October 20, 2011

TO: Ameae M. Walker (Biomedical Sciences), Vice Chair
Daniel Ozer (Psychology), Secretary/Parliamentarian
Kenneth Barish (Physics), Graduate Council
Paulo Chagas (Music), Academic Computing & Information Technology
Steven Clark (Psychology), Undergraduate Admissions
Kevin Esterling (Political Science), CHASS Executive Committee
Jay Farrell (Electrical Engineering), BCOE Executive Committee
John Ganim (English), Physical Resources Planning (PRP)
Jang-Ting Guo (Economics), Committee on Committees (COC)
Irving Hendrick (GSOE), Faculty Welfare (FW)
Jodie S. Holt (Botany and Plant Sciences), Junior Representative to the Assembly
Martin Johnson (Political Science), Educational Policy (CEP)
Bronwyn Leebaw (Political Science), Preparatory Education
Umar Mohideen (Physics), Planning and Budget (P&B)
Thomas Morton (Chemistry), Senior Assembly Representative
Leonard Nunney (Biology), Committee on Research (COR)
Michael J. Orosco (GSOE), Diversity & Equal Opportunity (CODEO)
David R. Parker (Environmental Sciences), CNAS Executive Committee
Melanie Sperling (GSOE), GSOE Executive Committee
Daniel S. Straus (Biomedical Sciences), Biomed Executive Committee
Marylynn V. Yates, (Environmental Sciences), Academic Personnel (CAP)
Rami Zwick (SoBA), SoBA Executive Committee

FR: Mary Gauvain, Chair
Riverside Division

RE: Executive Council Agenda, October 24, 2011

This is to confirm the meeting of the Executive Council on Monday, October 24, 2011 at 1:00 p.m. to 3:00 p.m. in Room 220, Floor University Office Building.

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Courses, Faculty Welfare, Privilege and Tenure, R&J, Shadow CAP,

II. **ANNOUNCEMENTS BY THE CHAIR**

III. **UNIVERSITY OF CALIFORNIA, RIVERSIDE POLICY ON STUDENT CONDUCT AND DISCIPLINE**
Susan Allen Ortega will lead discussions:

IV. **UNIVERSITY ONLINE EDUCATION PROJECT**
Jose Wudka will attend to offer UCEP's perspective

V. **APM POLICY 668 (NEGOTIATED SALARY PROGRAM)**
Discuss in preparation for Provost Pitt's visit to UCR on November 7, 2011

VI. **UPDATES FROM SENATE COMMITTEE CHAIRS**
PRESENT:
Ameae M. Walker (Biomedical Sciences), Vice Chair
Daniel Ozer (Psychology), Secretary/Parliamentarian
Kenneth Barish (Physics), Graduate Council
Steven Clark (Psychology), Undergraduate Admissions
Jay Farrell (Electrical Engineering), BCOE Executive Committee
John Ganim (English), Physical Resources Planning (PRP)
Mary Gauvain (Psychology), Chair
Jang-Ting Guo (Economics), Committee on Committees (COC)
Irving Hendrick (GSOE), Faculty Welfare (FW)
Umar Mohideen (Physics), Planning and Budget (P&B)
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Michael J. Orosco (GSOE), Diversity & Equal Opportunity (CODEO)
Melanie Sperling (GSOE), GSOE Executive Committee
Daniel S. Straus (Biomedical Sciences), Biomed Executive Committee
Marylynn V. Yates, (Environmental Sciences), Academic Personnel (CAP)
Rami Zwick (SoBA), SoBA Executive Committee

____________

ABSENT:
Paulo Chagas (Music), Academic Computing & Information Technology
Kevin Esterling (Political Science), CHASS Executive Committee
Martin Johnson (Political Science), Educational Policy (CEP)
Bronwyn Leebaw (Political Science), Preparatory Education
David R. Parker (Environmental Sciences), CNAS Executive Committee

GUESTS:
Daniel Hare, Entomology (UCFW, Vice Chair)

AGENDA:
The agenda was approved as written.

The Conflict of Interest Statements of the Senate Committees were noted as received. The Executive Council Conflict of Interest Statement was unanimously approved as written (17 yes, 0 no).

Chair Gauvain briefly explained the role of the Executive Council and its charge.
ANNOUNCEMENTS BY THE CHAIR:
The following announcements were made by the Chair:

1. Chair Gauvain and Vice Chair Walker met with the Council of Deans on September 23, 2011, and they discussed the recent changes to the Worker's Compensation Policy on campus. It was agreed at that meeting that, in the case of an incident in a faculty workspace or laboratory, the initial co-payment of $5,000 for filing for worker’s compensation will not be charged to the faculty member/Principal Investigator, rather it will be paid by the Dean’s office in the respective College.

2. Chair Gauvain reported on the meeting of the Academic Council on September 28, 2011. During the meeting, President Yudof and Provost Pitts met with the Council. President Yudof informed the Council that, in their September meeting, the Regents rejected the UCOP proposed 5-year budget plan and, as a result, budget discussions and negotiations will continue on a year-by-year basis. President Yudof also mentioned that discussions about rebenching are on-going and that he hoped some resolution on this issue would emerge this fall. When the President was asked about UCOP cuts to research funds, and if that trend is expected to continue, his response was yes, it is likely going to continue because we need to put more funds into our core mission, which is teaching. Following the President’s visit, the Council expressed concern that the President sees the University’s core mission as teaching and not as research and teaching. There were also lengthy discussions about rebenching and the funding streams approach and its implementation.

3. On November 7, Provost Lawrence H. Pitts will be visiting the campus to discuss the online education project as well as the Negotiated Salary Plan – APM 668. More information about this visit will be forthcoming.

Chair Gauvain mentioned that apart from her role as Chair of the Senate, she also meets with the Chancellor once a month, and the EVC/Provost twice a month. She indicated that if there are any pressing issues that the EC members want brought to the attention of the Chancellor or the EVC/P, they should let her know and she will discuss these issues with the appropriate administrator and report back to the EC. Chair Gauvain indicated that one item that she is especially interested in this year is transparency both in matters of budgeting and campus decision making.

Chair Gauvain indicated that she is also a member of the Systemwide Academic Council, and the main issue being discussed this year is rebenching. Rebenching, Chair Gauvain explained, is an attempt to allocate state funds to the campuses in a more principled and equitable way than currently occurs. There is some urgency to getting this issue resolved as Provost Pitts is set to retire in February of 2012, and he is the Chair of the Rebenching Task Force. Chair Gauvain has been appointed to chair the Academic Council Special Committee on Agriculture and Natural Resources (ACSCANR) and that Marylynn Yates is also a member of this Special Committee.
Health Science Compensation Plan:
Chair Gauvain informed the EC members that an issue had arisen regarding the review of UCR’s Health Science Compensation Plan (HSCP). It appears that, even though Dean Olds’s cover letter for the UCR HSCP said that the plan was developed to be in accord with the revised APM 670 (currently under review), the UCR HSCP actually follows the current APM 670 more than the revised version. Chair Gauvain was seeking the EC member’s advice on how to direct the systemwide faculty welfare committee in reviewing the UCR HSCP. After some discussion, the EC members unanimously voted (17, 0) to approve the motion below which will be forwarded to Chair Bob Anderson:

We request that the Health Sciences Compensation Plan that we sent to Systemwide be approved in its current form and state that we will make revisions to the plan to be compliant with the new APM 670 as soon as it is available.

