NOTICE OF SPECIAL MEETING
Tuesday, November 18, 2014, 3:30 p.m.
Garren Auditorium, Biomedical Sciences Building, 1st Floor

ORDER OF BUSINESS

(1) Proposed Revisions to Academic Personnel Manual 210-1-d
## Ex Officio Members:

- Chair of Division: Gerry Boss
- Chancellor: Pradeep Khosla
- Vice Chair of Division: Robert Continetti
- 2013-14 Chair of Division: Kit Pogliano
- Chair, Committee on Academic Personnel: Steven Briggs
- Chair, Committee on Admissions: Madeline Butler
- Chair, Committee on Diversity and Equity: Daniel Widener
- Chair, Committee on Campus Community Environment: Raymond DeCallafon
- Chair, Committee on Committees: Doris Trauner
- Chair, Undergraduate Council: John Eggers
- Chair, Graduate Council: David Salmon
- Chair, Committee on Planning and Budget: Julian Betts
- Chair, Committee on Privilege and Tenure: Frank Powell
- Member, Academic Council: Joel Dimsdale
- Member, Academic Assembly: Susan Narucki
- Member, Academic Assembly: Margaret Schoeninger
- Member, Academic Assembly: Steven Wasserman
- Executive Vice Chancellor, Academic Affairs: Suresh Subramani
- Vice Chancellor, Health Sciences: David A. Brenner
- Vice Chancellor, Marine Sciences: Margaret Leinen
- Vice Chancellor, Research: Sandra Brown

### Elected Members and Alternates

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<tr>
<th>Divisional Representative</th>
<th>Elected Members</th>
<th>Alternates</th>
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<td>Grant Goodall ('16)</td>
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September 19, 2014

CHAIRS, DIVISIONAL SENATE COMMITTEES

SUBJECT: Proposed Academic Personnel Manual Revisions

Dear Colleagues:

Enclosed are the materials for a systemwide review of proposed revisions to the Academic Personnel Manual.

- APM 133-17-g to j: Limitation on Total Period of Service with Certain Academic Titles
- **APM 210-1-c & d:** Review and Appraisal Committees
- APM 220-18-b: Professor Series
- APM 760-30-a: Family Accommodations for Childbearing and Childrearing

The attached PDF file contains a cover memo from Vice Provost Susan Carlson, information regarding the contextual background for the proposed changes from the 2013-2014 UCAP and UCAAD chairs Harry Green and Emily Roxworthy, and the proposed APM changes. Each document is bookmarked.

Chairs who wish to place this item on their committee’s agenda are encouraged to do so. I am requesting that the following committees submit a formal response:

- Committee on Academic Personnel
- Committee on Diversity and Equity
- Committee on Faculty Welfare
- Committee on Privilege and Tenure

Under separate cover, I will also request responses from the Health Sciences Faculty Council and the SIO Faculty.

As always, feedback is welcome from any committee that would like to submit comments.

The timeline for the Senate’s consideration is as follows:

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<td><strong>October 31, 2014</strong></td>
<td>Responses due</td>
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<td>November 10, 2014</td>
<td>Senate Council consideration</td>
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<tr>
<td>December 15, 2014</td>
<td>Divisional response due to Academic Council</td>
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<td>January 28, 2015</td>
<td>Academic Council consideration</td>
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All comments received by the response date will be included in the Divisional response.

Gerry Boss
Chair
Academic Senate, San Diego Division

Attachment

cc: Robert Continetti, Vice Chair
    Ray Rodriguez, Director
    Academic Senate Staff
May 23, 2014

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

1) Section 133-17-g-j, Limitation on Total Period of Service with Certain Academic Titles,
2) Section 210-1-c & d, Review and Appraisal Committees,
3) Section 220-18-b, Professor Series, and
4) Section 760-30-a, Family Accommodations for Childbearing and Childrearing

Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to Academic Personnel Manual Section 133-17-g-j (APM - 133), Limitation on Total Period of Service with Certain Academic Titles; Section 210-1-c & d, Review and Appraisal Committees (APM - 210); Section 220-18-b, Professor Series (APM - 220); and Section 760-30-a, Family Accommodations for Childbearing and Childrearing (APM - 760). These proposed changes to four separate APM sections result from two substantive issues described below.

Revisions of Language on Evaluating Contributions to Diversity

During the 2012-13 academic year, the University Committee on Academic Personnel (UCAP) and the University Committee on Affirmative Action and Diversity (UCAAAD) worked together on a proposal to modify APM - 210-1-d to clarify its language regarding evaluation of contributions to diversity in merit and promotion reviews. In spring 2013, Academic Council approved the language proposed by UCAP and UCAAAD. The proposed language enclosed has not been changed, since Management Consultation (January – March 2014) documented general support for the new language. Enclosed is a letter dated January 2, 2014 from Academic Council Chair William Jacob to Vice Provost Carlson requesting review of the Senate’s original proposal as well as a letter from UCAP Chair Harry Green and UCAAAD Chair Emily Roxworthy to Chair Jacob describing their efforts and rationale for the proposed revisions. The letter from Chairs Green and Roxworthy refers to two attachments which consist of current APM - 210-1-d language and language proposed in spring 2013 by Academic Council. The current language and their proposed language is replicated on the enclosed draft using the “track changes” function. Their proposed language remains the proposed language now being circulated for Systemwide Review.
Revisions of Language on Extending the Eight-Year Limitation on Service

Also during the 2012-13 academic year, the University Committee on Faculty Welfare (UCFW) recommended that APM - 133-17-h, Stopping the Clock for the Care of a Child or Children, be amended to expand the permissible reasons to “stop” the eight-year service limitation “clock” due to exceptional personal circumstances beyond the faculty member’s control which may impede timely progress. Draft language proposes that, in addition to childbearing and child care, a faculty member may request to stop the clock for a serious personal health condition, for illness of or for bereavement of a family member, or other significant circumstance or event.

