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December 15, 2023

JAMES STEINTRAGER  
Chair, Academic Council

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

Dear James,

The Santa Cruz Academic Senate has reviewed the request for feedback on a proposed draft of Academic Personnel Manual (APM) Section 672, Negotiated Salary Program (NSP). Our Committees on Academic Personnel (CAP), Faculty Welfare (CFW), and Planning and Budget (CPB) have responded. The responses reiterated several concerns about equity, the possible effect on graduate student support, and the risk of undermining the standard personnel review process that were raised in previous reviews<sup>1</sup>. In addition, new concerns were raised about a few policy provisions, and recommendations for improvement and appropriate implementation in the case that the program and policy move forward despite these concerns.

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

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

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

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

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

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

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

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

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

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

- Finally, based on the fact that current faculty utilizing this program are primarily from two divisions on our campus, we highlight the equity issues with this policy as it is currently operating. Previous Senate responses to the NSTP raised concerns that this program may exacerbate salary inequities across our campus. Humanities, Arts, and Social Sciences faculty have fewer opportunities for obtaining similar external salary external salary supplemental funds. We therefore concur with the 2022 Academic Council statement<sup>3</sup> that once fully enacted, at a minimum, campuses must promote and facilitate “participation beyond STEM fields, and develop a plan to expand participation by more diverse faculty, including faculty in other academic series, departments, and campuses” to mitigate such issues.

Thank you for the opportunity to opine.

Sincerely,



Patty Gallagher, Chair  
Academic Senate, Santa Cruz Division

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

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