Elected Senate Representatives:
Chair Gauvain indicated that some faculty members had asked her if it would be possible to have candidates running for senate offices to include a brief statement explaining why they are running for office. After a brief discussion, the EC agreed that anyone running for Senate Chair, Vice Chair, or Jr. Representative to the Assembly will be asked to submit a short statement on why they are running.

Other Executive Council & Committee Business:
Leonard Nunney (Biology), Chair of Committee on Research (COR)
- COR is exploring ways to interact more with the Vice Chancellor for Research.

Steve Clark (Psychology), Chair of Undergraduate Admissions Committee (UGA)
- UGA is in the process of reviewing the BOARS Transfer Admissions proposal. He indicated that UGA will be submitting a proposal to the College Executive Committees to move up the start date for the implementation of the Transfer Admissions Plan as the number of transfer students has greatly increased.

Jay Farrell (Electrical Engineering), Chair, BCOE Executive Committee
- Nothing to report.

Dan Ozer (Psychology), Secretary Parliamentarian
- Advised EC members to forward any procedural questions to him.

Umar Mohideen (Physics), Chair of Planning and Budget (P&B)
- P&B has met once and is in the process of reviewing the negotiated salary program, APM 668.

Marylynn Yates (Env. Sciences), Co-Chair of Committee on Academic Personnel (CAP)
- CAP only has one file leftover from last year, and it anticipates that the Committee will review approximately 310 files this academic year, which is 30 more files than last year.
Jang-Ting Guo (Economics), Committee on Committees (CoC)
• CoC has met twice. There are three Senate Committee positions that need to be filled; these are in the committees on Undergraduate Admissions, Planning and Budget, and Graduate Council. CoC has submitted a slate of names for the review committee for the Librarian, the Search committee for the Vice Chancellor for Research, and the CNAS Reorganization Committee.

John Ganim (English), Physical Resources Planning (PRP)
• PRP has not met yet this year. Chair Ganim suggested that Don Caskey, the Campus Architect, be invited to visit the EC in order to provide an update on ongoing and planned building projects on the campus. Chair Ganim also suggested that the Senate form a task force to focus on the development of the University Club.

Tom Morton (Chemistry), Senior Assembly Representative
• Nothing to report, the Assembly has not met yet this year.

Ken Barish (Physics), Graduate Council (GC)
• GC will undertake 5 graduate program reviews this year. GC has also implemented a professional degree requirement. Chair Barish also asked if the EC had discussed the creation of a new senate committee to deal with issues of academic integrity as proposed by the GC last academic year. He stressed that because the GC is the final appeal body for such cases, the new committee cannot be a subcommittee of the GC.

Melanie Sperling (Graduate School of Education), GSOE Executive Committee
• GSOE did not have a successful search last year for a new Dean, and therefore, the search will continue this year. Prof. Douglas Mitchell has been appointed as the Interim Dean. Chair Sperling also mentioned that GSOE is launching an education minor.

Michael Orosco (Graduate School of Education), Committee on Diversity and Equal Opportunity (CODEO)
• CODEO will be busy this year dealing with various issues of diversity on campus.

Irving Hendrick (Graduate School of Education), Committee on Faculty Welfare
• FW addresses workplace issues that pertain to the faculty at large and this year they will be reviewing systemwide documents, such as the proposed changes to APM 668, from this perspective.

Dan Straus (Biomedical Sciences) Division of Biomedical Sciences Executive Committee
• The Division will be working on revisions to the School of Medicine bylaws as well as commenting on various systemwide issues.
Rami Zwick, (School of Business Administration), SoBA Executive Committee
  • Chair Zwick indicated SoBA has a 2-year Interim Dean, Prof. Yunzeng Wang. He also reported that the School is in the process of completing a Memorandum of Understanding (MOU) between the School and the UCR Administration.

Ameae Walker (Biomedical Sciences), Vice Chair
  • Vice Chair Walker indicated that as part of her role as the Vice Chair, she sits on two Administrative committees, the Committee on Summer Sessions and the Research Integrated Safety Committee (RISC).

Meeting adjourned at 2:45 PM.

Respectfully submitted,

Sellyna Ehlers
Executive Director
Office of the Academic Senate
September 26, 2011

To: Mary Gauvain  
Chair, Riverside Division Academic Senate

From: Walter Clark and Marylynn V. Yates  
Co-Chairs, Committee on Academic Personnel

Re: Conflict of Interest Statement for 2011-2012

In accordance with Division Bylaw 8.2.5, the Academic Senate Committee on Academic Personnel has adopted the following conflict-of-interest statement for 2011-2012 by a vote of +8-0-0.

There is an expectation that Committee members will neither participate nor vote in departmental meetings when formal discussions and votes are held for merit, promotion, quinquennial or appraisal actions. Individual exceptions to this understanding will be reviewed by the Committee, and exception statements will be filed with a copy of this statement and maintained in the Academic Senate Office. In these exceptions, the Committee member will not participate in related discussions or votes taken by the Committee on Academic Personnel.

In addition, Committee members will notify the Chair of the Committee whenever they believe a conflict-of-interest exists regarding their own participation or the participation of any other Committee member in any action under consideration by the Committee. If the matter concerns the Chair of the Committee, members will notify the Chair of the Academic Senate.

Faculty members who are members of departmental search committees, or those voting on appointments in their home departments, will not participate in related discussions or votes taken by the Committee on Academic Personnel.

The Co-Chair of the Committee on Academic Personnel will assume the duties of the Committee Chair for the review of personnel files from the Chair’s home department.

A standing committee (Shadow CAP) of six members will exist to review personnel actions that involve current CAP members or their spouses/partners. This committee will consist of faculty who have previously served on CAP. The membership will be appointed by the Committee on Committees.

CAP recognizes its responsibility to maintain the utmost confidentiality and fairness in its deliberations. Accordingly, it is the duty of members of CAP to refrain from discussion of any personnel actions with anyone outside CAP either before or after CAP considers a file.
October 11, 2011

TO: MARY GAUVAIN, CHAIR
RIVERSIDE DIVISION

FR: MARTIN JOHNSON, CHAIR
COMMITTEE ON EDUCATIONAL POLICY

RE: CEP 2011-12 CONFLICT OF INTEREST STATEMENT

The Committee on Educational Policy adopted the following conflict of interest statement at its October 7, 2011 meeting:

In situations where the personal affiliation of a committee member with a department, program, or individual bringing business before the committee might be interpreted as a source of bias in committee deliberations, it is the obligation of the committee member involved and any committee member aware of a potential conflict of interest of another member to bring the potential conflict to the attention of the Chair. The committee member may be asked to provide information, where appropriate, on the business under consideration, but will be excluded from participating in any motions or votes related to the business. The committee chair may ask the committee member to leave the room during the period of any substantive discussions, motions, or votes.
October 6, 2011

TO: Mary Gauvain, Chair
   Riverside Division of the Academic Senate

FROM: Timothy J Close, Chair
       Committee on Charges

RE: 11-12 Conflict of Interest Statement

The Committee on Charges has adopted the following conflict of interest statement to be placed on file for the 2011-12 academic year:

No member of the Committee on Charges shall consider a charge that involves (as a complainant or accused person) (a) a member of his/her department or equivalent unit; (b) an individual with whom he/she has a relationship that might be interpreted as a source of bias; or (c) an individual with whom he/she has a relationship that is believed by a majority of the Committee to be a source of bias.
October 6, 2011

