

**Council on Academic Personnel
Annual Report
2009-2010**

To the Irvine Divisional Assembly:

The UC Irvine Council on Academic Personnel (CAP) is pleased to provide the following summary of its activities for the 2009-10 academic year.

I. Membership

The faculty members serving this year on CAP were, as continuing members, Professors Nancy Burley (Biological Sciences), Mary Gilly (Business), Anthony Kubiak (Arts), John Longhurst (Medicine, Clinical Sciences) and Steven White (Physical Sciences). New members were Stephen Bondy (Medicine, Basic Sciences), Michelle Garfinkel (Social Sciences), Farghalli Mohamed (Engineering), Alex Nicolau (Information and Computer Sciences), Margot Norris (Humanities), and Henry Pontell (Social Ecology). Professor Raymond Novaco (Social Ecology) served while Professor Pontell was on sabbatical leave in Fall 2010. Professor Gilly served as CAP chair, and Professor White served as CAP Vice Chair and representative to the University-wide Committee on Academic Personnel (UCAP). Mia Larson was CAP analyst and Rachel Mangold and Barbara Cartwright provided additional staff support.

II. General Procedures

CAP's responsibilities. CAP is responsible for providing a campus-wide perspective on proposals for merits and promotions originating from academic units. CAP reviews personnel files and makes recommendations to the Chancellor and Executive Vice Chancellor and Provost for all Senate faculty series and for some non-Senate series (e.g., Researchers, Lecturers and Adjunct Professors). While CAP does not review proposed actions for certain series (e.g., Project Scientists), on occasion it recommends "change in series" to these titles based on its interpretation of criteria for these titles in the Academic Personnel Manual (APM). CAP procedures and review criteria are regularly updated and available for consultation through the Frequently Asked Questions document on the Academic Senate website, www.senate.uci.edu.

CAP plays a crucial role in implementing the shared governance principle adopted by the University of California by reviewing standards of academic excellence and the reward system for faculty performance. It makes recommendations as a panel after careful deliberation. All final decisions on personnel actions are made by the Chancellor or, when delegated, by the Executive Vice Chancellor and Provost (EVCP), by the Vice Provost, or by a Dean (see below).

CAP's review protocol. CAP met 35 times during the academic year (from September 10, 2009 to July 29, 2010), with biweekly meetings in the fall quarter and weekly meetings thereafter. Confidentiality, fairness and consistency are central tenets of CAP deliberations, and all members rigorously upheld those principles. CAP established a quorum of 8 members for all cases (an exception was for cases returning with additional information in July after a tentative

decision, where 7 members were required for quorum). Each member, including the chair, voted on all discussed cases; abstentions were not allowed; recusals were permitted if there was evidence or the appearance of a conflict of interest on a given case. Prior to the meeting, each case was assigned for full review by the Council or for subcommittee review (“consentable cases,” see below). Full review was conducted for all major actions, including all non-delegated appointments, Mid-Career Appraisals, promotions to Associate and full Professor, advancement to Professor Step VI and Above Scale, as well as for all accelerations. Primary, secondary and tertiary readers were assigned for in-depth review of each file, but all Council members were expected to read each file. At the meeting, discussion was led by these reviewers, followed by the chair, who reviewed all cases. During open discussion by all council members, the goal was to consider all relevant aspects of the case and discussion was continued until all members were satisfied that all relevant aspects had been considered. A vote was then taken on the proposed action, with the majority being reported as the decision of the council. Tie votes were recorded as not supporting the proposed action. After the meeting, the CAP analyst prepared a draft letter for each case that was reviewed and revised by the CAP members. In cases where the vote was split, both the majority and minority opinions were represented in the letter. The CAP chair was responsible for the final version of the letter transmitted to the Office of Academic Personnel.

“Consentable cases” were typically normal merit cases or first requests for No Actions, where all levels of review prior to CAP were in agreement. Prior to the CAP meeting, these cases were assigned to a subcommittee consisting of a primary and secondary reader as well as the chair. If all three agreed with the proposed action, the case was briefly discussed at the CAP meeting and approved. If one or more subcommittee members judged that the case required more in-depth consideration, the case was reassigned for full council discussion at the next meeting. CAP also conducted post-appointment audits of Dean-delegated appointments at Assistant Professor I – III.