While current policy provides for an automatic exclusion from service limitations when leave is related to childbearing or childrearing (see APM - 133-17-g-(3) and APM - 760-25-30), the proposed revisions specify that campus Academic Personnel procedures will establish how a faculty member may apply for an extension of the eight-year rule when the request is related to a serious personal health condition, for illness of or for bereavement of a family member, or other significant circumstance or event, and how the request will be evaluated.

In addition to amending APM - 133-17-g-j, related revisions are proposed to APM Sections 210-1-c-(4), 220-18-b, and 760-30-a. Language in Sections 210-1-c-(4) and 220-18-b adds reference to stopping the clock due to personal reasons in addition to family accommodation as defined in APM - 760. Also, language is added to confirm that all evidence produced during the probationary period, including the period of extension, counts in the evaluation of the candidate’s review file. Language removes from APM - 760-30-a the child’s five-year age limit for an academic appointee to qualify for an extension of the eight-year rule.

Summarized below are some of the recommendations from Management Consultation (January – March 2014) that have been incorporated in the Systemwide Review drafts:

- Some reviewers found the definition of “child” to be overly descriptive and narrowly focused to the exclusion of other appropriate child care arrangements that warrant consideration for extending the clock. Proposed revisions reflect the recommendation that the focus be on the family member’s commitment to 50 percent or more of the care of the child rather than defining a child.

- Additionally, the restriction of eligible children of the appointee or the appointee’s partner is unduly narrow. Proposed language in APM - 133-h-1 extends the definition to any child who becomes part of the faculty member’s family. Proposed new language in APM - 133-17-h-2 enables a faculty member to request to stop the clock for illness of, or bereavement for, a close family member, other persons residing in the faculty member’s household, or in cases of close personal connection or interdependence, instead of trying to list all possible relationships.

- Reviewers recommended that proposed APM - 133-17-h-3 be modified to include examples such as significant delays in the provision of research space, facilities, or resources promised to the faculty member and necessary for his or her research activities.
Lastly, reviewers recommended language to reflect that requests to stop the tenure clock for a serious personal health issue constituting disability would be considered a reasonable accommodation requiring documentation confirming the existence of the disability.

**Systemwide Review Process**

Systemwide Review is a public review distributed to the Executive Vice Chancellors/Provosts, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, affected employees and union membership about policy proposals. Systemwide Review also includes a mandatory full Senate review, in this instance, for 60 days, as agreed with Academic Council Chair Jacob.

Employees should be afforded the opportunity to review and comment on the draft new policy, available online at: [http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html](http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html). Attached is a Model Communication which may be used to inform non-exclusively represented employees affected by these proposals.

This letter and enclosures anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than July 21, 2014. 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,

Susan Carlson
Vice Provost
Academic Personnel

Enclosures: Letter from Academic Council Chair Jacob to Vice Provost Carlson (1/2/14)
Letter from UCAP Chair Green and UCAAD Chair Roxworthy to Academic Council Chair Jacob (1/2/14, without attachments)
Proposed Revisions to APM Sections 133-17-g-j, 210-1-c(4), 210-1-d, 220-18-b, and 760-30-a

cc: President Napolitano
Provost and Executive Vice President for Academic Affairs Dorr
Senior Vice President Vacca
Vice President Duckett
Vice Provosts Academic Affairs/Academic Personnel
Academic Personnel Directors
AA/EEO Directors
Executive Director Tanaka
Executive Director Winnacker
Deputy General Counsel Drown
Deputy Compliance Officer Lane
Senior Counsel Van Houten
Director Chester
Manager Lockwood
Policy and Compensation Analyst Flinker
Policy Coordinator Trifonov
January 2, 2014

SUSAN CARLSON, VICE PROVOST ACADEMIC PERSONNEL

Re: Proposed revision of APM 210

Dear Susan:

As I believe you are aware, ambiguities in the language of APM 210-1d contains have raised concerns in Senate committees about inconsistent implementation and potential misunderstanding. Accordingly, over the past year, the University Committee on Academic Personnel (UCAP) and the University Committee on Affirmative Action and Diversity (UCAAD) have worked together to develop proposed revisions that they believe would more precisely state the University’s commitment to faculty diversity while also avoiding the misperception that research in some fields will be valued more highly than research in others without regard to its academic quality.

I write now to transmit a memo from UCAP and UCAAD chairs Harry Green and Emily Roxworthy providing background context for the proposed change. Please note that the language of APM 210-1d was first proposed by the Senate.

As always, please feel free to contact me or Professors Green or Roxworthy if you have any questions or concerns.

Sincerely,

Bill Jacob

Encl. (1)

Cc: Academic Council
    Executive Director Winnacker
    Policy Manager Lockwood
    Senate Analysts
January 2, 2014

BILL JACOB, CHAIR
ACADEMIC COUNCIL

RE: APM210-1.d Historical Context and Need for Revision

Dear Bill,

Historical Context

In the fall of 2002, President Atkinson convened a Strategic Review Panel that recommended incorporating educational outreach (which helps disadvantaged and underrepresented populations) into the teaching and research mission of the UC faculty. The Panel’s final report in Spring, 2003, also recommended involving faculty more directly in efforts to serve the community. One of the University’s responsibilities as a land-grant institution is to provide broad and equitable education for all eligible California residents, including those in disadvantaged and underrepresented groups. As a consequence, faculty contributions to diversity and equal opportunity are to be highly valued by the University. Accordingly, the Panel asked the Academic Senate to develop means by which faculty members could be properly recognized and rewarded for their participation in these forms of educational outreach.