TO: M. GAUVAIN, CHAIR
RIVERSIDE DIVISION

FR: L. NUNNEY, CHAIR
COMMITTEE ON RESEARCH

RE: 2011-2012 CONFLICT OF INTEREST STATEMENT

The Committee on Research re-adopted the following Conflict of Interest statement:

If a member of the Committee on research submits an application for funds from this committee, he/she will not participate in the evaluation discussion or decision concerning that particular application. Further, each application for Intramural Research funding will be reviewed and evaluated individually by two members of this committee, before final discussion by the entire committee, in order to ensure a fair and impartial review of each application. Finally, if any member of this committee believes that a conflict of interest exists for him/herself or for another person on the committee, that member should call the possible conflict of interest to the attention of the chair. The chair will convene the committee, and those present will decide by majority vote if a conflict exists. If their decision is affirmative, the individual with the conflict will leave the room during discussion of the conflicted matter and will not vote on that matter.
October 12, 2011

TO: MARY GAUVAIN, CHAIR
   RIVERSIDE DIVISION

FR: EUGENE NOTHNAGEL, CHAIR
   COMMITTEE ON COURSES

RE: CONFLICT OF INTEREST STATEMENT FOR 2011-12

The Committee on Courses approved the following statement at their meeting today.

If an issue comes before the Committee on Courses that emanates from the department or program of a committee member, he/she will provide information, but will not vote on the issue.
October 7, 2011

To: Mary Gauvain, Chair  
Riverside Division of the Academic Senate

From: Irving Hendrick, Chair  
Committee on Faculty Welfare

Re: Conflict of Interest Statement – 2011-2012

At its meeting on October 5th, the Committee on Faculty Welfare reviewed and reaffirmed its existing Conflict of Interest statement for adoption during the 2011-2012 term as follows:

The following policy has been adopted for situations where the personal affiliation of a committee member with departments, programs, or individuals bringing business before the Committee on Faculty Welfare might be interpreted as a source of bias in committee deliberations. Members of the Committee on Faculty Welfare are asked to identify when they may have a potential conflict of interest on any items before any discussion. The Committee member may be asked to provide information, where appropriate, on the business under consideration, but will be excluded from participating in any motions or votes in regard to the business under consideration. The Committee on Faculty Welfare Chair may ask the committee member to leave the room during the period of any substantive discussions, motions, or votes. This exclusion will be noted in any report issued by the Committee on Faculty Welfare.
September 23, 2011

To: Mary Gauvain, Chair  
Riverside Division of the Academic Senate

From: Victor Lippit, Chair  
Committee on Privilege and Tenure

Re: 11-12 Conflict of Interest Statement

In accordance with Bylaw 8.2.5 of the Riverside Division of the Academic Senate, the Committee on Privilege and Tenure places on file for 2011-12 the procedures it will follow in order to mitigate possible conflicts of interest:

1. Bylaws 335.D.1, 336.D.1, and 337.B.1 of the Academic Senate establish that, in formal hearings, no Committee member (either of Privilege and Tenure itself or of a Hearing Committee appointed by it) may participate in the hearing of a case brought by a member of his or her department or equivalent unit.

2. By standing practice, the Committee on Privilege and Tenure has always extended this principle to apply also to its "Prehearing Procedures," as defined in Bylaw 335.B, and will follow such practice during the current academic year.

3. Further, in accordance with the mandate of Divisional Bylaw 8.2.5, the Committee will expect each of its members to call to the attention of the Chair any "personal affiliation" with a party to any case brought before the Committee, if that Committee member has reason to believe that the relationship "might be interpreted as a source of bias in committee deliberations." Such a member may voluntarily abstain from participation in the case or may request that a decision as to participation or abstention be determined by a majority vote of the remaining members of the Committee.
September 26, 2011

To: Mary Gauvain, Chair
Riverside Division Academic Senate

From: Kambiz Vafai, Chair
Committee on Rules and Jurisdiction

RE: CONFLICT OF INTEREST STATEMENT FOR 2011-2012

In accordance with Bylaw 8.2.5, the Committee on Rules and Jurisdiction re-adopted the following statement for handling potential conflicts of interest in the 2011-2012 academic year:

In cases where a committee member's affiliation with a department or program, or with an individual bringing business before the committee might be interpreted as a potential conflict of interest, that committee member will identify himself/herself and the potential nature of the conflict. The other members of the committee will decide if a potential conflict does indeed exist. If so, the committee member may subsequently be asked to provide information on the business under consideration but will be excluded from participating in any consideration of said business. The committee member may be excluded from participation in substantive discussions, communications and deliberations concerning the matter, the making of motions, and/or voting.
September 6, 2011

To: Mary Gauvain  
    Chair, Riverside Division Academic Senate

From: Subir Ghosh  
    Chairs, Shadow CAP

Re: Conflict of Interest Statement for 2011-2012

The standing committee, Shadow CAP, will review personnel actions that involve current CAP members or their spouses/partners. The Shadow CAP committee consists of six faculty members who have previously served on CAP. The memberships are appointed by the Committee on Committees.

There is an expectation that Shadow CAP Committee members will neither participate nor vote in departmental meetings when formal discussions and votes are held for merit, promotion, quinquennial or appraisal actions of the current CAP members. Individual exceptions to this understanding will be reviewed by the Committee, and exception statements will be filed with a copy of this statement and maintained in the Academic Senate Office. In these exceptions, the Committee member will not participate in related discussions or votes taken by the Shadow CAP Committee.

In addition, Shadow CAP Committee members will notify the Chair of the Committee whenever they believe a conflict-of-interest exists regarding their own participation or the participation of any other Committee member in any action under consideration by the Committee. If the matter concerns the Chair of the Committee, members will notify the Chair of the Academic Senate.

Shadow CAP recognizes its responsibility to maintain the utmost confidentiality and fairness in its deliberations. Accordingly, it is the duty of its members to refrain from discussion of any personnel actions with anyone outside Shadow CAP either before or after Shadow CAP considers a file.
University of California, Riverside Policy on Student Conduct and Discipline

To be adopted: Amended October 7, 2011

University of California Policies Applying to Campus Activities, Organizations, and Students, Section 100.00 Policy on Student Conduct and Discipline states,

"Chancellors may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the following types of violations by students...:

102.1 All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.

102.2 Other forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the University."

Requirements and Expectations: Research

To foster intellectual honesty with regard to research, all academic units at UCR are encouraged to develop statements that fit the distinctive research climate and needs of their individual disciplines. These guidelines may cover responsibilities of research supervisors, assignment of authorship or credit for publications, training of research apprentices, requirements for record keeping of experimental procedures and data storage.

It is the responsibility of each individual engaged in research at UCR to be informed of University policies relating to research and of the policies and procedures of the agencies funding research. Relevant policies are posted on the UCR Office of Research website.

Allegations of Misconduct in Research

All university members, including faculty members, lecturers, teaching assistants, graduate students and postdoctoral researchers, should immediately report suspicion of research misconduct by students to the chair of the department, dean of the school or college, or director of the organized research unit. A written report must then be forwarded to the Vice Chancellor for Research.

All allegations of research misconduct should be immediately reported to the Vice Chancellor for Research who, in furtherance of the University's obligations and responsibilities, has been delegated the administrative authority by the Chancellor with respect to the oversight, implementation, maintenance and updating of the Policy and Procedures for Responding to Allegations of Research Misconduct at the University Of California.
Riverside. All complainants should consult the Policy and Procedures for Responding to Allegations of Research Misconduct at the University of California, Riverside prior to bringing an allegation of research misconduct to the Vice Chancellor for Research who serves as the UCR Research Integrity Officer.

