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Office of the Academic Senate
SANTA CRUZ DIVISION
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June 24, 2022

Robert Horwitz, Chair
Academic Council

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

Dear Robert,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

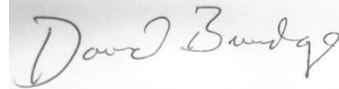
As raised in previous NSTP reviews, our responding committees questioned the real impact of the program on graduate students. It is difficult to assess whether faculty in the NSTP are spending more time looking for sources of funding to boost their own salaries, and less time providing graduate support.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

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

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

Thank you for the opportunity to opine.

Sincerely,

A handwritten signature in cursive script that reads "David Brundage". The signature is written in black ink on a light-colored background.

David Brundage, Chair
Academic Senate, Santa Cruz Division

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