In 2003-04, the Senate’s University Committee on Affirmative Action and Diversity (UCAAD) worked with several other Senate committees to propose language for the Academic Personnel Manual (APM) that would instruct campus reviewers to evaluate contributions to diversity and equal opportunity in all three categories of the academic appointment, review, and promotion process (teaching, research, and service). Revisions of three sections of the APM were proposed to guide Deans (APM 240), Department Chairs (APM 245) and the Academic Merit and Promotion process (APM 210) in promoting diversity and equity. The first two revisions were approved with little discussion but the proposed revisions to APM 210 met with considerable controversy. In particular, the University Committee on Research Policy (UCORP) commented that “By singling out a specific area of work for special treatment, it seems to imply that the subject matter itself is more important than and substitutes for scholarly rigor, objectivity and originality” and “It is also unclear how to distinguish between diversity efforts that should count as “research and creative work” rather than as “University and public service.” In 2004-05, following further discussion and system-wide review, the Academic Council unanimously approved creation of a new paragraph of APM 210 (section 210-1.d) [Attached]. The Administration concurred and charged each campus with devising local strategies to implement the new policy.
Need for Revision

Since 2005, each campus has approached APM 210-1.d autonomously, and its implementation has been uneven and inconsistent across the system, primarily due to confusions and/or disagreements concerning the original two concerns of UCORP. Finally, in 2011/12, after extensive and animated discussions, the University Committee on Academic Personnel (UCAP) concluded that the current wording of APM 210-1.d was unworkable because its language is ambiguous; it can be read to say that research into diversity and equity holds a privileged position above other academic disciplines. This conclusion was reached while UCAP was reviewing the report of a Faculty Diversity Working Group convened by President Yudof in early 2011 as part of the Campus Climate Council. One of the Working Group’s key recommendations was that the Senate devise strategies for fully implementing APM 210-1.d as soon as possible. As a consequence of the Working Group’s recommendation and UCAP’s conclusion of unworkability of the current wording, in Fall 2012, the Senate Chair tasked UCAAD and UCAP with revising the language of APM 210-1.d to make it unambiguous to ensure that the policy would be fully and consistently implemented on every campus.

Proposed New Language

During the 2012-13 academic year, UCAAD and UCAP worked together to modify the language of APM 210-1.d to clarify: (i) that all academic disciplines have equal standing in the merit/promotion process; (ii) that contributions to diversity and equity by faculty members for whom diversity and equity are not primary research fields are also to be encouraged as an aspect of their teaching and/or service; (iii) that mentoring of diverse students and faculty in any discipline is important and can require considerable time and effort, for which faculty should be rewarded appropriately. The proposed revisions include explicit language stating that research, teaching, and service related to diversity and equal opportunity comprise a valid disciplinary area that is to be judged on its own merits—at the same level of recognition as any other academic discipline recognized by the University of California. At the same time, contributions toward diversity, equity and inclusion in teaching and/or service are to be highly valued in the merit/promotion process of faculty in any discipline. Mentoring of diverse students and faculty is specifically to be given “due recognition” in the merit/promotion system. That is, such mentoring is to be addressed on a “sliding scale”, thereby giving appropriate recognition depending on the level of involvement of the faculty member. In Spring, 2013, the Academic Council approved with a large majority the revised wording for APM 210-1.d [attached] that is now to be distributed for discussion and approval by the full Senate.

Finally, both UCAAD and UCAP recommend that every campus provide dedicated sections on the biobibliography or elsewhere in the review file where faculty can, if they wish, document their contributions to diversity and include narrative that details the efforts and impacts of these activities. Such presentation will allow reviewers at all levels to evaluate these voluntary contributions to teaching and service in the context that they are valued highly by the University.

Sincerely,

Harry Green, Chair
UCAP

Emily Roxworthy, Ph.D., Chair
UCAAD
210-1  Instructions to Review Committees Which Advise on Actions Concerning Appointees to the Professor and Corresponding Series

.....

c. Procedure

.....

(4) **Assessment of Evidence** – The review committee shall assess the adequacy of the evidence submitted. If in the committee’s judgment the evidence is insufficient to enable it to reach a clear recommendation, the committee chair, through the Chancellor, shall request amplification. In every case all obtainable evidence shall be carefully considered.

If in assessing all obtainable evidence, the candidate fails to meet the criteria set forth in Section 210-1-d below, the committee should recommend accordingly. If, on the other hand, there is evidence of unusual achievement and exceptional promise of continued growth, the committee should not hesitate to endorse a recommendation for accelerated advancement. If there is evidence of sufficient achievement in a time frame that is extended due to stopping the clock for reasons as defined in APM - 133-17-h or a family accommodation as defined in APM - 760, the evidence should be treated procedurally in the same manner as evidence in personnel reviews conducted at the usual intervals. **All evidence produced during the probationary period, including**
the period of extension, counts in the evaluation of the candidate’s review

file. The file shall be evaluated without prejudice as if the work
were done in the normative normal period of service and so stated in the
department chair’s letter.

.....
210-1 Instructions to Review Committees Which Advise on Actions Concerning Appointees in the Professor and Corresponding Series

.....

d. Criteria for Appointment, Promotion, and Appraisal

.....

The University of California is committed to excellence and equity in every facet of its mission. Contributions in Teaching, research and other creative work, professional activity, and University and public service contributions that promote equal opportunity and diversity, and equal opportunity are to be encouraged, and given recognition in the evaluation of the candidate’s qualifications. They should be given the same weight in the evaluation of the candidate’s qualifications during Academic Personnel actions as any other contributions in these areas. These contributions to diversity and equal opportunity can take a variety of forms including efforts to advance research, teaching, equitable access to education, and public service that addresses the needs of California’s diverse population, or research in a scholar’s area of expertise that highlights inequalities. Mentoring and advising of diverse students or new-faculty members are to be encouraged and given due recognition in the teaching or service categories of the Academic Personnel actions process.
The criteria set forth below are intended to serve as guides for minimum
standards in judging the candidate, not to set boundaries to exclude other
elements of performance that may be considered.

