWELL

RE: Merced Division Comments on the Proposed Revised APM – 700 Leaves of Absence/General, Presumptive Resignation

Three standing committees of the Merced Division reviewed proposed revisions to APM-700. The Division Council reviewed the committees’ responses and discussed the proposed revisions at its December 6 meeting.

Two committees (Committee on Academic Personnel and the Graduate and Research Council) approved the proposed revision as presented. The Faculty Welfare Committee responded that the policy was unclear regarding the criteria for absence from academic duty, and did not state who was responsible for making a determination of absence from duty. If these criteria are given in another part of the APM or elsewhere in University Standing Orders or Bylaws, it would be helpful to add references to the appropriate source. Otherwise, Division Council supported the revision.

Sincerely,

Peggy O'Day, Chair
Division Council

cc: Executive Director Winnacker
Division Council
Senate Office

Encl. (5)
CAP has reviewed and approves of the proposed changes to APM 700 on “Leaves of Absences.”

CC: CAP
    DivCo
Date: November 6, 2012  
To: Peggy O’Day, Chair, Division Council (DivCo)  
From: Sean Malloy, Chair, Committee on Faculty Welfare (FW)  
Re: Proposed Revision of APM 700 (Presumptive Resignation)

Faculty Welfare acknowledged the rationale behind the proposed revisions to APM 700 with respect to presumptive resignation, though the committee felt some additional clarification was needed. In particular, FW would like to see a clear definition of what constitutes “academic duty” for the purposes of this APM. Who will decide whether a faculty member “is absent from academic duty” (700-30) and what criteria will be used to make this determination?

CC: DivCo  
FW
November 6, 2012

To: Peggy O'Day, Senate Chair

From: Valerie Leppert, Chair, Graduate and Research Council (GRC)

Re: GRC response to Proposed Revised APM-700, Leaves of Absence/General

GRC has reviewed the proposed Systemwide revisions to APM-700, Leaves of Absence/General.

The committee has no objections or additional comments to the proposed revisions that address the need for a presumptive resignation policy.

CC: Graduate Research Council
    Division Council
    Academic Senate Office
November 26, 2012

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

Dear Bob:

RE: Systemwide Review of Proposed Revised APM-700, Leaves of Absence/General, Presumptive Resignation

The Executive Council reviewed the proposed APM 700 addition to the Academic Personnel Manual; the committees on Academic Freedom, Charges, Faculty Welfare, Privilege and Tenure, and Rules & Jurisdiction also commented on the proposal. The responses were all positive and we recommend adoption with two proposed changes:

1. That the Chancellor should not merely notify P&T (700-30.c), but await their comments before acting.

2. That the policy be extended to cover circumstances that do not correspond to illness or incapacity, but that nonetheless prevent the academic appointee from responding to the University (e.g. foreign detention or kidnapping). Though such cases might be rare, there is no reason not to extend the policy to cover them. To this end we offer the following modifications:

   Below the second bullet point on p. 3, add a third point reading:

   Circumstances known to the University which furthermore make it impossible for the appointee to communicate with the University.

Elsewhere in the document, add the following

   An appointee who can prove that the cause for his or her separation under this rule is due to an inability to communicate within the required time-frame resulting from extraordinary circumstances beyond his or her control, shall be entitled to reinstatement.

Sincerely yours,

Jose Wudka
Professor of Physics & Astronomy and Chair of the Riverside Division

CC: Martha Kendall Winnacker, Executive Director of the Academic Senate
Cynthia Palmer, Director of UCR Academic Senate office
November 16, 2012

TO: Jose Wudka, Chair
Riverside Division Academic Senate

FR: Thomas Morton, Chair
Committee on Academic Freedom

RE: Proposed revision of APM700

At its meeting on November 14, UCR's Committee on Academic Freedom discussed concerns regarding APM700, particularly with regard to the possibility that it might serve to disincline faculty from pursuing field work that entails a risk of being kidnapped or held incommunicado. For that reason, the committee voted to endorse the proposal transmitted by UCR's Committee on Faculty Welfare in its memo dated November 8, that APM700-30 be expanded so as to expedite restoration of UC employment (along with salary and service credit) to faculty held against their will and presumed to have resigned under the terms of the proposed wording of APM700.
November 2, 2012

To: Jose Wudka, Chair  
Riverside Division of the Academic Senate

From: Timothy Close, Chair  
Committee on Charges

Re: Systemwide Review of APM 700

The Committee on Charges reviewed the revisions to APM 700 and has no concerns related to the charge of the Committee.
November 8, 2012

To: Jose Wudka
Chair, Riverside Division Academic Senate

From: Irving G. Hendrick
Chair, Committee on Faculty Welfare

Re: Review of Proposed Changes to APM 700

The Committee on Faculty Welfare appreciates the need for the University to discontinue the appointments of faculty and other academic employees who, while able to communicate their intentions, consciously leave their positions without notifying their departments or other appropriate officers of their intention. Under such circumstances, the time periods, review procedures, and rights of appeal stated in APM 700 appear fair and appropriate. We do, however, offer the suggestion that a time line of conditions, consequences and next steps would make the policy clearer.

