

February 17, 2015

**DEAN JAMES HILDRETH**  
**FACULTY EXECUTIVE COMMITTEE CHAIR FRANK MCNALLY**  
College of Biological Sciences

Re: Teaching Professor Working Title Proposal

The referenced proposal was initially discussed during the October 16, 2014, Executive Council meeting based on your request to expedite review. During Executive Council discussion, the Committee on Elections Rules and Jurisdiction (CERJ) was asked to review the proposal and confirm Davis Divisional authority to review and opine because some members were concerned the authority to review such a proposal may reside with the UC wide Academic Senate. Based on CERJ advice that Davis Divisional review was appropriate, on October 31, 2015, the Teaching Professor Working Title proposal (enclosed) was distributed to all standing committees of the Davis Division of the Academic Senate as well as the college and school Faculty Executive Committees. Comments were received from Academic Personnel – Oversight (CAP), Affirmative Action and Diversity, Faculty Welfare and Undergraduate Council; as well as responses from the Faculty Executive Committees from College of Biological Sciences, Engineering, Letters and Science and Graduate School of Management.

Overall responses were mixed with responses ranging from in favor/somewhat favorable to indifferent/opposed. As you know, the College of Biological Sciences (CBS) reported a faculty vote expressing overwhelming support for the proposal. Some responses recognized that the "Teaching Professor" working title could be a useful advertising and recruitment tool. While some responses were somewhat favorable, most raised concerns the campus must address.

There was acknowledgement that the academic title Lecturer with Security of Employment (LSOE), which also corresponds to the payroll title, fails to communicate the important work and role of LSOE. The Undergraduate Council (UGC) stated, "One area of agreement within UGC is that the phrase LSOE, let alone [Lecturer with Potential Security of Employment] (LPSOE), is not a natural usage. UGC would be in favor of a substitution; what that substitution should be is not obvious, however. Objections would be few if an advertisement included translations of LPSOE as "teaching-oriented professor" or "research expected on pedagogy." That is, the phrasing in an ad can take more liberties than the APM. Any Senate faculty position should be advertised in a way to bring into consideration the largest number of strong, appropriate candidates. "The College of Letters and Science (CLS) reported, "An alternative, "Professor of Teaching Practice" was suggested; this title is apparently used elsewhere."

Many respondents expressed concern about the unintended message sent within and outside of UC Davis by using the working title "Teaching Professor." The Committee on Affirmative Action and Diversity expressed concern that the working title "might somehow contribute to the perception that teaching is not a substantial component of the Professor series, which in terms

of public perception, is negative.” The Graduate School of Management stated; “the title “Teaching Professor” might suggest to some that those with the title “Professor” do not teach. This may seem like a small detail, but perhaps not given the current political environment.”

The Committee on Affirmative Action and Diversity (AA&D) is concerned “that adoption of the “Teaching Professor” is a much cheaper way to hire an instructor... Will this title create an imbalance among faculty? This position should not be used to reduce instructional costs but to increase quality of teaching.” The CLS opined, “It was clear to us that, on the one hand, departments could not be required to hire LSOEs/PLSOEs; but, on the other hand, that deans could offer departments “an LSOE or nothing. Several divisional deans stressed that they like the flexibility of being able to make offers to LSOEs as part of their “portfolio,” and that in some cases an LSOE was financially much more attractive than a regular professor.” As UGC stated, “...these positions, by whatever name, should not be created to reduce instructional costs but should be carefully considered as a way of increasing the quality of pedagogy. These faculty should present the most up-to-date understanding of the disciplines, and should complement, rather than substitute for more conventional professors. Departments are best placed to understand such matters. Each department has different disciplines and modes of scholarly work. Each department should continue to make the decisions that maintain the balance among teaching, service, research, and professional activities.

Respondents described confusion between the LSOE series and a Lecturer represented by Unit 18. UGC cited one example, “...lecturers in the University Writing Program direct entry-level writing, first year writing, the writing ambassadors program, prized writing, the advanced composition challenge exam, the writing across the curriculum program, and the writing minor. Most lecturers in the University Writing Program present at national conferences, publish regularly, develop and teach online and hybrid courses, do outreach to K-12 schools, work closely with industry, conduct assessment projects, and too many other professional activities to list here. The full-time teaching load for a unit-18 lecturer in the writing program is 7 courses (capped at 25 because of the high paper load). How would UCD distinguish “teaching professors” from lecturers who already engage in what the teaching professor evaluation framework describes?” AA&D asked an important question which should be addressed, “Since the primary focus of Unit 18 lecturers is to teach, why not make this title available to them?”