The Vice Chancellor for Research or his/her designee will review the description of the academic misconduct and all documentation supporting the charge. He/she will determine if misconduct may have occurred, and if so, may undertake a preliminary inquiry or formal investigation, following the guidelines outlined in the UCR Policy on Integrity in Research, posted on the UCR Office of Research website. In the event that the preliminary inquiry or formal investigation finds probable cause with respect to research misconduct to warrant disciplinary proceedings, charges of misconduct will be processed in accordance with procedures for adjudicating alleged academic misconduct in courses, as outlined below.

Requirements and Expectations: Courses

Faculty members (including Visiting and Adjunct Faculty members, lecturers, and other instructional personnel) responsible for courses (herein referred to as Faculty) are encouraged to include statements addressing academic integrity as part of the syllabus for every course and to educate students about expectations and standards of the course in order that students may not, through ignorance, subject themselves to the charge of academic misconduct. Faculty are further encouraged to inform students of campus resources available for dealing with academic difficulty.

Allegations of Misconduct in Courses: Investigation Process

The Vice Chancellor for Research or his/her designee, in consultation with the original recipient of the report, will review the description of the academic misconduct and documentation supporting the charge and determine if unethical conduct may have occurred, and if so, may undertake a preliminary inquiry or formal investigation following the guidelines outlined in UCR Policy on Integrity in Research, posted on the Office of Research Affairs website at [http://www.ora.ucr.edu/ORA/announce/integrit.htm](http://www.ora.ucr.edu/ORA/announce/integrit.htm). In the event that the preliminary inquiry or formal investigation finds probable cause to warrant disciplinary proceedings, charges of misconduct will be processed in accordance with existing procedures for adjudicating alleged academic misconduct in courses.

Courses

The table below shows the steps in the investigation and review process. The steps are the same for undergraduate students and graduate students, with the exception that different investigation bodies will participate in the Reviews.

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<tr>
<td></td>
<td>Faculty</td>
<td>Graduate</td>
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### Initiation of Cases

If a Faculty member suspects that an act of academic misconduct has occurred in a course, he or she must promptly communicate with the student regarding the alleged misconduct and the information upon which the allegation is based; the notification process must occur within 30 calendar days from the discovery of the alleged act. The Faculty member may make a request for an extension of time through the Vice Provost for Administrative Resolution. If the discovery is made by a teaching assistant, reader, grader or tutor, he or she should immediately communicate to the Faculty member in charge of the course, so that the Faculty member in charge can proceed with the investigation.

Whenever possible, communication with the student should take place through an in-person consultation and should be conducted in a manner that respects the student’s privacy and maintains an environment that supports teaching and learning. When multiple students are involved, Faculty are encouraged to communicate with each student separately.
The Faculty member or the student may request the presence at the consultation meeting of the Ombudsperson or a member of the Student Conduct and Academic Integrity Programs [SCAIP] for undergraduate students or the Associate Dean for Graduate Academic Affairs in the Graduate Division [Graduate Division] for graduate students.

When an in-person meeting is not possible, the Faculty member may communicate with the student in writing. Written communication should be sent to the student's University e-mail address.

The student must be given the opportunity to respond to the allegation of misconduct. When communication is made in writing, students will be given 10 calendar days to respond.

After conferring with the student and/or considering the student’s written response, the Faculty member may determine that there has been no misconduct, in which case the Faculty member may dismiss the allegation and take no further action.

If the Faculty member determines that it is *more likely than not* that the student committed an act of academic misconduct, regardless of the student's intent to engage in misconduct, the case moves to Stage 1 in the review process.

Faculty members who will not be available to participate fully in resolving allegations (e.g., Individuals holding part-time or temporary appointments, those on sabbatical or other leave, or those leaving University employment) must provide a copy of all documentation to the chair of the department or the dean of the college/school to the immediate supervising administrator: department chair, program director, center director, or dean of school, who will serve as a proxy for the Faculty member to conclude the case.

If grades are awarded while the case is in progress, the Faculty member is expected to assign a temporary grade placeholder of Grade Delay “GD” pending the outcome of the review process.

**B. Review Stage 1: Initial [Administrative] Review**

1. **If the Faculty member makes a determination of misconduct based on facts that the accused student does not dispute**

The Faculty member may impose an appropriate academic action, typically a reduced or failing grade for the assignment or a reduced or failing grade for the course. The action should take into account the clarity of course expectations, the level of the students’ experience or knowledge of principles of academic integrity, the nature of the assignment, and the degree of intentionality and pre-meditation of the misconduct.
Actions taken must be documented through the Academic Misconduct Referral Form addressed to SCAIP [or Graduate Division for graduate students]. The referral form must include the student's name and student identification number, the name of the class in which the act took place, the date or time period in which the act occurred, a description of the academic misconduct, a summary of actions taken, all original documentation supporting the charge, and the academic sanctions assigned.

Upon receipt of the Academic Misconduct Referral Form, SCAIP [or Graduate Division for graduate students] will formally notify the student of the academic action assigned by the Faculty member, as well as any additional disciplinary sanctions that may be assigned by the University. Such written notification will occur within 20 calendar days of the receipt of the referral by SCAIP [or Graduate Division for graduate students] and will be sent to the student's University e-mail address. In addition, notification will be sent to the Faculty member and to the Dean (or his/her designated associate dean for academic affairs) of the college/school in accordance with legitimate educational interest criteria as articulated by the Family Education Rights and Privacy Act.

2. If the Faculty member makes a determination of misconduct based on facts that the accused student disputes:

The Faculty member will refer the case to SCAIP [or Graduate Division for graduate students] using the Academic Misconduct Referral Form. The referral form must include the student's name and student identification number, the name of the class in which the act took place, the date or time period in which the act occurred, a description of the academic misconduct, a summary of actions taken, all original documentation supporting the charge (to include a copy of the course syllabus and other written communication that addresses academic integrity standards and expectations for the course) and the academic actions and administrative sanctions recommended by the Faculty member.

The Faculty member is encouraged to evaluate the disputed assignment or examination on its merits and to note the grade to be assigned in the event that the student is not found responsible for violation of the University of California Policy on Student Conduct and Discipline or where insufficient evidence exists to hold the student responsible.

