



320 STEPHENS HALL  
UNIVERSITY OF CALIFORNIA

November 14, 2012

ROBERT POWELL  
Chair, Academic Council

*Subject: Negotiated salary trial program*

Dear Bob,

On November 5, 2012, the Berkeley Division of the Academic Senate discussed the Negotiated salary trial program, informed by reports of our divisional committees on Academic Planning and Resource Allocation (CAPRA), Budget and Interdepartmental Relations (BIR), and Faculty Welfare. We note that the trial program differs very little from the proposed APM 668, which was circulated for review during the last academic year. Given that, we call your attention to the comments of the Berkeley Division on proposed APM 668 dated December 5, 2011, in which we raised a number of serious concerns. From our perspective, the trial program addresses none of the concerns we raised. Indeed, reframing the proposal as a pilot has raised a new set of concerns. The appended excerpt from BIR's report articulates these clearly.

In sum, our division is still deeply dissatisfied with this program. We reiterate and underline our support for campus autonomy with respect to the plan. Our division has a strong tradition of Senate engagement in setting faculty salaries, grounded in the principle of shared governance. We see nothing in the original proposal or in the pilot program to rival our current system. We do not object to other campuses pursuing the negotiated salary plan if it meets their local needs. Similarly, we believe that the ability to opt out of the plan, if it does not meet campus needs, is essential.

Sincerely,

*Christina Maslach*

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

Encl.

Cc: Alexis Bell and Panos Papadopoulos, Co-chairs, Committee on Academic Planning and Resource Allocation  
Shannon Jackson, Chair, Committee on Budget and Interdepartmental Relations  
Calvin Moore, Chair, Committee on Faculty Welfare  
Martha Winnacker, Executive Director, Academic Senate  
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations  
Diane Sprouse, Senate Analyst, Committee on Academic Planning and Resource Allocation

## **Excerpt from the report of the Committee on Budget and Interdepartmental Relations dated October 18, 2012**

In reviewing the current proposal, we also want to add that we have additional concerns that were not raised in our first response.

- The organization of the study is not thorough. Given the importance of the pilot program as an experiment, it is critical to specify clearly and fully the objectives of the program and the metrics by which the desirability of continuing the program beyond the pilot phase will be measured. We find the current descriptions to be inadequate.
- Variability of practices on different campuses is not taken into account. The Trial Program is intended to serve as a basis for learning what works and what does not. For that reason, it is not clear to us that “Program consistency across campuses is essential to ensure that the collected data are useful in assessing the program.” One might well conclude that exactly the opposite is true.
- The parameters of the funding program are unclear. We are uncertain whether the external funds have to be raised by the specific faculty member receiving negotiated supplemental salary, or if the funds can be from, say, a department-wide pool of external funds. To the extent that the funding must come solely from external sources that have tagged the funding for a specific faculty member, our concerns about the diversion of faculty effort are especially great. Indeed, we are worried about induced distortions in the topics on which faculty choose to do research.
- The program does not account for the fungibility, in practice, of different kinds of funding sources. Although the “General Campus Negotiated Salary Trial Program” states that “General funds cannot be substituted for external funds in support of the program,” in many instances, this statement would be—and already is—meaningless. Funding is broadly fungible. Many departmental activities rely on general funds and external funds simultaneously. The proposed Trial Program offers no mechanism that would prevent a department from reducing the degree to which it supports such activities using external funds—and increasing the use of general funds—in order to divert the external funds to the NSP. General funds would, thus, indirectly support the NSP. Given changing budget needs, we see no way that such transfers could be prevented without triggering a host of other problems.
- The Trial Program makes little serious effort to track the behavior of faculty who participate in revenue-generating programs. Does such participation encourage them to devote less time to core teaching and service on campus? How does this program affect faculty morale for both participating and non-

participating faculty? Does the study consider asking non-participating faculty about the effects of the program on their working environments? Once again, we do not believe that a four-year program could yield the “trend data” that would provide adequate answers to these questions, but the absence of even a limited study in the pilot is evidence of how little the authors of the proposed program are considering such factors.

- The Trial Program and the regular process of merit review are not aligned. For example, under the proposed trial, once an annual negotiated salary has been set, the recipient’s total salary cannot be changed during the year due to a retroactive merit increase. It appears to us that this policy could have unintended consequences or could create ill-will when a case is not processed on time.
- The Trial Program is not based on a clearly articulated set of sound principles. For instance, no rationale is provided for the proposed policy of providing medical-leave benefits for negotiated supplemental salary even when the external funding source does not allow it. This policy is directly at odds with the notion that the NSP benefits are funded by external sources.
- The Trial Program does not contain a well-specified and credible process for terminating the NSP in the event that serious problems arise. In addition to the lack of clearly articulated standards for what would constitute program success, there are serious time-consistency issues. Once the pursuit of outside funding has been institutionalized and critical members of the faculty have come to depend on those funds, re-establishing a traditional scholarly community would be extremely difficult.