Beyond that, we can imagine certain conditions that may warrant the full reinstatement of the employee without the need for an elaborate system of administrative and committee review and appeals procedures. In particular, it is possible that conditions other than physical illness, injury, or disability might preclude a faculty member from communicating his or her intentions. An example of such a situation might be involuntary detention. Such extraordinary conditions could arise from foreign travel or field work in a remote location. Should such improbable conditions be shown to exist, we would wish that Section 700-30 be expanded to include such exceptions to the policy.
Committee on Privilege and Tenure

October 26, 2012

To: Jose Wudka
Chair, Riverside Division Academic Senate

From: Helen Henry
Chair, Committee on Privilege and Tenure

Re: Systemwide Review of Changes to APM 700

The Committee on Privilege and Tenure has considered the proposed revision to APM 700 - the policy of presumptive resignation - at its October 15 meeting. We note that there is a provision for the Chancellor to notify and receive a response from our Committee prior to making the final determination on whether an appointee will be considered to have resigned. Furthermore, a member of the Academic Senate who has been deemed to have resigned can appeal the decision before P&T. With these provisions in place, we believe the policy is a sound one and support it.
October 3, 2012

To: Jose Wudka, Chair
    Riverside Division Academic Senate

From: Ziv Ran, Chair
      Committee on Rules and Jurisdiction

Re: Systemwide Review of APM 700

The proposed changes are about situations where the University may infer a resignation, absent an explicit one. Broadly, we feel the changes are necessary and appropriate. However, we think the situations under purview must be narrowed to take into account the case of circumstances, either known or unknown to the university at the time, that make a resignation inference invalid.

Specifically, we propose
1. Below the second bullet point on p. 3, add

   • Circumstances known to the University which furthermore make it impossible for the appointee to communicate with the University.

2. Elsewhere in the document, add the following

   An appointee who can prove that the cause for his or her separation under this rule is due to an inability to communicate within the required time-frame resulting from extraordinary circumstances beyond his or her control, shall be entitled to reinstatement.
December 5, 2012

Robert Powell, Chair
Academic Senate

RE: Proposed APM 700: Leaves of Absence, General

Dear Bob,

The proposal for APM 700 regarding Leaves of Absence was commented on by the following groups at the Santa Barbara Division: Committee on Academic Personnel (CAP), Committee on Privilege and Tenure (P&T), Council on Faculty Issues and Awards (CFIA), and the Faculty Executive Committees from College of Letters and Science, College of Engineering, College of Creative Studies, Bren School of Environmental Science and Management, and the Gevirtz Graduate School of Education.

CAP, the Faculty Executive Committee from College of Letters and Science and P&T concurred with the wording of the proposed APM. These groups suggest that the procedures reflect a reasonable way to handle a situation when a faculty member is absent from the university but not on an approved leave.

However, other groups were less sanguine. For example, while some members of CFIA found the procedure to be reasonable, others were more skeptical about the need and rationale for the policy. CFIA concluded: “Overall, the Council feels that it may be important to spell out such procedures only for very egregious cases. CFIA is very wary of the potential for misuse and would expect that the implementation of APM 700 would be very rare.” CFIA wondered what had motivated this APM, a thought echoed by the Faculty Executive Committee from the College of Engineering, who would have found it helpful to “have some background on the motivation…behind these changes, and what prompted the revisions”. Some CFIA members also questioned whether the phrase “absent from academic duty” is intended to include absent from teaching duties only, or absent from other, additional, faculty responsibilities. The Faculty Executive Committee from the Gevirtz Graduate School of Education supported the proposal but suggested that when a leave is requested but not approved, the situation might not be one of presumptive resignation but one that requires conflict resolution.

My thinking, in reading these responses, is that at systemwide we need to be watchful over the introduction of such an APM as policy, and I do worry about its potential to be used in circumstances for which it has not been designed.
Thank you for the opportunity to comment.