Upon receipt of the Academic Misconduct Referral Form, SCAIP [or Graduate Division for graduate students] will notify the student of the University of California Policy on Student Conduct and Discipline that was allegedly violated, the factual basis for the charges, and the plan to conduct an Initial [Administrative] Review of the case. The student will be advised that the Initial [Administrative] Review is intended as an honest and thorough exposition of all related facts and written materials associated with the alleged misconduct, and that it is not intended as an adversarial criminal or civil legal proceeding. The student will also be informed of his or her
right to be assisted by an advisor of his or her choice. Such written notification will occur within 20 calendar days of the receipt of the referral by SCAIP [or Graduate Division for graduate students] and will be sent to the student’s University e-mail address.

a. Initial [Administrative] Review process: The Initial [Administrative] Review, conducted by SCAIP [or Graduate Division for graduate students], involves meetings with the student, the Faculty member, and others who may have relevant information. The student will have the opportunity to discuss any extenuating circumstances, causes, and motivations that may have contributed to the alleged misconduct. If SCAIP [or Graduate Division for graduate students] deems it necessary, a joint meeting will be scheduled at a time when both the Faculty member and the student can attend. If the Faculty member is unavailable for a timely Initial [Administrative] Review, the department chair or dean of the school the immediate supervising administrator will be asked to serve in place of the Faculty member.

b. Outcome of the Initial [Administrative] Review: If SCAIP [or Graduate Division for graduate students] determines that it is more likely than not that the student is responsible for academic misconduct, the academic actions recommended by the Faculty member, as well as any disciplinary sanctions imposed by the University, will be assigned. The determination shall be forwarded by SCAIP [or Graduate Division for graduate students] in writing to the student within 20 calendar days of the Initial Review; notice will be sent to the student’s University e-mail address and communicated to the Faculty member and to the dean of the college/school in accordance with legitimate educational interest criteria as articulated by the Family Education Rights and Privacy Act. In cases where the Faculty member has held a grade in abeyance pending the outcome of an Initial Review, he or she shall submit a final grade with the Registrar that is consistent with the determination by SCAIP [or Graduate Division for graduate students] as to the question of misconduct.

3. Cases involving a student with a record of previous academic misconduct or cases that are sufficiently complex to require additional consultation shall be referred directly by the Faculty member by SCAIP [or Graduate Division for graduate students] for a Stage 2 review by the Academic Integrity Committee in the relevant college/school or to the Graduate Academic Integrity Committee for a formal hearing.

4. A student may not avoid the imposition of a sanction by withdrawing from a course. A student officially notified of alleged academic misconduct may not withdraw from the course until the determination of responsibility is made and any sanctions are imposed. A sanction for a violation of academic integrity that affects
the course grade will be applied. If the student is found not responsible for academic misconduct, the student will be permitted to withdraw from the course with a grade of "W."

C. Review Stage 2: Academic Integrity Committees and Hearing Panels

Review Stage 2 is reserved for cases involving a student with a record of previous academic misconduct or cases that are sufficiently complex to require additional consultation by the Academic Integrity Committee in the relevant college/school or to the Graduate Academic Integrity Committee for a formal hearing. Review Stage 2 also serves as the stage for appeals of decisions made at Review Stage 1.

1. College/School Academic Integrity Committees for Cases Involving Undergraduate Students

The Academic Senate’s Committee on Committees will appoint faculty to the undergraduate Academic Integrity Committees for each college/school to serve one-year terms, effective September 1-August 31. Each committee will consist of four to six faculty from the relevant college or school and should include faculty on each committee who are available to participate in hearings during the summer months.

In addition, SCAIP will solicit and review applications from interested undergraduate and graduate students and make recommendations to the Associated Students of UCR and Graduate Student Association regarding students to be appointed to serve on each college/school committee for one-year terms, effective September 1-August 31. The final endorsement of student members will rest with the Committee on Committees. Students are not eligible to serve if they have been suspended or are on academic or disciplinary probation, have been evicted from University Housing for reasons related to conduct, or have a case pending before SCAIP.

Faculty and student members should represent the disciplinary diversity within each college/school, whenever possible. Staff support to the committees will be provided by the office of the Vice Provost for Administrative Resolution, the office of the AVC/Dean of Students, and SCAIP.

2. Graduate Academic Integrity Committee for Cases Involving Graduate Students

The Academic Senate’s Committee on Committees will appoint faculty to the Graduate Academic Integrity Committee to serve one-year terms, effective September 1-August 31, and will appoint one faculty member from the GAIC to serve as chair. The GAIC will consist of at least one member from each school or division and at least two members from each college and should include faculty who are available to participate in hearing during the summer months.
In addition, the Graduate Division will solicit and review applications from interested graduate students and make recommendations to the Graduate Student Association of UCR regarding students to be appointed to serve on the GAIC for one-year terms, effective September 1-August 31. The final endorsement of student members will rest with the Committee on Committees. Students are not eligible to serve if they have been suspended or are on academic or disciplinary probation, have been evicted from University Housing for reasons related to conduct, or have a case pending before the Graduate Division.

Faculty and student members should represent the disciplinary diversity within each college/school, whenever possible. Staff support to the committees will be provided by the office of the Vice Provost for Conflict Resolution and the office of the Associate Dean in the Graduate Division responsible for academic integrity.

3. Hearing Panels

For cases involving undergraduate students, SCAIP, will schedule a hearing panel of three to five members, from the relevant AIC for each case. For cases involving graduate students, the Associate Dean of the Graduate Division, in consultation with the chair of the GAIC, will schedule a hearing panel of three to five GAIC members. The Associate Dean or designee will serve as a non-voting administrative chair of the hearing panel. A quorum is required for a hearing to proceed and consists of three persons, including at least one faculty member and one student.

For Undergraduates, the Vice Provost for Administrative Resolution or his/her designee will serve as a non-voting, administrative chair of the hearing panel to facilitate the hearing. The chair of the hearing panel shall rule on all questions of procedure and evidence, including but not limited to: the order of presentation of evidence, admissibility of evidence, applicability of regulations to a particular case, and relevance of testimony.

4. Hearing Procedures

• Preparation: Prior to the hearing, panel members will receive and review a copy of the notification of charges and documentary evidence provided by the Faculty member, the University, and the student.
• Introductory comments: At the beginning of the hearing, the chair will ask any panel members to disqualify themselves from participation if they believe that they cannot render a just and fair decision, and will permit the student to request that a member be disqualified if the student believes for an appropriate reason that a panel member cannot render a just and fair decision. If a student or Faculty member of the hearing panel is disqualified, another member will be appointed to fill the same role, if
needed for a quorum. The chair will read aloud the charges of academic misconduct, and the student will be asked to respond to the charges by (a) accepting responsibility, (b) accepting responsibility and noting that there are mitigating circumstances, or (c) denying responsibility for the alleged violation of the *University of California Policy on Student Conduct and Discipline*.

- **Presentation of accounts:** The Faculty member and the student will be given the opportunity to present their accounts of the incident and to present any witnesses or other individuals who may have relevant information about the alleged academic misconduct. Hearing panel members will be given an opportunity to ask questions of the Faculty member, the student, and witnesses. Each party will then be asked if there is additional information needed, or if any discrepancies or questions need to be presented or addressed.

- **Deliberation:** The hearing panel will deliberate in private to decide, by a majority vote, if a preponderance of the evidence indicates that the student is responsible or not responsible for alleged violation of *University of California Policy on Student Conduct and Discipline*.

- **Determination of sanctions:** If the student is found to be responsible for violations of policies, the hearing panel shall be informed of the student's prior record of academic misconduct. Based on this information, the committee will determine the sanctions to be assigned, how and for how long the record of the sanctions will be maintained on the student's permanent record, and the conditions that must be met for the record to be removed, if any.

- **Notification of decision:** Once the hearing panel has reached a decision, the parties will reassemble, and the results of the deliberation will be presented. Within 20 calendar days, the Vice Provost for Administrative Resolution or designee for undergrads and Associate Dean of the Graduate Division for grads will send written notification to the student, the Faculty member, and the dean or his/her designated associate dean for student academic affairs of the college/school detailing the decision and the sanctions imposed by the hearing panel. The notification will also outline the appeal process.