.....
To: UCSD Representative Assembly
From: B. Grinstein and J. E. Hirsch

November 5, 2014

Dear colleagues,

Vice Provost Susan Carlson (Academic Personnel) has requested a Systemwide Review of proposed revisions to several Academic Personnel Manual (APM) sections (http://goo.gl/6oAq1k), including revisions to 210-1: “Instructions to Review Committees Which Advise on Actions Concerning Appointees in the Professor and Corresponding Series,” section d: “Criteria for Appointment, Promotion, and Appraisal.”

We find the proposed revision troubling in that it is ambiguous and potentially allowing interpretation that will significantly weaken the standards for appointment, promotion, and appraisal. Many of our colleagues share our concern, and more than 50 in various departments from several divisions have cosigned our request for this special meeting of the Representative Assembly.

The current language of Section 210-1-d, second paragraph, states in part: "Teaching, research, professional and public service contributions that promote diversity and equal opportunity are to be encouraged and given recognition in the evaluation of the candidate’s qualifications. These contributions to diversity and equal opportunity can take a variety of forms including efforts to advance equitable access to education, public service that addresses the needs of California’s diverse population, or research in a scholar’s area of expertise that highlights inequalities."

This language is proposed to be replaced by the following: "Contributions in teaching, research and other creative work, professional activity, and University and public service that promote equal opportunity and diversity are to be encouraged. They should be given the same weight in the evaluation of the candidate's qualifications during Academic Personnel actions as any other contributions in these areas."

The stated motivations for the proposed change are:
  a. The current language is ambiguous and it can be read to say that research into diversity and equity holds a privileged position above other academic disciplines.
  b. Its implementation has been uneven across the campuses.

These are valid concerns, however we believe this proposed fix represents a major change that does far more damage than repair. We believe that most of our colleagues would agree that:
1. Research that deals in whole or in part with diversity issues should not be treated any differently than any other research that advances knowledge in any area or discipline.
2. "Contributions to diversity in research" that are not research proper should not count as research. They should count as service.

We believe that the proposed new language in the APM seriously undermines these fundamental principles.

Why 1: Excellence in research has always been evaluated exclusively on its quality regardless of the field. Research seeks to advance knowledge, and research that "promotes" something should not be evaluated differently than research that doesn't. Many faculty in the University are involved in multidisciplinary research and investigators that work in areas outside their own department's disciplines are equally recognized.

Why 2: UC's standing as the best public university in the world is based on its research. For this it has always been essential to keep the research-leg of the evaluation process separate from the teaching and service legs. Recognizing "contributions to diversity in research" that are not research proper as research would violate this key University principle.

In the context of the APM section 210-1 titled "Instructions to Review Committees...", to state that research that promotes diversity and equal opportunity is to be "encouraged" is an instruction to appraise such research differently (more highly) than other research - how else can Review Committees "encourage"? The existing APM language left open the possibility that such encouragement could occur by giving extra credit in the teaching and/or service areas, while the proposed new language specifies that the extra credit is to be given in the research leg of the evaluation, thus favoring this research area over others. On the other hand we recognize the concern that such research may have been implicitly discouraged in the past. The APM should make clear that research on the broad area of diversity should be appraised equally and reviewed in the same rigorous manner as any other research.

We are also concerned that the proposed language is highly ambiguous and can be interpreted as allowing candidates under review to meet their research and other creative work obligations by diversity efforts in those areas. We believe that this would be highly detrimental to maintaining the quality of the University and in time result in substantial erosion of the University of California status as the top public university system in the world.

Instead, we find the alternative language given below as consistent with the principles
outlined above and meeting the stated goals of the proposed APM changes. This paragraph is to replace the existing second paragraph of APM-210-1-d.

The University of California is committed to excellence and equity in every facet of its mission, and recognizes diversity-related research, teaching, and service in the same manner as any other contribution in these areas. These diversity-related activities can take a variety of forms, including research that studies inequalities, efforts to advance equitable access to education, and public service that addresses the needs of California’s diverse population. Research and other creative work in the broad area of diversity should be evaluated and credited in the same manner as research and creative work on any other subject. Mentoring and advising of students or new faculty members are to be encouraged and given recognition in the teaching or service categories of academic personnel actions.

In our email to colleagues asking to cosign our request for a special meeting of the Representative Assembly, we stated that we intended to bring forward a resolution opposing the proposed changes to the APM. The resolution below was appended to the email.

Resolution

The San Diego Division of the Academic Senate would like to express its strong opposition to the proposed revisions to the Academic Personnel Manual PM section 210-1-d, Criteria for Appointment, Promotion, and Appraisal in the Professor and Corresponding Series. We find the proposed language unacceptably ambiguous, in that it allows candidates under review to meet their research, creative work and teaching obligations by diversity efforts in those areas. We believe that adoption of this policy would in time result in substantial erosion of the University of California status as the top public university system in the world. We reiterate our strong commitment to excellence, equity and diversity in every facet of the University of California’s mission as expressed in the current version of the APM 210-1-d.
October 31, 2014

GERRY BOSS, CHAIR
Academic Senate, San Diego Division

SUBJECT: APM 210-1-c & d Review and Appraisal Committees

The Committee on Diversity & Equity met to consider the text of the proposed revisions to APM 210-1-c & d, which outlines University of California policy toward facilitating, evaluating, and acknowledging contributions toward diversity and equity within the academic review process. Members of the San Diego division were involved in the drafting of both the original and modified language of this section of the APM. While recognizing the challenges that uniform implementation has posed throughout the system and across disciplines, we strongly support both the original intent and the current revisions of APM 210-1-c & d. Members of the committee did not see the new language as proposing that one form of activity (research, teaching and service) could ever serve as a substitute for another.

The CDE supports university and faculty efforts to support and extend our contributions to promoting equity and diversity as comprising a basic character of our task as academics working inside a public land-grant research institution. At times, it would seem as if few of us feel compelled to consider larger issues regarding the current standing of the University within the world of California politics. We believe that the University of California faculty must do more to ensure that our academic programs, laboratories, and committees better reflect the changing composition of the United States and the increasing interconnectedness of our world. This is part of a general need to repair statewide perceptions about our institutional openness to the people of California, nearly half of whom are members of groups considered underrepresented in the university context.