Sincerely,

Kum-Kum Bhavnani, Chair
Santa Barbara Division
November 14, 2012

Robert Powell, Chair
Academic Council

Re: Systemwide Review of Proposed Revised APM-700, Leaves of Absence/General, Presumptive Resignation

Dear Bob,

The UC Santa Cruz Division has reviewed and discussed the Proposed Revised APM-700, Leaves of Absence/General, Presumptive Resignation. Our Committees on Academic Personnel (CAP), Affirmative Action and Diversity (CAAD), Faculty Welfare (CFW), Research (COR), and Privilege and Tenure (P&T) have expressed overall support for the proposal with one caveat and three recommendations.

The committees are supportive of the proposed revisions with the caveat that an appeals process be established and defined within APM-700, so that a faculty member may appeal a termination based on presumption of resignation, if appropriate. Although extremely unlikely, there could be cases where an academic appointee is medically incapacitated and unable to respond to the University during the 90 day duration of the APM-700 termination process. As such, we recommend that there be an additional subsection:

700-30.e An academic appointee who is deemed to have resigned from the University may subsequently submit evidence that establishes that it was impossible for them to be present for academic duty or to respond to the Notice of Intent in a timely manner. After reviewing such evidence and consulting with the Committee on Privilege and Tenure, the Chancellor shall have the authority to determine whether to reinstate the appointee.

An academic appointee whose appointment is terminated under APM-700 will have been paid their University salary for a minimum of 90 days during which they were absent from academic duty. As such, UCSC recommends that the effective date of the deemed resignation in APM 700-30.b.1 should be advanced to the start of the 30 day period of absence from academic duty, and the University be allowed to recover salary paid after this date.

Additionally, UCSC recommends that the word ‘consecutive’ be added for clarity under 700-30 Presumptive Resignation Policy & Procedures, so that the policy reads “or does not return to academic duty for 30 consecutive days or more after the approval leave expires.” Further, we recommend a change in wording in APM 700-30.b.2 to correct grammar: “could neither have been
obtained prior to the first day of absence nor during the intervening period” should be replaced by “could not have been obtained prior to the first day of absence or during the intervening period”.

Sincerely,

Joseph Konopelski, Chair
Academic Senate
Santa Cruz Division
December 7, 2012

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

Subject: Proposed Revision to APM 700, Leaves of Absence

Dear Bob,

The Proposed Revision to APM 700, Leaves of Absences was sent to the appropriate Divisional committees for comment; the Senate Council discussed the proposal on December 3, 2012.

Reviewers noted that a clear definition of “academic duty” is necessary before a proposed policy on presumptive resignation based on an absence from such duty can be implemented. Some reviewers were unclear as to why the proposed policy is needed and would like additional information regarding current procedures for dismissing faculty who have been missing for an extended period of time and regarding the frequency of these cases. The Committee on Privilege and Tenure has requested that it be notified at two points in the separation process: first, when the initial written notice of intent to separate is sent (APM 700-30.a.) and, second, when the final written notice is sent (as proposed in the policy).

Reviewers agree that if the proposed changes are implemented, the changes will need to be clearly communicated to the faculty at large.

Sincerely,

T. Guy Masters, Chair  
Academic Senate, San Diego Division

cc: Divisional Vice Chair Pogliano  
Executive Director Winnacker
Dear Chair Powell:

The San Francisco Division of the University of California Academic Senate has reviewed the proposal for revisions to APM 700 Leaves of Absence. Comments were requested from the Committee on Academic Personnel and the Committee on Faculty Welfare.

We support the proposed revisions.

Thank you for the opportunity to review and provide input.

Sincerely,

Robert Newcomer, PhD
Chair, UCSF Academic Senate
November 13, 2012

BOB POWELL, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED REVISIONS TO APM 700

Dear Bob,

UCAP discussed the proposed APM 700 leave of absence policy during its October 23rd meeting. The committee understands that the proposed policy addresses an infrequent problem, but agrees that having such a policy is well intentioned and generous.

Sincerely,

Harry Green, Chair
UCAP
ROBERT POWELL, CHAIR
ACADEMIC COUNCIL

RE: Proposed Revisions to APM 700 (Leaves of Absence)

Dear Bob,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed revisions to APM 700 (Leaves of Absence). The committee does not endorse the proposed changes as several questions remain unanswered from the management review. UCFW still questions the problem that is being targeted, especially as other means of redress currently exist. Members also noted that many terms need definitions. For example, members questioned when a faculty person has returned to duty, especially in light of the consecutive absence requirement. That is, if a faculty person is absent for 29 days, but returns for 2, and then repeats the cycle, he would be beyond the scope of the revision as written. Members also suggested that a process map and exception chart be developed to help guide use of the policy, should it be adopted.