- **Records:** An audio recording of the hearing, but not the deliberations of the hearing panel, shall be made and retained in SCAIP or the Graduate Division as part of the record for as long as the disciplinary record is retained, or for seven years from the date of decision, whichever is shorter (see Section F below). The student may obtain a copy of the recording upon paying the expense of making such copy. Either party may arrange for a stenographer to make a full transcript of the proceedings at his/her own expense. If one party has the proceedings transcribed, arrangements shall be made before the hearing as to how to apportion the cost if both parties want copies. Other than for the purpose
of the official record as provided above, mechanical or electronic devices for recording or broadcasting shall be excluded from the hearing.

5. Appeals of Decisions by Faculty Members and/or from Review Stage 1:

The Academic Integrity Committees and the GAIC also function as the appellate bodies for decisions made at Review Stage 1. See Section E below for appeal procedures.

D. Review Stage 3: Annual Assessments of Cases and Appeals from Stage 2

The Campus Academic Integrity Executive Committee also serves as the appellate body for primary decisions made at Review Stage 2 for undergraduate students. The Graduate Council serves as the appellate body for primary decisions made at Review Stage 2 for graduate students.

The annual assessments will be conducted for the purpose of providing oversight and ensuring that policies and procedures are appropriately and consistently applied.

The Campus Academic Integrity Executive Committee additionally conducts annual assessments of SCAIP, GAIC, and Academic Integrity Committee actions for the purpose of providing oversight and ensuring that policies and procedures are appropriately and consistently applied.

E. Appeals

1. Channels for Appeals

For Undergraduate Students: Primary decisions of SCAIP may be appealed through the appropriate college/school Academic Integrity Committee. Appellate decisions by a college/school Academic Integrity Committee are final. Primary decisions of a college/school Academic Integrity Committee may be appealed to the Campus Academic Integrity Executive Committee. Appellate decisions by the Campus Academic Integrity Executive Committee are final.

Comment [S27]: Baerenkalu – What is meant by ‘for each hearing’? This does not make sense in the context of annual assessments.

Comment [S28]: Grad Division – Do they mean that each year the Vice Provost will appoint an executive committee to review all cases for the year? I do find this very useful but I’m not sure how that ensures that policies are consistently applied if the decisions on the cases have already been rendered.

The intention of the review is to allow the Executive Committee to provide guidance for the new academic year and to ask that responses be modified/recalibrated where appropriate.

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1 Primary in the policy refers to the initial review of cases and is sometimes qualified to reflect who is doing this first review (e.g. Primary SCAIP review or Primary AIC review).

2 Appellate refers to cases that were appealed and reflect the decision of the body reviewing and deciding on the appeal.
Academic Integrity Executive Committee are final. In any decision that includes a sanction of dismissal of a graduate student, the Dean of the Graduate Division will be the final arbiter.

For Graduate Students: Primary decisions of the Graduate Division may be appealed to the GAIC. Appellate decisions by the GAIC are final. Primary decisions of the GAIC may be appealed to the Graduate Council. Appellate decisions by the Graduate Council are final. In any decision that includes a sanction of dismissal of a graduate student, the Dean of the Graduate Division will be the final arbiter.

2. Criteria for Appeals

Appeals must be based on one or more of the following:

- New evidence not reasonably available at the time of the original hearing, the absence of which can be shown to have had a detrimental impact on the outcome of the hearing
- Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing
- Errors in the interpretation of University policy so substantial as to deny one of the parties a fair hearing
- Grossly inappropriate sanction having no reasonable relationship to the charges

3. Appeal Procedures

- The Faculty member or the student may appeal a decision in writing to the appropriate body for appeal, as described above. The appeal must be made within 10 calendar days after the written decision is made available.
- Appeals must be authored and signed by the submitting party. Appeals produced by advisors or other non-parties will not be considered.
- The filing of a timely appeal suspends the imposition of sanctions until the appeal is decided. Grades or degrees may will be withheld pending conclusion of the appeal.
- When an appeal has been filed, the relevant parties may be requested to respond in writing to the matters in question before a decision about the appeal is made. The non-appealing party, whether student or Faculty member, will be notified of the appeal as soon it has been received by the appropriate appellate body and will be given an opportunity to submit a written statement for consideration during the appeal process.
- The appellate body will determine whether the grounds for appeal have been satisfied and whether further process is necessary to resolve the appeal. Findings of fact will be accepted as determined by the original adjudicating body, unless the appellate body determines that the original adjudicating body acted in an arbitrary, capricious, or unfair manner.

Comment [S29]: Baerenklau – This paragraph applies to undergraduate students. The last sentence about dismissal of graduate students should be deleted.

Comment [S30]: Baerenklau – Suggest changing ‘may be withheld’ to ‘will be withheld’.
• The appellate body will make a decision based on the written submissions within 20 calendar days, or indicate in writing what further process is necessary for final resolution.
• The appellate body may approve, reject, or modify the decision and sanction in question. The action taken shall be communicated in writing to the student, the Faculty member, and the original adjudicating body within 20 calendar days after receipt of the appeal and related documents. The decision of the appellate body is final.

F. Maintenance of Records

Student Conduct and Academic Integrity Programs (for undergraduate students) and the Graduate Division (for graduate students) shall serve as the central location where all written, audio, and electronic records of incidents of academic misconduct are kept on file. The records will be readily available for review by the Deans and Associate Deans of each College or School, the Dean of the Graduate Division, the Executive Vice Chancellor and Provost, and the Vice Provost for Conflict Resolution, in accordance with legitimate educational interest criteria as articulated by the Family Educational Rights and Privacy Act.

The file of a student found in violation of campus regulations (including the transcripts or recordings of the hearing) will be maintained for a period of at least five years from the date of the letter providing notice of final disciplinary action, unless otherwise determined by the Vice Provost for Conflict Resolution. When a student is suspended as a result of a violation of the University of California Policy on Student Conduct and Discipline, the fact that suspension was imposed must be posted on the academic transcript for the duration of the suspension. When a student is dismissed, the fact that dismissal was imposed must be posted on the academic transcript permanently.

Justification for proposed changes:

1. The proposal adds clarity about procedures, and corrects some ambiguities, redundancies, and inconsistencies in wording of the existing policy. A summary table is added to illustrate the stages of review and the responsible bodies at each stage.

2. The proposal adds a separate pathway for adjudication of alleged misconduct by graduate students. Procedures themselves are not changed for undergraduates.

3. The proposal modifies the term of office for members of the college/school and graduate Academic Integrity Committees (from July 1-June 30 to Sept 1-Aug 31). This will correspond with the term of office for members of other Academic Senate committees and will assure continuity for cases they may
have begun during the spring term and carried over into the summer months.

**Presented for review to:**
The Committee on Rules and Jurisdiction finds the wording to be consistent with the code of the Academic Senate: 2/4/2011
Approved by the Executive Committee of CHASS: Date
Approved by the Executive Committee of CNAS: Date
Approved by the Executive Committee of COE: Date
Approved by the Executive Committee of AGSM: Date
Approved by the Executive Committee of the GSOE: Date
Approved by Graduate Council: Date
Approved by the Committee on Academic Freedom: Date
Approved by the Committee on Educational Policy: Date
Reviewed by the Executive Council: Date
April 27, 2011

TO: MARY GAUVAIIN, CHAIR
RIVERSIDE DIVISION

FM: DANIEL STRAUS, CHAIR
BIOMEDICAL SCIENCES EXECUTIVE

RE: PROPOSED CHANGES TO ACADEMIC INTEGRITY POLICY & PROCEDURES

The Biomedical Sciences Executive Committee reviewed the Proposed Changes to Academic Integrity Policy & Procedures. We have the following minor comments:

1. The title of the document should be "University of California, Riverside, Policy..." not "University of California Policy...".