UGC raised concern regarding peer balance within departments, “Another point/counterpoint concerned the proportion of teaching professors (LSOE) in a department. If in a typical department of say 15 faculty, there was one or two “teaching professors” those faculty would be close to orphans in their own departments, or put differently, would have more in common with teaching professors in disciplines other than their own. At the other end of the balance, it might be that financial pressure would raise the number of teaching professors so that only a few of the fifteen faculty had the opportunity for research outside of their immediate teaching responsibilities, which would be detrimental to the overall research mission of UCD.”

Finally it is important to keep in mind that those holding an LSOE academic title are members of the Academic Senate and are all held to rights and responsibilities contained in the Standing Orders of the Regents, as well as the Bylaws and Regulations of the UC wide and Davis Division of the Academic Senate.

Davis Division of the Academic Senate Position:

Based on the summary above, there is support for clarifying the role and perhaps changing the academic title used for the LSOE appointments. However, given the important issues raised during review, we are unable to support the current proposal. By copy of this message, I am asking Provost Hexter to consider the matter. We have been informed there is support for use of the "Teaching Professor" working title outside CBS. If indeed there is broad campus interest, proponents should collectively engage a discussion and develop another proposal considering the CBS proposal and Davis Divisional feedback. We are willing to review the issue again if the proposal considers, addresses and, when possible, mitigates negative consequences if we opt to change the LSOE series academic title or for use of a working title.

Sincerely,



André Knoesen, Chair  
Davis Division of the Academic Senate  
Professor: Electrical and Computer Engineering

Enclosure

- c: Provost and Executive Vice Chancellor Hexter (w/enclosure)
- Vice Provost Stanton (w/enclosure)

Date: December 1, 2014  
To: Academic Senate Committees  
From: Divisional Chair Andre' Knoesen  
Subject: Academic Senate Review: Teaching Professor Working Title Proposal

During summer session, I became aware that College of Biological Sciences was interested in using the working title "Teaching Professor" when recruiting Lecturer-Security of Employment (LSOE) and Lecturer-Potential Security of Employment (LPSOE). The College of Biological Sciences (CBS) Faculty Executive Committee (FEC) Chair provided a proposal for review by the Academic Senate.

While this proposal is generated by CBS, if the campus allows use of the working title proposed, it will be allowed across the campus. Therefore, committees are asked to evaluate the proposal and provide feedback concerning use of the "Teaching Professor" working title.

The review packet includes:

1. CBS FEC provided a proposal requesting use of the "Teaching Professor" Working Title.
2. CBS FEC provided additional background information to inform the consultation process.
3. As a result of Executive Council discussion, the Committee on Elections Rules and Jurisdiction (CERJ) was asked to review authority.
4. Proposal receipt acknowledgement. Communicated that the Vice Provost-Academic Affairs and Academic Senate Chair agreed the proposal impacted the campus.
5. A current draft of UC Davis APM 285 is provided for information only. The policy is not yet ready for formal campus review.

Attachments

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COLLEGE OF BIOLOGICAL SCIENCES

September 3, 2014

Professor Andre Knoesen  
Chair, UCD Academic Senate  
**RE: Use of the title Teaching Professor for Lecturer PSOE**

Dear Andre,

A few departments in the College of Biological Sciences will be hiring lecturers with potential security of employment (PSOEs) this year, with more to come in the following years. We would like to use the title "Teaching Professor" for these positions, but this must be approved by the Academic Senate. You wrote a letter to Frank McNally, the incoming chair of the CBS Faculty Executive Committee stating that you would be willing to bring a proposal of this nature from the CBS FEC and Dean's office to the Academic Senate. I am copying such a proposal below, which has been approved by the FEC and the Dean, James Hildreth.

We would like to be able to use the new Teaching Professor title in job ads that will go out for these positions this fall. We would be grateful if you would advise us whether there is anything we can do to expedite Academic Senate approval of our proposal for this purpose. In the best of worlds we would get this approval quickly and so could include the new title in ads going out in the next few weeks.

The proposal, which has been approved by both Dean Hildreth and the CBS Executive Committee, reads,

Job advertisements for Lecturer with potential for security of employment (PSOE) shall use the working title "Assistant Teaching Professor" to describe the position. Lecturers PSOE shall be allowed to list their title on syllabi, office doors, websites and letter heads as Assistant Teaching Professor, and Lecturers SOE as "Teaching Professor". This working title does not change the rights or responsibilities of Lecturers PSOE/SOE as described in APM210, 283, 285 and 615.