Please let us know if you have any questions or concerns.

Sincerely,

J. Daniel Hare, UCFW Chair

Copy: UCFW
Robert Powell, Chair, Academic Council
William Jacob, Vice Chair, Academic Council
Martha Winnacker, Executive Director, Academic Senate

December 4, 2012
# Notice of Meeting

**Friday, March 8, 2013**

**9:30 a.m. – 3:30 p.m.**

**UC Office of the President – Lobby 1**

**1111 Franklin Street, Oakland**

**Phone (Academic Senate): 510-987-9143**

**Fax: 510-763-0309**

[http://www.universityofcalifornia.edu/senate](http://www.universityofcalifornia.edu/senate)

**Teleconference participants:**

1-866-740-1260

**Code: 9870155 (#)**

**SharePoint url:**

[https://sp2010.ucop.edu/sites/senate/ucfw/default.aspx](https://sp2010.ucop.edu/sites/senate/ucfw/default.aspx)

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## AGENDA*

<table>
<thead>
<tr>
<th>Action</th>
<th>Item</th>
<th>Enclosures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I.</strong> Chair’s Announcements</td>
<td>• Dan Hare, UCFW Chair</td>
<td></td>
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</tbody>
</table>
| **II.** Consent Calendar | 1. DRAFT February 8, 2013 minutes  
  2. Response to LAO report | 1 TBD  
  2 (pp 1-5) |
| **III.** Consultation with UCOP – Risk Services | • Erike Young, Director, Systemwide EH&S | 3 (pp 6-12) |
| **IV.** Report: UCFW Health Care Task Force (HCTF) | • Robert May, HCTF Chair  
  1. Re-Bid Update  
  2. Retiree Health/Medicare Primer  
  *The committee is asked to approve this for posting on the UCFW website.* | 4 (pp 13-16) |
| **V.** Consultation with UCOP – Budget | • Patrick Lenz, Vice President | |
| **VI.** Divisional Reports and Concerns | • Members | |
| **VII.** Consultation with UCOP – Human Resources | • Dwaine Duckett, Vice President  
  1. Faculty Total Remuneration Update | |

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*This Agenda may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited.*
VIII. Report: UCFW Task Force on Investment and Retirement (TFIR)
   • Shane White, TFIR Chair
     1. ARC
     2. PEB/UCRP Primer

IX. Proposed HIPAA Changes
   • Dan Hare, UCFW Chair

X. Systemwide Review Item
   1. APM 700 (Presumptive Resignation) Due March 15
      See also: http://senate.universityofcalifornia.edu/reports/RLP_Carlson_APM700_FINAL.pdf
   2. APM 430 (Visiting Scholars) Due March 27
      See also: http://senate.universityofcalifornia.edu/reports/RLP_Carlson_APM430_FINAL.pdf

Review materials also online (Policies Under Review, Final Review):
http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html

XI. Consultation with UCOP – Academic Personnel
   • Susan Carlson, Vice Provost
     1. “Stop the Clock” next steps

XII. Further Discussion and New Business

Agenda Enclosures:
1. DRAFT February 11, 2013 minutes (TBD)
2. DRAFT response to LAO report (pp. 1-5)
3. Lab Safety Update (pp. 6-12)
4. Retiree Health and Medicare Primer (pp. 13-16)
5. Proposed HIPAA Changes (pp. 17-28)
   a. Responses to date (pp. 29-30)
6. Proposed APM 700 (pp. 31-33)
   a. Previous Responses: http://senate.universityofcalifornia.edu/reports/RLP_Carlson_APM700_FINAL.pdf
7. Proposed APM 430 (pp. 34-35)
   a. Previous Responses: http://senate.universityofcalifornia.edu/reports/RLP_Carlson_APM430_FINAL.pdf
8. “Stop the Clock” proposal (p. 36)

Information Items:
A. Systemwide Guidelines for Academic Senate Committees
B. Approved minutes can be found at: http://www.universityofcalifornia.edu/senate/committees/ucfw/

Important Meeting Information
Location: The meeting will convene in Room Lobby I, University of California, Office of the President, 1111 Franklin Street, 1st Floor, Oakland. Directions and a map are located online at: http://www.ucop.edu/services/directions-franklin.html