Of course, these are issues that require the efforts of all of us, not simply a handful of standing Senate committees. Still, the CDE welcomes the effort at clarification presented by the proposed new language. We agree wholeheartedly with the goals of a) recognizing the importance of contributions to diversity within the standard review criteria of research, teaching and service; b) ensuring that contributions to diversity are recognized alongside other contributions to the university mission—especially those set forth in the various long term strategic plans; c) mentoring and developing URM populations so as to remove extant barriers to entry into the professoriate.

Principle concerns of the CDE include a) the need to recognize that contributions to diversity do not automatically constitute a form of university or public service; b) that the existence of a voluntary policy on faculty contributions to diversity offers no threat to academic freedom; and that c) the San Diego Division should take active steps to ensure that the gains it has made in its reputation since 2010 are not lost.

We believe that it is crucial that contributions to diversity be understood as potentially other than a form of service. As an example, we might cite the research of Kenneth and Mamie Clark, whose experimental child psychology helped end educational segregation in this country. We likewise would draw attention to the campuswide diversity requirement, and the consequent need to staff courses that touch these issues. We bring up these examples to highlight how either research or teaching might constitute a contribution to diversity worthy of recognition in the course of the review process. In our conversations on this issue, we have detected a difficulty between the goal of ensuring that research into subjects that some colleagues consider a form of service be adequately respected and the need to allow scholars to excel in their chosen area of emphasis. This problem could have been resolved long ago, as it is essentially one of perception and mutual fear.
Standard objections to APM 210 include the idea that somehow the encouraging of particular forms of activity must in turn denigrate other sectors, thereby compromising our academic freedom. We find this fallacious. Scholarly research is “encouraged” by a host of factors, a short list of which might include cluster hires, specific grant competitions, university support for particular initiatives, or industrial partnerships. Even if the enumeration of a contribution to diversity were mandatory, which, we hasten to repeat, is not the case, we struggle to understand our colleagues who believe that “encouragement” or “recognition” threatens those faculty members who choose to conduct research, offer courses, and perform service in other ways. If we do not want the administration to promote particular areas of research or teaching, we would like clarification as to how our colleagues have objected to previous administrative inducements that touch on subjects other than diversity.

A physicist and a philosopher are not expected to maintain identical academic profiles. Some research areas have funding opportunities that others do not. Programs have different teaching loads. Some scholars are in article disciplines. Others write books. It was in recognition of this that individual academic units were asked to provide information regarding their expectations for faculty productivity. We are surprised that departments have not already been asked to prepare information regarding what best practices and successful outcomes toward diversity and equity look like in academic units to which they are broadly comparable. This, rather than constant exegesis, might solve the issues surrounding how best to implement APM 210-1-c 7 d on our campus.

Indeed, we find other sections of APM 210 highly instructive. We note “as the University enters new fields of endeavor and refocuses its ongoing activities, cases will arise in which the proper work of faculty members departs markedly from established academic patterns.” The segment then speaks of the need to ensure flexibility without a reduction in standards. We ask if we are not moving into a “new field of endeavor” while “refocusing…ongoing activities” in the matter of ensuring inclusion, diversity, and equity. Not long ago, it was common to hear faculty at UC San Diego argue that efforts to facilitate diversity could only serve to compromise academic rigor. We are happy to note that most of us have moved beyond this. The goalposts have shifted, however. We believe that excellence and diversity are more than “not mutually exclusive.” Rather, we believe that they are increasingly contingent upon each other. At least, we note, such seems to be the case at more than a few peer institutions. We would hope that the University of California, and especially the San Diego Division, could find a way to again serve as a leader on an important set of issues. In the case of diversity, equity, and inclusion, it would be hard at present to argue that this is the case.

During the recent Task Force on the Faculty Reward System II (TFFRS II), concerns were raised about how to quantify or otherwise measure the efficacy of contributions to diversity. The CDE is happy to collaborate with relevant committees on this issue. 

Regards,

Daniel Widener, Chair
Committee on Diversity and Equity

cc: R. Continetti
October 15, 2014

CHAIR GERRY BOSS
Academic Senate, San Diego Division


- APM 133-17-g to j;
- APM 210-1-c & d;
- APM 220-18-b;
- APM 760-30-a.

The Committee on Academic Personnel (CAP) has reviewed the proposed changes to the APMs referenced in the subject above, and endorses the proposed revisions contained in APM 133, 220, and 760 related to the extension of the “eight year clock.” The 2014 – 2015 CAP also reaffirmed its views on APM 210 as expressed in the Committee’s June 25, 2014 letter to then Senate Chair Kit Pogliano. CAP’s previous letter to Chair Pogliano is attached.

Steven P. Briggs, Chair
Committee on Academic Personnel

cc: R. Continetti
    R. Rodriguez
    J. Partridge
    S. Coulson

Enclosure (1)
June 25, 2014

CHAIR KIT POGLIANO
Academic Senate, San Diego Division

SUBJECT: CAP Response to the Proposed Revisions to APM 210-1-d

Dear Kit,

Thank you for the opportunity to comment on the proposed revisions to APM 133-17-g-j, APM 210-1-c & d, APM 220-18-b, and APM 760-30-a. CAP only has comments on APM 210-1-d, Review and Appraisal Committees. This section is particularly crucial to CAP since it governs the evaluation of candidates during the academic review process.

CAP recognizes the importance of diversity to the University and would like to emphasize that contributions to diversity are currently examined during the academic review process: CAP strives to maintain the pre-eminence of the University of California as a top-tier research institution, rewarding all activities that are part of the university’s mission.