Thank you for your attention to this matter. Please let me know if there is anything you'd like for us to do to help bring this to the Academic Senate in a timely manner.

Yours,

A handwritten signature in black ink that reads "Steven M. Theg".

Steven M. Theg  
Chair, 2013-2014 CBS Faculty Executive Committee

A handwritten signature in black ink that reads "James E.K. Hildreth".

James E.K. Hildreth, PhD, MD  
Dean, College of Biological Sciences

Advantages of the working title "Assistant Teaching Professor" for Lecturer PSOE and the working title "Teaching Professor" for Lecturer SOE.

prepared by Frank McNally, Chair College of Biological Sciences Faculty Executive Committee

The Dean and all five departments within the College of Biological Sciences (CBS) have agreed to meet needs for teaching, curriculum design, and assessment for accreditation by hiring a limited number of Lecturers PSOE, in addition to new Assistant Professors. An Assistant Professor requires significant start-up costs, currently \$1,000,000, as well as laboratory space that the College does not have. A PSOE could devote significant time toward the assessment efforts required for WASC accreditation and development of innovative new teaching methods and classes. Lecturer PSOE's in CBS will also write and obtain education-oriented grants to support the college teaching mission. The current Associate Dean of Undergraduate Academic Programs in CBS is a Lecturer SOE as is the equivalent Associate Dean in the Division of Biology at UC San Diego. These examples are only given to emphasize that the expected contributions of Lecturer PSOE's are significantly greater than the expected contributions of a unit 18 Lecturer, the only other teaching title currently available. Unit 18 lecturers do not have permanent positions.

Currently, the College of Biological Sciences has an open search for three PSOE positions and the Department of Chemistry is interviewing for PSOE/SOE positions. Because the titles "PSOE/SOE" are not understood outside the UC system, or even within it, use of the working title "Teaching Professor" will increase the quality of the applicant pool, and the likelihood of recruiting the top candidates in a national search. The working title "Teaching Professor" also gives the individual a huge advantage in applications for education-oriented grants.

Regarding the Teaching Professor working title at UC San Diego: According to Kelly Lindlar, Director of Academic Policy UC San Diego, the teaching professor working title was one of several recommendations jointly agreed upon by the Senate Council and the Executive Vice Chancellor. She is currently making changes to UCSD's PPM 230-20 and PPM 230-28. According to her, these changes will appear in the online version of the PPM early in 2015. The UCSD Division of Biology website currently lists their SOE's as Teaching Professors.

[http://biology.ucsd.edu/publicinfo/dwc?action=faculty\\_research\\_list](http://biology.ucsd.edu/publicinfo/dwc?action=faculty_research_list)

November 10, 2014

**ANDRÈ KNOESEN, CHAIR**

Davis Division of the Academic Senate

RE: Teaching Professor Working Title

You asked us to evaluate whether the Executive Council of the Academic Senate, Davis Division, has the power to approve the request set forth below:

Job advertisements for Lecturer with potential for security of employment (PSOE) shall use the working title "Assistant Teaching Professor" to describe the position. Lecturers PSOE shall be allowed to list their title on syllabi, office doors, websites and letter heads as "Assistant Teaching Professor," and Lecturers SOE as "Teaching Professor." This working title does not change the rights or responsibilities of Lecturers PSOE/SOE as described in APM210, 283, 285 and 615.<sup>1</sup>

Brief Conclusion

- The Code of the Academic Senate does not expressly authorize or forbid use of the proposed designation. The Code does not make clear whether "working titles" for Senate members are permissible at all and if so, what role the Senate or its committees plays in approving or disapproving them.
- Although the Code does not expressly authorize use of working titles, it is likely that the Senate, through its committees (including the relevant faculty), can approve the use of working titles under its general authorization to "organize" faculties, "govern []" colleges and schools, and adopt rules and regulations consistent with the Code of the Academic Senate. This conclusion is based on the assumption that the administration agrees with the use of the working title, and we express no opinion about any other scenario.
- It is appropriate for Executive Council to give advice on whether the use of the working title here is desirable or undesirable as a matter of general policy.
- It may be advisable to get input from the CAP Oversight Subcommittee.

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<sup>1</sup> It is our understanding that APM 615 was merged into APM 610, effective July 1, 2014.