After CAP’s recommendation on each case was forwarded to the EVCP, if CAP’s decision was in agreement with all lower levels of review and the Chancellor and/or EVCP determined that no further discussion was needed, the final decision was transmitted to the academic unit. If CAP’s judgment differed from lower levels of review, an opportunity was provided for the academic unit to provide additional information or rebuttal. While standard practice at UCI, this is unique in the UC system for cases other than tenure. CAP reviewed the additional information received for these cases and when such additional information was deemed substantively meaningful, a second vote was taken. Sometimes the additional discussion changed the outcome of CAP’s recommendation. The second report was submitted to the Office of Academic Personnel.

The APM mandates that all cases for promotion should be considered by an *ad hoc* committee. In most cases, CAP acted as its own *ad hoc* committee in making recommendations. However, outside *ad hoc* committees were convened in all cases where denial of tenure was recommended by at least one level of review, if CAP judged that additional expertise was important, or at the request of the EVCP. Reports of outside *ad hoc* committees were discussed and considered by CAP before a final vote and recommendation. In 2009-10, eleven outside *ad hoc* committees were convened, including eight that were convened before CAP’s initial review of the file.

CAP’s deliberations result in recommendations to higher levels, which make the final decisions. The EVCP or the Vice Provost met with the full CAP prior to the final decision to discuss cases

in which they intended to disagree with CAP's recommendation, or where they wished further clarification of CAP's reasoning. They also raised concerns of their own on occasion.

CAP members felt that while service on CAP is time-consuming and intense, it was the most rewarding service in which they have participated. During the busy season of February through July, members typically spent 10-20 hours per week reviewing files, participating in the CAP meetings, and writing reports.

III. CAP's Specific Activities

Communications with the faculty. CAP considers communication with faculty, departments and schools about the academic review process an important part of its mission. The CAP Chair, as well as other CAP members, made presentations at several forums, including breakfast meetings hosted by the Vice Provost for department chairs and administrators, and one for new assistant professors. The CAP Chair and the Vice Provost also visited the School of Humanities and the School of Law. In addition, CAP invited Dean Bennett, School of Biological Sciences, to a meeting to discuss the recent addition of BioCAP to the review process. The CAP Chair and members also met with the Chair of the Clinical Affairs Committee, Clinical X Advisory Committee and Dean Hubbell in the School of Medicine to discuss the personnel process for this series. At the request of Professor Haynes, Director of ADVANCE, the CAP Chair met with equity advisors, and at the request of De Galloway of the Teaching, Learning & Technology Center, participated in a workshop for Assistant Professors on teaching expectations in the review process.

Case load and outcome of personnel actions (Tables 1 – 3). The three tables attached present the cases considered by CAP in different ways. Table 1 gives decisions by the type of action; Table 2 gives aggregate decisions by academic unit; and Table 3 compares CAP's decisions this year with those of the past five years.

As shown in Tables 1 and 3, CAP reviewed 393 cases in 2009-10, compared to 489 in 2008-2009 and 645 in 2007-2008. Part of this decrease reflects the hiring freeze in effect this year, resulting in far fewer faculty appointments for CAP review or post-audit and part was reflective of CAP no longer engaging in as many post-audits of prior dean's delegated merits. In 2009-10, CAP reviewed 29 files for appointment or change of series (Table 1A), compared to 67 in 2008-09 and 130 in 2007-08. CAP post-audited 109 dean's delegated merits in 2007-2008, only 7 in 2009-10.

As shown in Table 2, the overall rates of agreement between CAP and the original departmental recommendations ranged from 74-100% in 2009-10, compared to 69-100% in 2008-09. When modify-up and modify-down were included, the rates of agreement increased to 87-100% in 2009-10, compared to 85-100% in 2008-2009. Decisions by CAP are advisory to the Chancellor and EVCP, who make the final decisions. Nine of the final decisions (recorded as of August 31, 2010) differed from CAP's recommendations. In six of these cases, the CAP vote was close. Ten files are still under review by the Administration and the additional information requested by CAP for five files was not received by the end of July when CAP meetings ended. The EVCP or the Vice Provost met in person with CAP to discuss each case in which there was disagreement

with CAP before making a final decision. This 97.5% concurrence rate between EVCP/VP and CAP in 2009-10 is slightly better than the 97.3 % concurrence rate of 2008-09.

The delegation to the academic Deans of appointments at the level of Assistant Professor, Steps I – III, began in AY 2005-06 to streamline the recruitment and appointment process. CAP continues to conduct post-audits of these appointments to monitor for consistency across schools and provide feedback when CAP disagrees with the appointment level.

In 2009-10, CAP reviewed 7 requests for postponement of the tenure review from the 6th to the 7th year (Table 1D) and recommended in favor of all but one. A key criterion for postponement was that an additional year would substantially improve chances for a successful tenure review. The current policy is that Assistant Professors are generally not eligible for postponement if they have had a negative mid-career review or the last review resulted in No Action.