2. Page 7, Hearing Panels: The Vice Provost for Administrative Resolution is a non-voting administrative chair of hearing panels for undergraduates. What, if any, is the role of the Associate Dean for Graduate Academic Affairs in hearings involving graduate students? The only role mentioned in the document (page 7) is to schedule the hearing.
TO: Mary Gauvain, Chair
Riverside Division

FROM: David R. Parker
Chair, CNAS Executive Committee

DATE: April 27, 2011

RE: Proposed Changes to Academic Integrity Policy & Procedures

I am writing in response to your memo of April 1, 2011, concerning proposed changes to
the campus’ Academic Integrity Policy & Procedures. Our committee discussed this
proposal during our meeting on April 19, but was unable to fully evaluate the proposal,
or to vote upon its merits. Thus, we voted to table the action until additional information
can be gained.

The proposal seems to raise as many questions as it answers. As I explained to you in
my email of 13 April, we were sent virtually nothing in terms of background information
concerning the proposed changes. The existing policies are codified Appendix 6 of our
Bylaws and Regulations, but even this connection was not noted in the copy we
received.

A cursory examination of the two versions suggests that the changes may be rather
substantial, in manner of presentation if not in substance. The justification for these
changes that appears on pp 11-12 is extremely brief, and seemingly incomplete. For
example, we are told that a separate pathway has been created for handling alleged
misconduct by graduate students, but are given no explanation as to why such a change
is desirable.

I do not believe that our committee can act upon the proposed changes absent a much
more complete documentation of the substantive nature of the proposed changes, along
with their underlying rationale. This could be achieved in writing, or perhaps through
identification of the author(s) of the proposed changes whom we could then invite to
attend a meeting of our committee, and who could then verbally provide us with a more
complete justification and explanation.

c: Jose Wudka, Educational Policy
   Dan Ozer, Secretary-Parliamentarian
May 2, 2011

TO: MARY GAUVAIN, CHAIR
RIVERSIDE DIVISION

FR: JOSE WUDKA, CHAIR
COMMITTEE ON EDUCATIONAL POLICY

RE: ACADEMIC INTEGRITY PROPOSAL

During its April 27 meeting, the CEP reviewed the proposal “University of California Policy on Student Conduct and Discipline”. The Committee appreciates the need to have a clear and practical policy on this important issue, unfortunately CEP found it very difficult to evaluate the document since there was no explanation of the changes being made and the motivation behind them. In addition the Committee found several specific issues that should be addressed:

- The document describes the process to be followed in order to determine whether students actions constitute academic misconduct, and the conditions under which sanctions are to be meted. It does not, however, provide a list of sanctions, and the situations under which they are to be applied. This opens the possibility of unevenness and even arbitrariness in choosing the punishment, in case the student is found guilty. As a result the process would lose its legitimacy. The Committee believes that the document should at least provide guidelines for determining the sanctions to be applied.

- The document gives the impression that the actions against a student depend on the extent with which (s)he is acquainted with the rules being proposed, so that guilt would be excused by ignorance. CEP believes that the policy should make clear that this is not the case.

- The procedures indicate that the investigation of a given act of misconduct should take into account previous instances of academic misconduct. It does not tell, however, whose responsibility it is to determine whether such records exist, nor does it indicate where such records are to be obtained.

- The proposed procedures encourage faculty to craft individual academic honesty statements. This is potentially problematic as careless syntax can lead to unintentional loopholes. It would be much more sensible for the campus to adopt a general statement of academic honesty that students agree to follow once they accept to attend UCR. Individual faculty can then add constraints if they see the need.

- It is puzzling to have the actions initiated through the chair of the program instead of through the Student Conduct and Academic Integrity Program. A justification for this change should be provided.

- The document states that anyone can initiate an academic misconduct process, but the table suggests this is the responsibility of the faculty member. The document should be edited to insure clarity and consistency.

- The title of the document should be qualified: it only addressess academic misconduct

For the above reasons, the Committee does not support adopting the policy in its current form, but is open to discuss any modifications that will lead to an acceptable document without undue delays.
Date: April 7, 2011

To: Mary Gauvain  
Chair of the Academic Senate  
University of California, Riverside

From: Jay A. Farrell  
Chair of the Faculty  
Bourns College of Engineering  
University of California, Riverside

RE: Policy on Student Conduct

The Executive Committee of BCOE discussed the proposed Student Conduct Policy at its meeting on April 7, 2011. Overall, the BCOE finds the proposal to be reasonable. Following is a summary of the main points of our discussion.

- We question why, on page 1, Allegations of Misconduct in Research, the text

  "All university members, including faculty members, lecturers, teaching assistants, graduate students, and postdoctoral researchers, should immediately report suspicion of research misconduct by students to the chair of the department, dean of the school or college, or director of the organized research unit."

  does not include undergraduates (they seem to be the only excluded group among those potentially involved in research).

- On page 4, on part B 1 "If the Faculty member makes a determination of misconduct based on facts that the accused student does not dispute", it should be stressed that it is essential that the faculty member obtains a signature on the appropriate form, from the student who elects not to dispute. This avoids future problems due to the possibility that the student retracts. We are aware that the current form has the space for this signature, but we still feel it should be stressed in this document.

- In the following paragraph of part B 1, and in other parts of the document, the tone seems excessively "accomodating". For example, we strongly disagree with the sentence:

  "The action should take into account the clarity of course expectations, the level of the students' experience or knowledge of principles of academic integrity, the nature of the assignment, and the degree of intentionality and pre-mediation of the misconduct."

  as it implies that it is the instructor's responsibility to clarify that copying, cheating, plagiarizing, etc. is not allowed, and that somehow the student can have a low or high level of understanding of what is allowed or not, and can claim ignorance of the rules if the instructor did not put a
blurb about cheating in the syllabus. Students should be held responsible for knowing the rules of academic conduct, not given an "out" for not knowing them.

The instructor's responsibility should be limited to clearly stating, for example, whether an assignment is to be done individually or in a group, and in the latter case how the group is formed.

- The statement

"In cases where the Faculty member has held a grade in abeyance pending the outcome of an Initial Review, he or she shall submit a final grade with the Registrar that is consistent with the determination by SCAIP [or Graduate Division for graduate students] as to the question of misconduct."

may be construed to mean that the ultimate decision for the grade is not made by the faculty but by SCAIP (or Graduate Division). If this is indeed the intended meaning, does it conflict with the faculty member's academic freedom?
Hi Sellyna,

The CHASS Executive Committee approved the CEP Draft of the General Education Learning Outcomes Procedure and the changes to the Academic Integrity Policy & Procedures. Please let me know if you have any questions. Have a great day.

Thank you,
Gabrielle
The Graduate School of Education Executive Committee has reviewed the Policy on Student Conduct and Discipline. We have no responses to make to this policy. Thank you for the opportunity to review it.

Melanie Sperling
Chair, GSOE Executive Committee

Professor
Graduate School of Education
University of California, Riverside

Dear All:

Attached for your review is the Policy on Student Conduct and Discipline.

Please send your responses back to me by April 29, 2011.

Thanks.

