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February 24, 2014

WILLIAM JACOB, CHAIR

UC Academic Council
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

RE: APM Review – Conflict of Commitment with Outside Activities & Health Science Compensation Plan

The proposed revised Academic Personnel Manual (APM) sections 025, 670, and 671 were forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees from the Schools and Colleges. Responses were received from Graduate Council, the Committees on Academic Freedom and Responsibility, the Committee on Academic Personnel, and Faculty Welfare, as well as from the Faculty Executive Committees of the College of Letters and Science and the School of Medicine.

With the exception of the Faculty Executive Committee of the School of Medicine, all committees that responded are in support of the proposed revision overall and have only a couple of requests for clarification. The School of Medicine, however, objects strongly to the different treatment given to faculty participating in the Health Sciences Compensation Plan compared to all other faculty.

The following summarizes responses received:

The Committee on Academic Personnel (CAP Oversight) believes that, in view of the different fiscal realities of the main campus and the Medical School and Center, it is appropriate to differentiate between HSCP and other compensation in the Conflict of Commitment policies of the university. Hence, CAP supports the revisions and addition of section 671 to the APM, with one caveat: page 4 of the letter from October 25, 2013, describing the language of the proposed section 671, mandates "a pre-approval requirement after either the time or dollar threshold has been reached." The meaning of this statement was not clear to the Committee, and a search of the letter did not reveal additional information that clarified this pre-approval requirement. CAP recommends clarification of this item.

The Faculty Welfare Committee agreed that the new version is much improved and substantially clearer, in particular due to the separation of those on the Health Sciences Compensation Plan from the rest of the faculty. The Committee had one point of clarification on the Annual Reporting Form. There was some confusion concerning the meaning of "...for the time your academic-year or fiscal-year appointment was effective during the identified fiscal year." It would be useful to clarify that the "effective" appointment excludes Vacation and Summer Months (when not receiving additional University summer compensation).

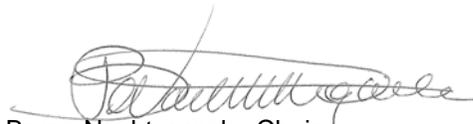
The Faculty Executive Committee (FEC) of the School of Medicine reviewed the request for consultation and has expressed many serious concerns with the proposed changes to the APM. In addition, the FEC polled the faculty of the School of Medicine and found that concerns about these proposed changes are widespread. I reproduce these concerns here for further consideration:

- 1) Many School of Medicine faculty members are disconcerted that different standards will be applied to those who participate in the Health Sciences Compensation Plan than to other UC Davis faculty. Faculty members believe that the same rule should be applied to all faculty.
- 2) School of Medicine faculty members also feel that the proposed changes may have a chilling effect on outside activities that are part of faculty development, and thus have a net negative impact on fulfilling the mission of the school and university.
- 3) There is concern about the definition of fulltime employment and the concept of outside activities conflicting with UCD duties. What is the definition of fulltime employment? Faculty members have been told that one concern is any outside activity "taking away" from their ability to devote time and effort to UCD. However, many faculty are on professional committees, editorial boards, etc., which take time and

- do not provide compensation. Tying the idea of conflict to money makes it appear as if this entire issue is really about money and not the time and effort. Having a definition of what fulltime is would be helpful.
- 4) There was a widespread tone of skepticism and distrust reported in the poll, with many feeling that the proposed changes were little more than an attempt by the main campus to control funds that will lead to increased alienation of the Sacramento Campus faculty, as well as decreased morale and productivity.
 - 5) There is also a concern regarding the current mechanism for paying excess funds back to UC Davis Medical Center (UCDMC), and potential IRS tax concerns for double income reporting. Currently, the UCDMC pay plan language requires paying the entire amount to the UC Regents and then the school deducts department and dean taxes and gives the remaining funds back to the faculty member as taxable income, which they are taxed on for a second time. We do not understand why we are not simply required to give the School the amount owed, rather than the entire amount.

The Davis Division of the Academic Senate appreciates the opportunity to respond to the proposed revisions to the three APM sections 025, 670, and 671.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruno Nachtergaele', written over a horizontal line.

Bruno Nachtergaele, Chair
Davis Division of the Academic Senate
Professor: Mathematics