Because the administration and relevant department are seeking the advice of Executive Council here, we express no opinion on whether the final decision to use the working title is reserved on the one hand to the administration or, on the other, to the department itself.<sup>2</sup>

We express no opinion on potential legal or political ramifications of the use of this designation, or on whether use of the proposed designation is consistent with the Academic Personnel Manual or is appropriate as a matter of Senate or University policy.

### Scope of Review

We have reviewed the Code of the Academic Senate, including the Standing Orders of the Regents, the systemwide Academic Senate bylaws, regulations, and legislative rulings, the Davis Division bylaws and regulations, and the bylaws and regulations of the Schools and Colleges of the Davis Division. We have also reviewed prior legislative rulings and advice issued by the Davis Division CERJ.

Although authoritative interpretation of the Academic Personnel Manual is outside our jurisdiction, we have reviewed the systemwide APM, as well as UC Davis-specific APM provisions and the Regents Policies, for context and to aid our understanding.

Because this is a matter of first impression where the text of the Code of the Academic Senate offers little express guidance, we emphasize the description of CERJ advice given by the University Committee on Rules and Jurisdiction: CERJ advice “suggest[s] the *likely* outcome should ... a Legislative Ruling be requested on the issues involved.”<sup>3</sup>

### The Code of the Academic Senate Does Not Expressly Prohibit or Authorize the Use of the “Working Title” of “Teaching Professor”

The Code of the Academic Senate apparently does not use either the term “teaching professor” or the term “working title.” Moreover, we have located no provision in the Code that clearly prohibits (or authorizes) use of the “working title” of Teaching Professor or Assistant Teaching Professor using different words. We have also reviewed all instances of the use of the word “title” in the Code and found nothing relevant.

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<sup>2</sup> See Standing Order of the Regents 105.2(c) (“The several departments of the University, with the approval of the President, shall determine their own form of administrative organization.”). The systemwide and Davis Divisional bylaws have similar provisions. ASB 50(A) provides, “The government of each college and school is vested in its Faculty, except as limited by the authority of the Divisional Graduate Council and the Coordinating Committee on Graduate Affairs. Each Faculty is directly responsible to the Division of which it is a committee.” ASB 55(B)(8) provides, “The tenured faculty members of a department shall establish the method by which personnel matters other than those listed in Paragraphs 1 to 6 of this Article B are determined. The method adopted must have the approval of the divisional Committee on Academic Personnel or its equivalent.” Similarly, DDB 137 provides, “Each Faculty is authorized to organize, to select its officers and committees, and to adopt any procedural rules and regulations consistent with Bylaws and legislation of the Academic Senate and the Davis Division.”

<sup>3</sup> Systemwide Legislative Ruling 12.93B (emphasis added).

## General Grants of Authority Probably Authorize the Senate, Through Its Committees, to Approve Use of the Working Title

In general, the President of the University is to “consult” with the Senate on actions to “appoint” Lecturers with Security of Employment.<sup>4</sup> The scope of this duty to consult is not expressly limited.

Moreover, “[t]he government of each college and school is vested in its Faculty,”<sup>5</sup> and each Division has the authority to “organize ... and to adopt for the conduct of its business rules and regulations not inconsistent with the Bylaws and Regulations of the Academic Senate.”<sup>6</sup> Finally, the Senate has authority to “determine the membership of the several faculties and councils.”<sup>7</sup>

The language of these general grants of authority seems broad enough to encompass the matter at hand. Although the scope of these general provisions is certainly open to debate, we believe that a complete analysis leading to a Legislative Ruling probably would conclude that the Senate, through its committees (including the relevant faculty) could authorize the use of the working title as requested here.

There is at least one precedent for Senate approval of the use of titles that could be considered “working titles”<sup>8</sup> for Senate members. The Senate, through the Committee on Academic Personnel – Oversight Subcommittee has consulted with the administration on the use of the title “Distinguished Professor,”<sup>9</sup> although we have not been able to determine whether the Senate was involved with the creation of the title.

## Executive Council Advice Is Appropriate

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<sup>4</sup> SOR 100.4(c). Although the appointments here are for Lecturers PSOE, it appears that they are intended to lead to the possibility of security of employment and thus potentially fall within the duty to consult. *See also* ASB 195 (University Privilege & Tenure Committee to “[a]dvise the President, the Academic Senate and its Divisions, and the Divisional Privilege and Tenure Committees on general policies involving academic privileges and tenure.”).

