

APPROVED MINUTES
SPECIAL MEETING OF BERKELEY DIVISIONAL COUNCIL
Monday, November 18, 2024 – 11:00 AM -12:00 PM
Zoom Video conference

Divisional Council (DIVCO) met on Monday, November, 2024 via *Zoom* video conference. Division Vice Chair Stacey presided. Quorum was present as shown on the attached attendance chart.

I. NEW BUSINESS

A. Discussion/action: Negotiated Salary Plan (NSP) Implementation

The meeting focused on the implementation of the Negotiated Salary Program (NSP) at UC Berkeley. NSP allows campuses to augment faculty compensation up to 30% using external, non-state-appropriated funds, with the requirement that the funds be in hand (i.e., funds are already on campus and/or in faculty research account) when approved. The commenting committees had a short timeframe to review the materials and provided comments. DIVCO members expressed discontent with the program being imposed from the University of California, Office of the President (UCOP) without considering individual campus needs.

While DIVCO wanted to ensure broad communication and transparency about the program, such that faculty would be broadly aware of the NSP and have access to the program, there was a preference that participation in the NSP would remain limited and that the creation of the program would not radically upset equity of salaries across campus.

The primary concern with the implementation plan is the number and complexity of reviews and the amount of required approvals required. DIVCO members stressed that this administrative overhead would add to a system that is already stretched in keeping pace with normal academic merit and promotion cases. It was noted that, while some elevated scrutiny is necessary due to the formal commitment of salary being made, confirmation that the funds are secure and that the faculty member had a normal (or better) merit review should be largely sufficient. Consideration was given to the possibility of implementing a tax on funds used for the program to pay for the additional administrative overhead, although it was acknowledged that it may be impossible for those resources to proportionally flow back to where the administrative burden was being shouldered. DIVCO discussed the heavy administrative burden, the fact that some extra scrutiny is required when making salary commitments, and the cost of this burden on an already overextended workforce.

Concerns were raised about the program's impact on equity and the potential negative impacts of the program and the risks of exacerbating existing inequalities in compensation. Some of which included the following:

- It is expected that participation in the NSP will not be uniform, and some fields and departments will benefit from the program more than others;

- The eligibility of adjuncts and the potential for the program to exacerbate inequities between adjuncts and ladder rank faculty;
- Concerns about the impact of NSP on graduate student support and whether funds would be redirected from student support into the program.

With the concerns about the equity implications of such a system, there was extensive discussion about programmatic approaches to reduce inequities. One suggestion was to structure the annual faculty salary adjustments regressively (with higher income faculty receiving a smaller adjustment), although it was noted that this would also undermine salary competitiveness and could drive more faculty into the NSP. Another possible way to mitigate the inequity would include the possibility of creating a central pool to offset salary differentials, or invest the contingency pool in ways that would provide broader benefits. Although DIVCO did not arrive at a preferred approach, there was a strong consensus that a broad programmatic approach to addressing inequities was preferred over the requirement of a DEI statement from individuals applying for the program.

There was confusion regarding what sources of funding would be permissible for participation in the program. There was a strong consensus that funds from professional program fees should not be allowed which was consistent with the implementation plan. DIVCO members agreed with the idea that external contracts and grants would be appropriate to use if budgeted accordingly as long as full overhead rates are applied (in recognition of administrative overhead). Members found it difficult to analyze what the implementation plan intended with regard to the use of gifts and endowments. Thus, members requested more clarity as to what funding is and isn't allowable for use in the program.

DIVCO members noted that this program might compete with Berkeley's existing Faculty Salary Research Exchange Program (FSREP), and emphasized the importance of maintaining it, since it is more aligned with the core academic mission and better reflects the diversity of research needs than does the NSP.

DIVCO members strongly supported the idea of forming a task force within the next several years to evaluate the impact of the program, both quantitatively and qualitatively to address the concerns mentioned above. One additional piece of additional tracking recommended involved the impact of the NSP on teaching load, if any.

ACTION: DIVCO authorized Vice Chair Stacey to draft a letter forwarding committee comments to the Vice Provost for the Faculty.

The meeting was adjourned at 12:06 p.m.

Recorder: Dorothy Hashimoto, Administrative Assistant

INVITED GUESTS *	9/9/24	9/23/24	10/7/24	10/21/24	11/4/24	11/18/24	11/25/24	12/9/24	12/16/24

SENATE STAFF	9/9/24	9/23/24	10/7/24	10/21/24	11/4/24	11/18/24	11/25/24	12/9/24	12/16/24
Banaria, Jocelyn Surla	P	P	P	P	P	P			
Hashimoto, Dorothy	P	P	P	P	P	P			

P=Present A=Absent * Non-voting