CAP appreciates the effort to resolve ambiguities in the current version of APM 210-1-d. These have raised concerns about inconsistent implementation and potential misunderstandings. CAP sees four main aims of the revision. One is to recognize the importance of contributions to diversity within the standard review criteria of research, teaching and service. Another is to state that all activities in support of diversity are to be recognized in the same way as all other contributions to the university’s mission. A third is to encourage the mentoring of members of under-represented groups. The final aim is the uniform implementation of this policy across campuses.

Unfortunately, the proposed language is ambiguous and, in CAP’s estimation, neither clearly communicates nor furthers these aims. In addition, CAP has concerns about some of the underlying aims, as well as the possible implementation of the new policy.

CAP welcomes the removal from APM 210-1-d of the phrase “or research in a scholar’s area of expertise that highlights inequalities”, which it found troubling since it appeared to privilege certain academic fields. However, the new sentence “They should be given the same weight in the evaluation of the candidate’s qualifications during Academic Personnel actions as any other contributions in these areas.” raises the following concerns:

1. While CAP has seen statements from the authors of the revised policy explaining that one of its goals was specifically to avoid adding a new review criterion (a “fourth leg”), CAP members nevertheless see this as one possible interpretation of the language.

2. The expression “same weight” was also troubling to CAP members: it could be read as implying that the contributions to diversity in an area of review are to be given the same weight as all other activity in that area, de facto implying that contributions to diversity are in fact necessary to a complete file and hence that a file without them will be assessed as having weaknesses.
3. CAP members also noted that the reading of the new sentence that candidates without a diversity record will have their excellent accomplishments in other areas diluted is not the only possible one. The interpretation that contributions to diversity should not be discounted and in fact count as much as other contributions seems natural, but was also viewed as problematic, if it is to mean, for example, that a review cycle during which the candidate maintains a diverse population in his or her laboratory should count as much as a productive cycle of many papers in top venues with measurable impact. This was viewed as having negative consequences for the University’s standing as a leader in research, since it could lead to the perception that some fraction of candidates is being appointed and promoted not on the basis of creative or scholarly work. The concern applies similarly to teaching if it becomes allowable to substitute maintaining a diverse student population in the classroom or acting as a mentor for quality of teaching.

4. The attached letter co-authored by the chairs of UCAP and UCAAD gives insight into the reasons for the new language. It will not be part of the policy, though, and the latter must stand and be intelligible by itself. CAP was nonetheless concerned by one sentence in the letter that underlies the new language. The sentence “The proposed revisions include explicit language stating that research, teaching, and service related to diversity and equal opportunity comprise a valid disciplinary area that is to be judged on its own merits—at the same level of recognition as any other academic discipline recognized by the University of California” suggests that the new policy is creating a new discipline, which CAP found troubling. These issues of academic freedom go beyond CAP’s purview, and CAP welcomes the opinion and input of the UCSD Committee on Academic Freedom, whose central concern this obviously is. The choice of an investigator’s research area is viewed by CAP as the candidate’s choice, not to be constrained by outside factors. Furthermore, whether diversity in research should be valued in the same way as other types of research in a field should be determined by the discipline. This is a vital principle to uphold to protect the academic freedom of members of the University. The overall tenor of the new language can be viewed as privileging a class of research by fiat of the policy and not by an evaluation of the candidate’s scholarship by his or her professional peers by department, campus and outside reviewers.

The addition of the word “diverse” in front of “students” in the last sentence of the proposed policy was viewed by CAP as also being problematic. The use of the adjective “diverse” in front of a specific group seems incongruous: how can an individual student be diverse? Populations or groups can be diverse, but not a student. If “diverse” is to be interpreted as meaning a member of an under-represented group, the resulting language seems inappropriate if it implies that only the mentoring of such students should be encouraged. Some CAP members were also troubled by the sentence “mentoring of diverse students and faculty in any discipline is important and can require considerable time and effort” in the UCAP and UCAAD Chairs’ letter, finding it verging on insulting by implying that “diverse students and faculty” (see earlier sentences about the problems with this use of the adjective) always require more help than others.

The present review policy allows flexibly in rewarding candidates for both the effort to recruit members of under-represented groups to UCSD (via outreach) and efforts to promote their success in academic life at UCSD and beyond. The proposed language is problematic both because there are no appropriate metrics in place that would permit the evaluation of diversity efforts and because the pressures for and against diversity vary wildly across divisions and departments. Rather than applying a one-size-fits-all metric, CAP needs the flexibility to reward candidates for their efforts to promote diversity and equity in all forms.
The current policy also allows faculty to construct their own contributions to diversity across research, service and teaching, and not to be forced to include them in all areas of evaluation. The new policy can be construed as requiring contributions in all areas. Creating a diversity requirement in the area of research is highly problematic, because such a requirement is far more amenable to research in some disciplines than others. Currently CAP can reward scholars who make a significant effort to incorporate diversity and equity issues into their teaching without penalizing those whose specialization is less obviously diversity-related. Moreover, CAP realizes that the promotion of diversity in service activities can be manifested in numerous ways that differ as a function of division, department, and rank.

CAP sees examples of superlative efforts in diversity, for example outreach to schools where many students are underprivileged and from under-represented groups. However, mere lists of students from historically under-represented groups working in a candidate’s lab do not appear to CAP to represent compelling contributions to diversity. In contrast, reliable information on the quality of the mentorship and the efforts to attract these students would be valuable, but these are rarely documented, and even more rarely with evidence beyond the assertions of the faculty member under review. The number of under-represented students who might be mentored depends on the field and the department or program’s record in attracting such students, and these are not factors under the candidate’s control. Hence the importance of properly documenting the candidate’s efforts.

In general CAP is troubled by the inclusion of criteria for review when the factors being weighed may be completely or almost completely beyond the candidate’s control. In essence, candidates could be penalized for not working in a field that attracted a diverse group of students, even if they themselves were making efforts to remedy this situation that were unsuccessful. This seems unfair and is a particular problem in STEM fields, which the proposed language would seem to put at a disadvantage. This is ironic and most unfortunate, since these fields are precisely some of the ones in which diversity has been an issue.