Mid-career assessments (MCAs) are key evaluations done by units and CAP of assistant professors during their 4th year. These provide guidance and recommendations to the candidate pertaining to future tenure review, identifying tenure prospects as “positive,” “cautionary,” or “negative.” Of the 35 MCAs reviewed by CAP in 2009-10, CAP agreed with the department recommendation 20 times and disagreed 15 times (43 percent of the time). In 2008-09, CAP disagreed with department recommendations 50 percent of the time; in 2007-08, CAP disagreed with department recommendations 67 percent of the time. Frequently, CAP evaluations of candidate tenure prospects are not as glowing as the departments.

Reserve CAP. To avoid conflicts of interest, a “Reserve CAP” (formerly called “Shadow CAP”) consisting of former CAP members, evaluates dossiers of current and two-years’ past CAP members and other cases referred by the CAP Chair due to special circumstances. During the 2008-09 year, the Senate Cabinet, with CAP input, formalized the procedures for appointing Reserve CAP members. In 2009-10, Reserve CAP reviewed six new cases and concluded the review of two cases carried over from 2008-09.

Diversity in the academic personnel review process. Beginning in 2007-08, the AP-10 form (also referred to as the Addendum and, more recently, the Review Profile) was modified so that candidates could report their activities in promoting diversity in research, teaching and service. The information was included in the review of each file during the 2009-10 year.

Reviews of chairs and deans. CAP provided input to the 5-year review of six department chairs.

Electronic review of files. CAP continued to provide feedback to the Office of Academic Personnel and the Office of Information Technology in their efforts to develop online review systems. Starting with merit increases, enhancements are being planned to allow online review of appointments, promotions, and other actions.

IV. Major Discussion Issues

Streamlining the Academic Personnel Review Process. The CAP Chair served on the Task Force on Efficiencies in Academic Personnel Reviews and CAP commented on a number of proposals

coming out of that committee. The proposals supported by CAP were as follows: 1) extension of Dean Delegated Merits in the full Professor rank, but requiring one CAP review between promotion to Full and Step VI review, 2) waive authority to review all actions in the Adjunct Professor series, and 3) revision of the Short Form Documentation (new UCI-AP-25 Form).

Salary issues. CAP members discussed and debated during the 2008-2009 year CAP's appropriate relationship to faculty salary considerations—both in terms of specific case review and also whether CAP should engage in larger, systematic analysis of possible salary inequities on campus. In fall 2009, CAP decided to systematically collect data on salary relative to current review period performance. In January, 2010, CAP agreed to comment on any cases in which it was agreed that the candidate's salary appeared to be low or average relative to performance during the review period. In addition, CAP summarized the data by school and provided it to AP (on an admittedly small sample size). CAP will continue to monitor salary equity and comment when a case needs attention from higher levels of review.

Election of CAP members. UCI is the only UC campus for which CAP members are elected. CAP was asked by the Senate to consider a request from the Law School to add a member from the Law School, or to suggest a school size when membership should be considered. CAP decided that all ladder-rank faculty should have the opportunity to run for election to CAP and recommended that an additional at-large member be selected from all units on campus that do not currently have membership on CAP (at this time, this includes faculty from the School of Law, Department of Education, Department of Pharmaceutical Sciences, Program in Nursing, and Program in Public Health). CAP offered the opinion that membership should be considered when schools reach a size of 40 ladder faculty. Approval will be sought from the Divisional Assembly in Fall quarter 2010.

Response to Senate Requests for Comment. CAP discussed and forwarded comments to the Senate regarding 1) Systemwide review of Faculty Administrator Policies, 2) the UCPB Choices Report, and 3) Commission on the Future recommendations.

V. University Committee on Academic Personnel (UCAP)

In addition to supporting the Chair in normal CAP activities, the Vice Chair represents the Irvine campus at the system-wide University Committee on Academic Personnel (UCAP). Professor Steven White served as CAP Vice-Chair in 2009-10. UCAP met three times in-person and conducted one telephone conference call during academic year 2009-10 to conduct business with respect to its duties as outlined in *Senate Bylaw 135*. The issues that UCAP considered this year are described briefly as follows:

Faculty Salary Scales. Year 2 of the four-year systemwide faculty salary scale plan was not implemented due to the current budget situation, but UCAP continued to examine the salary comparisons. In December, Council charged a subcommittee of UCAP, the University Committee on Faculty Welfare and the University Committee on Planning and Budget with the task of considering faculty salary data and developing a recommendation regarding the future of the Faculty Salary Plan. UCAP received data from Academic Personnel showing the comparison of UC to the comparison eight. The data on the comparison 8 institutions show that the private

institutions continued to show increases, and the lag grew from approximately 9.5% to 11.2% this year as anticipated by Academic Personnel. UCAP reviewed various data models for bringing faculty back on scale and for raising the scales to market and the costs of the different models. Members of the subcommittee reported on ongoing discussions of whether the four-year systemwide salary plan should be resumed if funds are available, or whether across-the-board salary increases (similar to cost of living adjustments) are preferable.