This Agenda may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Date Received</th>
<th>Date of CFW Mtg.</th>
<th>Designated Reviewers</th>
<th>Action Required w/Response Deadline</th>
<th>Review Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. UC Retirement Plan - On-going Issue</td>
<td>Status reports will be provided when available</td>
<td>CFW Chair reports at all meetings if information is available from UCFW or Senate Cabinet meetings.</td>
<td>Ongoing issue</td>
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<tr>
<td>2. Emeriti Issues from Subcommittee on Emeriti Affairs - On-going Issue</td>
<td>Status reports at all meetings.</td>
<td>Emeriti Subcom.</td>
<td>Status Reports may be provided at all meeting. Issues to consider:</td>
<td>Ongoing issues</td>
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<td></td>
<td>- Are there new issues with increase in retirements?</td>
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<td></td>
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<td>- Office space and staff support issues for retired faculty</td>
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<td>- Recalls: Are there new issues and policy implications?</td>
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<td></td>
<td>Resolution from the Emeriti Re: Request for UCI to consider a retirement community for the campus</td>
<td>5/8/12</td>
<td>Resolution – Requested CFW’s support. CFW approved a statement that will be forwarded to the Senate Chair. memo dated 5/24/12. Senate Cabinet endorsed CFW’s statement at its mtg. on 6/5/12. A memo was forwarded to the EVC/Provost requesting consideration for a retirement community at UCI (6/13/12).</td>
<td>Yes</td>
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<td>Follow-up with Luisa for an update re: discussions during the summer. Report at 1st FQ Meeting</td>
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<tr>
<td>3. Faculty Housing (University Hills and ICHA Management) - On-going Issue</td>
<td>Issues to consider:</td>
<td>- Future development plans for faculty housing off &amp; on campus.</td>
<td>Ongoing issue</td>
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<td></td>
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<td>- When University Hills reaches build-out, will ICHA’s role as developer change. If yes, how?</td>
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<td>- defer 2012-13</td>
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<tr>
<td>4. Campus Child Care - On-going Issue</td>
<td>Status reports will be provided when available</td>
<td>Gopi Meenakshi sundaram will be CFW’s rep. for the Chancellor’s Advisory Com. on Child Care.</td>
<td>Ongoing issue</td>
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<td></td>
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<td>Meetings: February 3, 2012, (Agenda and minutes are in CFW Status Report notebook.)</td>
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<td>June 8 meeting</td>
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<tr>
<td>5. OEOD’s Data - Ongoing Issue</td>
<td>AA&amp;D Subcom.</td>
<td>Gwen Kuhns Black provides CFW with data and reports when available.</td>
<td>Ongoing issue</td>
<td></td>
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<tr>
<td>6. Elect a Vice Chair for CFW</td>
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<td>Vice Chair would attend Cabinet mtgs. when Chair is not available.</td>
<td>Ongoing issue</td>
<td></td>
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<tr>
<td>7. Parking and Transportation Services – Annual Report from Director Ron Fleming - Annual Report</td>
<td>Usually a Spring Quarter Meeting</td>
<td>Information Item – No action</td>
<td>Annual Report</td>
<td></td>
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</tr>
<tr>
<td>8. UCI Librarian – invite new UCI Librarian, Lorelei Tanji - Brought Forward from last year</td>
<td>-</td>
<td>Invite new UCI Librarian to report.</td>
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</tr>
<tr>
<td>9. Senate Membership for Clinical Professor - Brought forward from last year</td>
<td>10/25</td>
<td>College of Medicine will be asked about its plans to improve morale for Clinical Professors. Memo sent to Dean Clayman, School of Medicine (11/15/11)</td>
<td>Dean Clayman’s memo of response (12/27/11)</td>
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<tr>
<td>Issue</td>
<td>Date</td>
<td>Mtg. Date</td>
<td>Reviewers</td>
<td>Action Required w/ Response Deadline</td>
<td>Completed</td>
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<tr>
<td>10. Faculty Welfare – Mental Health Support Issues</td>
<td>Brought forward from last year</td>
<td>1/10/12</td>
<td>Prof. Robert Moeller and Dr. Negar Shekarabi, UCI Counseling Center</td>
<td>The Senate Cabinet has asked CFW to review current policies and procedures, identify areas where faculty mental health policy can be strengthened, and propose new policies as needed. Improving campus awareness of available options is also needed. - CFW Work Group (Gopi, Guidotti, Olivieri) will gather information and report back.</td>
<td>On Hold</td>
</tr>
<tr>
<td>11. ICHA Priority Sales List</td>
<td>?</td>
<td>6/12/12</td>
<td></td>
<td>Shall we invite Chuck Hayward or Sales person? Moving Clinical Faculty from Tier 3 to Tier 2 – is that a feasible request?</td>
<td>On Hold</td>
</tr>
<tr>
<td>12. Memorial Resolutions For more information – see notebook w/ procedures and records on Carol’s bookcase</td>
<td>Ongoing CFW duty – see Irvine Bylaw 99</td>
<td></td>
<td>CFW’s bylaw includes a duty for requesting memorial resolutions from Dept. Chairs when a faculty member dies. When received, the Memorial Resolution will be published in the next Divisional Senate Assembly Agenda under Section 5. Special Orders – Consent Calendar. The document will also be forwarded to the UC Senate Office for publication.</td>
<td>Annual Responsibility</td>
<td></td>
</tr>
<tr>
<td>13. Hearing Issues</td>
<td>Brought forward from last year</td>
<td>6/12/12</td>
<td></td>
<td>Emeriti Member of CFW requested assistance in improving the sound quality in the Senate Conference Room, sent along a NY Times’ article + offered several options. Disability Services has been contacted – awaiting a reply</td>
<td></td>
</tr>
<tr>
<td>14. UCI Mental Health Initiative</td>
<td>10/30/12</td>
<td>11/27/12</td>
<td>Gopi Meenak.</td>
<td>Council to review 3 point list for mental health issues and review statement for Cabinet to forward to Interim EVC</td>
<td>Memo sent to Cabinet 11/28/12</td>
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**UCI SENATE ISSUES UNDER REVIEW**