CAP is also concerned about the implementation of the policy. If the goal of the revised policy is uniform implementation across campuses, there is then the need to define how CAP will evaluate claims of contributing to diversity. To document a contribution to diversity there must be a measurable increase in diversity resulting from the contribution. This requires that diversity be quantified and that requires (1) people be identified as being under-represented or not, and (2) the population be identified whose diversity must increase. Then CAP would strive to reward faculty members who measurably increase numbers of under-represented people in the targeted population. Under-represented groups vary widely in their degree of under-representation, so CAP would need guidance on qualitative aspects of evaluation. Several problems arise with having to evaluate contributions to diversity. First, it may take several years before the effects of contributions are seen. For example, faculty members who influence under-represented K-6 students to join an adult target population won’t see a measurable effect until the students become adults. Second, it may be impossible to distinguish the effect of an individual faculty member’s efforts from all of the other influences on diversity. Current practice at CAP is to reward faculty members for their efforts to increase student interest in higher education or in the study of STEM fields, especially if the students are likely to be under-represented. CAP does not evaluate the effectiveness of these efforts.

To conclude, the principles underlying this response are that there be no “fourth leg” and that diversity-related activities are ab initio neither to be prized above certain or all others, nor considered of lesser importance. Rather they should be evaluated on a case by case basis in the same manner that CAP evaluates other elements in a file. CAP thinks it should be possible to
convey that this institution both takes diversity and equity issues seriously and rewards efforts to promote diversity and equity without resorting to an overly strict uniformity of implementation across campuses. CAP’s current practice encourages contributions to diversity, but it does not require such contributions and the attendant need to evaluate contributions. CAP believes that current policy (with the phrase “or research in a scholar’s area of expertise that highlights inequalities” removed) and practice strikes an appropriate balance and that implementation of the proposed policy would be problematic.

Stefan Llewellyn Smith (Chair)
Myrl Hendershott (Vice Chair)
Steven Briggs
Mary Pat Corr
Seana Coulson
Benjamin Grinstein
Robert Horwitz
Joe Ramsdell
Andrew Scull
Kuiyi Shen
Tamara Wall

Cc: G. Boss
    R. Continetti
    R. Rodriguez
    H. Pashler
October 31, 2014

GERRY BOSS, CHAIR
Academic Senate, San Diego Division


The Committee on Faculty Welfare reviewed the proposed revisions to APM 210-1-c & d. Members expressed serious reservations with the added sentence, "They should be given the same weight in the evaluation of the candidate's qualifications during Academic Personnel actions as any other contributions in these areas." One member pointed out that the phrase "given the same weight" makes little sense since these factors must be weighted differently among different classifications. There was consensus among the members that the language is vague and ambiguous and that perhaps the best solution would be to simply remove this sentence from the proposed revision.

Sincerely,

John Eggers, Chair
Committee on Faculty Welfare

cc: R. Continetti
October 22, 2014

CHAIR GERRY BOSS
Academic Senate, San Diego Division

Subject: Committee on Privilege and Tenure Review of APM 133, 210, 220 and 760

The Committee on Privilege and Tenure met on October 13, 2014 to review the following proposed Academic Personnel Manual revisions.

- APM 133-17-g to j: Limitation on Total Period of Service with Certain Academic Titles
- APM 220-18-b: Professor Series
- APM 760-30-a: Family Accommodations for Childbearing and Childrearing

The committee endorsed the proposed revisions above.

The committee finds the revisions to APM 210-1-c & d: Review and Appraisal Committees appropriate and endorses the revisions.

Stefan Tanaka, Chair
Committee on Privilege and Tenure
October 29, 2014

PROFESSOR GERRY BOSS, Chair
Academic Senate, San Diego Division

SUBJECT: Proposed Academic Personnel Manual (APM) Revisions: APM 210-1-d

The Committee on Academic Freedom (CAF) reviewed the proposed revisions to APM 210-1-d to modify the language regarding evaluation of contributions to diversity in merit and promotion reviews and the accompanying correspondence provided by the systemwide Academic Senate. CAF enthusiastically supports the goals of increasing the diversity of the UC student body and the Faculty, and of encouraging teaching and research on human diversity over the breadth of the world and the length of history, including in the United States and California. But we think there are better ways to promote both goals than to undermine long-standing practices of evaluating and rewarding separately faculty research, teaching, and service. Permitting anyone other than the individual Faculty member to have a say on the topics he or she researches, and the directions of his or her findings, sets a dangerous and unnecessary precedent. If the Administration or the Faculty as a body wishes to promote research on diversity, the best way would be to hire more top-notch researchers working in the area, not to distort the basic practices in evaluating research simply to express support and appreciation – which we share – for current colleagues working in those areas.

On the grounds of a threat to Academic Freedom, the Committee strongly objects to both the existing language and the proposed revisions to APM 210-1-d with respect to promoting diversity. Both versions fail to separate service contributions from contributions in teaching and research, even though these three legs are supposed to be evaluated independently. The American Association of University Professors’ 1940 Statement of Principles of Academic Freedom states that Faculty “are entitled to full freedom in research and in the publication of the results,” and neither the administration nor anyone else should be pushing or pulling a Faculty member into one area of research or another.

Moreover, contributions in the service area should not be considered as contributions in research. We note that in some places in UCSD’s Policy and Procedure Manual (PPM), contributions to diversity are explicitly and rightly considered a valuable form of service to be evaluated and credited separately from teaching and research. For instance, PPM 230-20, Section VI. General Description of Series Criteria (Effective 9/1/13; page 14) says:

In addition to research, teaching, and general professional and public service, service contributions that promote diversity and equal opportunity are encouraged and given recognition in the evaluation of the candidate’s qualifications.