Consultation with the Administration. UCAP received regular updates about UC's budget, and was kept abreast as plans to address the financial crisis were developed. Academic Personnel and UCAP both were interested in recruitment and retention in the face of the furlough program. Given the decentralized recruitment policies, it is difficult to quantify a successful recruitment. For retention, there was an attempt to collect data on successful, unsuccessful, and preemptive retentions. It has always been difficult to identify the ultimate reason for a faculty member's separation; therefore, Academic Personnel may collect anecdotal information. Academic Personnel has historical data which will be compared to the data collected this year to at least see if there was a significant increase in faculty departures during the 2009-10 academic year. Whether the furlough had a role in departures may be available at the department level and teasing out whether the separation is because of the general budget situation or because of the furlough is important.

Other Issues and Additional Business. In October 2009, in accordance with APM 260, UCAP nominated an *ad hoc* faculty review committee to review an appointment to the University Professor title proposed by a campus. In May 2010, UCAP members reviewed the *ad hoc* committee's recommendation and all case materials and forwarded a memo of strong support for the University Professor appointment to Provost Pitts.

In response to requests for formal comment from the Academic Council, UCAP submitted views on the following:

- The UC Commission on the Future
- University Committee on Planning and Budget Paper on Differential Fees
- Proposed Revisions to APM 015, 036, 140, 160, 241, 246, 245, 633, 242, 630 and 632

Campus Reports. UCAP devoted part of each regular meeting to reports about issues facing local committees and comparison of individual campus practices. In these discussions, UCAP members touched briefly on the status of searches; responses to outside offers; special accelerations for retention or other reasons; retention; and efforts to streamline processes.

Survey of CAP Practices. UCAP updated its annual survey of local CAP practices and experiences. In addition, UCAP discussed issues affecting each local CAP and compared notes on how each local CAP operates in issues such as recusal and delegation of cases.

VI. Conclusion

The Academic Personnel Manual (APM) is a foundational resource for all faculty members and the heads of academic units. CAP members frequently consult the APM to gain insight into the differences across appointment series and expectations of performance warranting advancement

in each series. CAP urges every faculty member to consult the APM frequently to become familiar with the guidelines. In addition, the Bylaws of the Irvine Division describe the formalities of CAP's membership and responsibilities. CAP strives for transparency in its criteria and procedures, and welcomes feedback from faculty and staff on the content of the published FAQs and CAP's responses. Although the answers published for the FAQs have no formal status, they provide important guidance for framing more specific questions, which should be directed to the Office of Academic Personnel. For reasons of confidentiality and fairness, CAP members should not be approached directly for questions on specific cases.

This year's CAP members unanimously expressed the feeling that service on CAP was one of their most rewarding service experiences in academia. Despite the long hours, gravity of the task and hard work, the importance of the mission shaped the membership into a dedicated group during the weekly meetings and the shared late hours in the CAP room. The Chair thanks all of the CAP members for their hard work, support and friendship. The Chair and all CAP members would especially like to thank analyst Mia Larson for skillfully taking notes and drafting the CAP letters and for providing organizational memory for the Council. Rachel Mangold and Barbara Cartwright's efforts to organize the agendas and assignments for each meeting are also appreciated.

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TABLES 1A-1D: FINAL RECOMMENDATIONS BY ACTION TYPE

TOTAL PERSONNEL CASES

CAP Recommendation				Total	Accelerated
Agree	Disagree	Modify	Pending		
318	27	41	7	393	75

TABLE 1A. APPOINTMENTS

	CAP Recommendation				Total
	Agree	Disagree	Modify	Pending	
Dean's Delegated Appts. (Asst. I, II, and III), Post-Audit	3	0	1	1	5
Assistant Professor (Asst. IV, V, VI)	1	0	0	0	1
Associate Professor, Assoc. Prof. of Clin. X	2	0	0	0	2
Professor, Prof. of Clin. X, Prof. in Residence	3	0	2	0	5
Acting Professor of Law	2	0	0	0	2
Lecturer/Sr. Lecturer PSOE & SOE	2	0	0	0	2
Change of Series (2 paired w/ merit or promotion)	1	2	0	0	3
Non-Senate Appointment	2	0	0	1	3
Non-Senate Change of Series w/ merit or promotion	6	0	0	0	6
Total	22	2	3	2	29
% CAP Agreed with Proposal					81%
% CAP Agreed or Modified Proposal					93%