<table>
<thead>
<tr>
<th>Issue</th>
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</thead>
<tbody>
<tr>
<td>14. UC Climate Survey</td>
<td>Brought Monthly</td>
<td>Gwen Kuhns Black, OEOD, reported on issue and</td>
<td></td>
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Updated 3/6/2013
<table>
<thead>
<tr>
<th>Issue</th>
<th>Date</th>
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<th>Reviewers</th>
<th>Action Required w/ Response Deadline</th>
<th>Completed</th>
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</thead>
<tbody>
<tr>
<td>15. Smoke-Free Policy Proposal</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>Smoke-Free Policy Proposal – Information Item Michelle Garfinkel and Bruce Blumberg will represent CFW on Chancellor’s committee which will work on implementation plan for UCI. Ramona Agrela and Joe DiMento to attend Feb. 12 CFW meeting.</td>
<td>01/14/13 and to end on 02/14/13</td>
<td></td>
</tr>
<tr>
<td>16. Chancellor’s advisory Committee on the Status of Staff (CACSS – Diversity Subcommittee)</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>New Chancellor’s Advisory Committee. Gwen Kuhns Black, a CFW Consultant, is a member and will provide CFW w/ information.</td>
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</tr>
<tr>
<td>17. Campus Diversity Roundtable</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>Grace Tonner will represent CFW and will have the opportunity to report at CFW’s monthly meetings. Gwen Kuhns Black may also report.</td>
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</tbody>
</table>

**UNIVERSITYWIDE SENATE ISSUES UNDER REVIEW**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Date</th>
<th>Mtg. Date</th>
<th>Reviewers</th>
<th>Action Required w/ Response Deadline</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. UC Review of Negotiated Salary Plan</td>
<td>09/27/12</td>
<td>10/30/12</td>
<td>Subcom on FW</td>
<td>Review and Comment by November 6. Memo sent to Cabinet November 5, 2012.</td>
<td>Memo sent 11/05/12</td>
</tr>
<tr>
<td>24. UC APM -015 Faculty Code of Conduct</td>
<td>11/20/12</td>
<td>01/04/13</td>
<td>Subcom on FW</td>
<td>Review and Comment by January 8. Memo sent to Cabinet on January 7, 2013.</td>
<td>Memo sent 01/07/2013</td>
</tr>
<tr>
<td>25. UC Review of APM 430</td>
<td>03/06/13</td>
<td>03/12/13</td>
<td>Subcom on FW</td>
<td>Review and Comment by March 26.</td>
<td></td>
</tr>
<tr>
<td>26. UC Review of APM 700</td>
<td>02/26/13</td>
<td>03/12/13</td>
<td>Subcom on FW</td>
<td>Review and Comment by March 15.</td>
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**OTHER BUSINESS THAT REQUIRES ACTION**

None