<sup>5</sup> ASB 50(A). ASB 50(A) contains exceptions that apparently are not applicable here. *See also* DDB 137 (“Each Faculty is authorized to organize, ... and to adopt any procedural rules and regulations consistent with Bylaws and legislation of the Academic Senate.”).

<sup>6</sup> ASB 310; *see also* ASB 50(B) (“Except as otherwise provided, each Faculty may organize ...”).

<sup>7</sup> SOR 105.2(c); *see also* ASB 305 (“Each Division shall determine its membership in accordance with this Section of the Bylaws and the Standing Orders of the Regents.”); DDB I.A (“The Davis Division ... shall have authority to organize .. and to adopt for the conduct of its business rules and regulations not inconsistent with the Bylaws and Regulations of the Academic Senate and the Standing Orders of the Regents of the University of California.”).

<sup>8</sup> The terms “Research Professor” and “Distinguished Professor” are in use on the Davis campus. The administration’s Academic Affairs website describes “Research Professor” as a “payroll title” and “Distinguished Professor” as an “honorary title.” We were unable to locate any of these titles – “Research Professor,” “Distinguished Professor,” “payroll title,” or “honorary title” – in the Code of the Academic Senate.

<sup>9</sup> *See* Memorandum from William H. Casey, Chair, Committee on Academic Personnel to Vice Provost Barbara A. Horwitz, July 29, 2009 (concluding that “above scale faculty can use the ‘Distinguished Professor’ title indefinitely.”).

The power of the President of the University to “appoint” University employees is qualified by an instruction to “consult with a properly constituted advisory committee of the Academic Senate” when the action involves a “Lecturer with Security of Employment.”<sup>10</sup> The position in question here is designed to lead to possible appointment as a Lecturer with Security of Employment, so Senate consultation seems appropriate.

It appears that the Executive Council is a “properly constituted advisory committee” of the Senate in this respect. The Council is to “serve as liaison between the Division and the Davis campus Administration,”<sup>11</sup> to “facilitate and expedite consultations between the administration and appropriate committees of the Division,”<sup>12</sup> and to “attempt to anticipate emerging problems and to take measures to cope with them before they become urgent.”<sup>13</sup>

#### CAP Oversight Input May Be Desirable

As noted, the Committee on Academic Personnel - Oversight Committee gave advice in 2009 on the question whether the title Distinguished Professor could expire. It may be appropriate to ask CAP - Oversight for advice here, given that several of its duties seem relevant: The subcommittee is charged with “consulting regularly with the Executive Council on policy regarding academic personnel,”<sup>14</sup> as well as “striv[ing] to maintain consistent personnel standards within the Division,”<sup>15</sup> and “confer[ring] with and advis[ing] the Chief Campus Officer on all matters of general policy regarding academic personnel.”<sup>16</sup>

Sincerely,



John Hunt, Chair  
Committee on Elections, Rules and Jurisdiction

Cc: Gina Anderson, Executive Director, Davis Division of the Academic Senate

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<sup>10</sup> Standing Order of the Regents 100.4(c).

<sup>11</sup> DDB 73(C).

<sup>12</sup> DDB 73(C)(2).

<sup>13</sup> DDB 73(C)(4).

<sup>14</sup> DDB 42(B)(5).

<sup>15</sup> DDB 42(B)(1).

<sup>16</sup> DDB 42(B)(4).

September 3, 2014

**DEAN HILDRETH**  
**FACULTY EXECUTIVE COMMITTEE CHAIR McNALLY**  
College of Biological Sciences

Re: Teaching Professor Working Title Proposal

Thank you for the Teaching Professor working title proposal (copy enclosed). Your proposal requested expedited review. I am happy to take the proposal to the first Executive Council meeting for initial discussion.

I have discussed the proposed use of the "Teaching Professor" working title with Vice Provost Stanton. She informs me other deans have also expressed interest in using the working title. Vice Provost Stanton indicated she believes use of the working title is a campus-wide issue; and I agree.

We will be back in touch if there are questions and plan to provide advice late fall quarter 2014.

Sincerely,



André Knoesen, Chair  
Davis Division of the Academic Senate  
Professor: Electrical and Computer Engineering

Enclosure

cc: Provost and Executive Vice Chancellor Hexter (w/enclosure)  
Vice Provost-Academic Affairs Stanton (w/enclosure)  
Former CBS Faculty Executive Committee Chair Theg (w/enclosure)