TABLE 1B. PROMOTIONS

	Agree	Disagree	Modify	Pending	Total	Accelerated
Associate Professor (inc. 5 in Clin X or In Res series)	16	4	9	0	29	10
Professor (inc. 2 Clin X or In Res series)	25	0	8	1	34	13
Advancement to Professor VI	18	1	5	1	25	10
Advancement to Professor Above Scale	4	0	0	0	4	0
Lecturer/Sr. Lecturer SOE	3	0	0	0	3	1
Non-Senate Promotion	5	1	0	0	6	0
Excellence Review w/ Merit Increase	6	0	0	0	6	n/a
Total	77	6	22	2	107	34
% CAP Agreed with Proposal					73%	
% CAP Agreed or Modified Proposal					94%	

TABLE 1C. MERIT INCREASES*

	Agree	Disagree	Modify	Pending	Total	Accelerated
Assistant Professor (34 paired w/ MCA**)	49	3	0	0	52	4
Associate Professor (inc. 6 in Clin X or In Res series)	40	2	5	0	47	11
Professor (inc. 6 in Clin X or In Res series)	35	5	9	0	49	25
Professor Above Scale	12	1	0	0	13	1
Dean Delegated Merits - Post-Audit*	7	0	0	1	8	n/a
Lecturer/Sr. Lecturer PSOE (1 paired w/ MCA**)	1	0	0	0	1	0
Lecturer/Sr. Lecturer SOE	2	0	0	0	2	0
Non-Senate Merit Increases	5	1	0	0	6	0
Lecturer, Continuing	30	1	0	0	31	n/a
Total	181	13	14	1	209	41
% CAP Agreed with Proposal					87%	
% CAP Agreed or Modified Proposal					94%	

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TABLE 2: FINAL CAP RECOMMENDATIONS ON DEPARTMENTAL PROPOSALS

School	Number proposed	CAP Recommendation					% CAP agreed w/ dept. or modified up or down	% CAP agreed with dept. w/o modification	Accelerations	
		Agree	Disagree	Modify-up	Modify-down	Pending			Number	% propo
Biological Sciences	37	29	4	2	1	1	89%	81%	6	16%
Business	8	7	0	0	0	1	100%	100%	0	0%
Education	4	4	0	0	0	0	100%	100%	0	0%
Engineering	34	25	3	1	5	0	91%	74%	7	21%
Health Sciences	10	9	0	0	1	0	100%	90%	2	20%
Humanities	59	52	5	0	2	0	92%	88%	9	15%
ICS	8	7	1	0	0	0	88%	88%	0	0%
Law	4	4	0	0	0	0	100%	100%	0	0%
Medicine	96	69	12	2	9	4	87%	75%	16	17%
Physical Sciences	52	49	0	1	2	0	100%	94%	10	19%
Social Ecology	21	17	0	3	1	0	100%	81%	7	33%
Social Sciences	45	35	3	1	6	0	93%	78%	9	20%
Div. of Research	3	3	0	0	0	0	100%	100%	0	0%
Totals*	410	332	28	13	29	8	93%	83%	76	19%

* Totals in Table 2 will differ from totals in Tables 1 and 3 due to actions involving split appointments across schools.

TABLE 3: CAP'S AGREEMENT WITH DEPARTMENTAL RECOMMENDATIONS 2004-2010

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10*	5 yr mean 2004-2009	Difference 2009-10
Total cases	442	487	604	645	489	393	533	-140

Agree								
Appointments	70%	72%	77%	72%	75%	81%	73%	8%
Promotions	53%	66%	68%	71%	72%	73%	66%	7%
Merits	80%	81%	88%	84%	86%	87%	84%	3%
Other Actions	79%	81%	68%	84%	89%	83%	80%	3%
Agree or Modification								
Appts. +/-	97%	89%	93%	90%	97%	93%	93%	0%
Promotions +/-	74%	83%	83%	80%	91%	94%	82%	12%
Merits +/-	84%	85%	92%	91%	90%	94%	88%	6%
Other Actions +/-	89%	83%	68%	92%	94%	87%	85%	2%

*Hiring freeze and other budgetary conditions contributed to a decrease in cases in 2009-10.