The principle of recognizing research as research, teaching as teaching, and service as service should be upheld and expressed clearly in the APM.

Turning to the draft revisions of APM 210 in more detail:

- **Sentence 1:** “The University of California is committed to excellence and equity in every facet of its mission.” We support both goals, and believe they are connected.

- **Sentence 2:** “[T]eaching, research and other creative work, professional activity, and University and public service that promote equal opportunity are to be encouraged.” The administration ought not to be promoting one or another topic of research or teaching. Those decisions belong to the Faculty members.

- **Sentence 3:** We take it that the sentence, “They should be given the same weight in the evaluation of the candidate’s qualifications during Academic Personnel actions as any other contributions in these areas [of teaching, research, and service]” was added because of a worry that teaching and research on subjects that
touch upon the ethnic or racial or other kinds of diversity in society are not respected by divisional Committees on Academic Personnel (CAP), or perhaps by administrators. But CAPs should of course judge all research and teaching on its merits, and CAPs should instruct administrators who are wrongly inclined to slight such work. Will we add items to the APM when old-fashioned chemistry feels slighted in favor of neurobiology? Or for every such perceived disciplinary or topical slight? That is not practical.

Further, one can imagine diversity-related research that produces results inimical to diversity-related action on campus. Would that Faculty member then not be rewarded for his or her research, based on the political incorrectness of the results?

However vital the goal, neither the administration nor the Faculty as a body ought to be promoting or demoting any particular field of research. Academic Freedom means that individual Faculty members freely decide what to research, and are judged by the scholarly/creative merit of their original contributions in whatever field, and wherever the pursuit of truth may lead.

**Sentence 4:** “These contributions to diversity…” The following are unclear:

- To which parts of it does the final phrase “that addresses the needs of California’s diverse population” apply?
  - Does “include” mean “include only the following” or “include things like the following”? If what is meant is that contributions to diversity and equal opportunity can… include efforts to advance research that addresses the needs of California’s diverse population, teaching that addresses the needs of California’s diverse population, equitable access to education that addresses the needs of California’s diverse population, and public service that addresses, etc.” then the verb “addresses” needs to be adjusted from the singular to the plural to make this reading possible.

- Does “advance research” mean “do research” or does it mean more than that? Although the meaning here is extremely unclear, we think that research contributions in any area should be evaluated on their scholarly/creative quality and original contributions, not promoted or devalued by policy statements in the APM.

- From Sentence 4 (beginning “These contributions to diversity and equality can take a number of forms…”) the research clause has been properly stricken in the revision, but since research goes right back in at the top of the list of activities (as “advance research”), and is still present in Sentence 2 discussed above, nothing substantive is changed. Research, teaching, and service are comingled with respect to one set of topics.

Contributions to diversity through research should be evaluated and credited just like all other research. Contributions to diversity through teaching should be evaluated as teaching; this might include, for instance, attention to teaching methods that have been shown to benefit first-generation college students even more than others, such as routinely calling on everyone in a class in rotation instead of asking for volunteers. Contributions to diversity outside the classroom should be considered service, perhaps even when they overlap with teaching, as in work such as outreach, mentoring, participating in roundtables to address first-generation students’ gaps in knowledge about how the University as an institution works, or meeting long hours with students who need help with writing in English because they come from families who primarily speak another language.

**Sentence 5:** The point that service and teaching should be distinguished from research is suggested by this sentence: “Mentoring and advising of diverse students or faculty members are to be encouraged and given due recognition in the teaching or service categories of the Academic Personnel process.” (emphasis added)
Research, teaching, and service must continue to be evaluated separately, not lumped together. Another possibility would be to consider adding diversity-related service as a separate category, in which we ought all to be contributing. As it stands, the revised language in APM 210-1-d will hardly aid divisional CAPs in figuring out what to do.

The confusion in this language is attested to by the letters bundled with the request for committee comment, beginning with the letter from Academic Council Chair Bill Jacob to Vice Provost Carlson, transmitting the letter from UCAP Chair Harry Green and UCAAD Chair Emily Roxworthy.

1. There is a contradiction between the letter from Bill Jacob dated January 2, 2014, which refers to the problem as imprecision in the statement of “the University’s commitment to faculty diversity” (emphasis added), and the letter he is introducing, from Harry Green and Emily Roxworthy, which is about educational outreach by Faculty members in the interests of diversifying the student population and other kinds of faculty work towards diversity, not about the racial/ethnic diversity of the Faculty itself, except insofar as current Faculty members’ mentoring of other Faculty members who fall into the ‘diverse’ category is considered.

2. Bill Jacob writes also of the “misperception,” which, indeed is invited by the current language that “research in some fields will be valued more highly than research in others without regard to its academic quality.” The revision does nothing to alter this perception. It might even exacerbate the problem.

3. Further muddying the water is the January 2, 2014 letter from Harry Green and Emily Roxworthy, page 2, in the paragraph headed “Proposed New Language.” Green and Roxworthy write there: “The proposed revisions include explicit language stating that research, teaching, and service related to diversity and equal opportunity comprise a valid disciplinary area that is to be judged on its own merits—at the same level of recognition as any other academic discipline recognized by the University of California.” (emphasis added) The first sentence of APM 210-1-d states:

   The review committee shall judge the candidate with respect to the proposed rank and duties, considering the record of the candidate’s performance in (1) teaching, (2) research and other creative work, (3) professional activity, and (4) University and public service.

   The first three fall into one’s discipline. But how can service “comprise a … disciplinary area”? The letters demonstrate the confusion already being caused by the failure to separate research from service, which inserts external policy priorities into individual Faculty members’ research choices. In this case, the overall agenda is one the Committee on Academic Freedom wholeheartedly supports. But the precedent is dangerous, and the insertion is highly improper.

Sincerely,

Sarah Schneewind, Chair
Committee on Academic Freedom

cc:  R. Continetti
     J. Partridge
     R. Rodriguez
     A. Tea