S

Selleya Ehlers

Executive Director
Academic Senate
University of California
Riverside, CA 92521
Tel: 951 827 2544
Fax: 951 827 5545
Email: sellyna.ehlers@ucr.edu
senate.ucr.edu

Remember, we all stumble, every one of us. That’s why it’s a comfort to go hand in hand. –Emily Kimbrough!
Hi Sellyna,

Attached is the R&J response. The committee met and discussed this at its meeting on Feb 4 and approved it with a split vote of +2-1-0. I indicated the approval date on the attachment, but did not include the vote. The dissenting member has reviewed other policies relating to this same subject and while he does not find that the wording is inconsistent with the code of the academic senate, he does not agree with the policy itself. He had a hard time separating his role on R&J with his opinion on the policy.

The committee did ask that the policy writers consider revising the policy so that the faculty member does not submit the original of an exam in a grade dispute but rather submits a copy. It was their belief that the faculty member is officer of record for exams and is required to hold them for a calendar year. I verified with auditing that there are no written rules about who has to maintain the original record (exam) or for how long. This was just the sentiment of the committee as fellow faculty, not an official R&J opinion.

Thanks for reminding me to get this to you...I thought it was sent ages ago but could not find an email or anything else to indicate that it had been sent.

Sorry,
Cindy
No comment,

Thanks,

Rick

Professor Richard L. Smith
Philip L. Boyd Chair and Professor of Finance
A. Gary Anderson Graduate School of Management

University of California Riverside
Anderson Hall, Rm 141 | 900 University Ave | Riverside CA 92521
Direct: 951 827 3554 Mobile: 909 268 5709 | Fax: 951 827 3970
richard.smith@ucr.edu | http://qsm.com/author=1879

From: Sellyna Ehlers
Sent: Thursday, March 31, 2011 4:24 PM
To: david.parker@ucr.edu; david.herzberger@ucr.edu; jay.farrell@ucr.edu; Richard Smith; melanie.sperling@ucr.edu; Daniel S Strauss; jose.wudka@ucr.edu; morris.maduro@ucr.edu
Cc: cherie.pierce@ucr.edu; gabrielle.brewer@ucr.edu; Sherry Gonzalez
Subject: RE: UC Policy on Student Conduct and Discipline

Dear All:

Attached for your review is the Policy on Student Conduct and Discipline.

Please send your responses back to me by April 29, 2011.

Thanks.

S

Sellyna Ehlers

Executive Director
Academic Senate
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Remember, we all stumble, every one of us. That’s why it’s a comfort to go hand in hand. —Emily Kimbrough
June 8, 2011

TO: MARY GAUVAIN
CHAIR, UCR ACADEMIC SENATE

FM: MORRIS MADURO, CHAIR
GRADUATE COUNCIL

Re: UCR Policy on Student Conduct and Discipline

Dear Dr. Gauvain:

At its meeting of June 7, 2011, the Graduate Council discussed the proposed UCR Policy on Student Conduct and Discipline. We were pleased to approve the policy as it adds a separate set of procedures for handling conduct issues for Graduate students. In particular, because of the research training and maturity level of Graduate Students, it was felt that such cases could not routinely be handled like those involving conduct of Undergraduates. We recommend several things to be added to this document or adopted elsewhere as necessary:

- The Graduate Academic Integrity Committee should consist of Senate members that are not currently members of the Graduate Council. This is because the Graduate Council represents a body to which a student may appeal after the GAIC has made an appellate decision.
- Appropriate additions to UCR’s Senate Bylaws will be needed to codify the composition and functions of the GAIC.
- As its first charge, the GAIC should prepare a document that clearly defines different types of misconduct and makes recommendations for appropriate measures. The document should be updated annually if necessary. Such a policy document will allow faculty to more easily identify such misconduct when it occurs, and could be used in professional training of Graduate Students.

Sincerely,

Morris Maduro
Chair, Graduate Council
Dear Colleagues:

Re: Systemwide Review of Proposed New Policy APM - 668, Negotiated Salary Program

Enclosed for systemwide review is a proposed new policy, APM - 668, Additional Compensation—Negotiated Salary Program. This policy has been developed from the June 2010 recommendations of the Joint Senate-Administration Compensation Plan Steering Committee. The Steering Committee agreed that a policy-based additional compensation program was needed to maintain University competitiveness in general campus faculty compensation. A history of policy development, questions and answers about the new policy, and four case studies are in the accompanying “Materials” document.

In response to a management consultation in late spring, the policy has been revised from an earlier draft to provide a flexible tool that is in line with existing University policies and aligned with external regulations. Background on these issues is provided in the “Materials” document. Please let me know if you need additional information or consultation as you review the proposed policy.

As this is a systemwide review of Academic Personnel policy, employees should be afforded the opportunity to review and comment on proposals, which are available online at: http://www.ucop.edu/acadadv/acadpers/apm/review.html. Enclosed is a model communication which can be used to inform non-exclusively represented employees affected by these proposals.

We would appreciate receiving your comments by November 18, 2011. Please submit your comments to me at susan.carlson@ucop.edu.

Sincerely,

[Signature]

Susan L. Carlson
Vice Provost
Academic Personnel

Enclosures:
1 - Draft policy, APM – 668
2 - “Materials on the proposed policy APM – 668, Negotiated Salary Program”
3 – Model Communication
August 26, 2011
Page 2

cc: President Yudof
Chancellors
Provost Pitts
Vice Provosts - Academic Personnel
Senior Vice President Vacca
Vice President Beckwith
Vice President Duckett
Vice Provost Greenstein
Academic Personnel Directors
Special Assistant Price
Executive Director Fox
Executive Director Tanaka
Executive Director Winnacker
Principal Counsel Clark
Senior Counsel Van Houten
Systemwide Policy Director Capell
Director Saxton
Labor Relations Consultant Donnelly
Manager Lockwood
A. History of policy development and need for policy (pp. 1-2)

B. Frequently asked questions on APM – 668 (pp. 3-8)

C. Case studies (pp. 9-13)

A. History of policy development and need for policy

A.1. Follow-up on 2010 Taskforce report. The Negotiated Salary Program (NSP) is designed to be one of several efforts through which the University maintains its competitiveness in general campus faculty compensation. Given the University of California’s limited and dwindling state salary resources, remaining competitive in the marketplace can be partially achieved by developing a more flexible compensation model for general campus faculty that, like the health sciences compensation plan, (1) uses non-State resources to compensate outstanding faculty where appropriate; (2) assures that the required mix of teaching, research and creative activities, and service remains; (3) provides incentives for particular achievements while still recognizing academic merit; and (4) offers consistent benefits and privileges to faculty. As noted in the June 2010 Joint Senate-Administration Compensation Plan Steering Committee report, the proposed policy “is seen as a relief valve on the pressures otherwise mounting through reliance on ad hoc use of retention requests, which would further consume constrained state funds and impinge on the UCRP” (see http://www.ucop.edu/acadpersonnel/policy.html for report and cover letter).

The current draft policy (APM - 668) has been developed from the June 2010 recommendations of the Steering Committee. While endorsing continued efforts to increase academic salary scales as a priority, the Steering Committee found increasing the scales alone to be an inadequate solution, especially for faculty working in the most market-sensitive areas. Thus, the committee agreed that a policy-based additional compensation program would be necessary to provide a common administrative framework within which a school or academic discipline could provide additional compensation to its faculty, based on a shared set of principles. In other words, NSP will be an augmentation to the merit-based step system and is designed for use in select situations.

This policy applies many of the principles guiding the current Health Sciences Compensation Plan (HSCP, APM - 670) to the situation of general campus faculty. The HSCP allows UC to award competitive salaries to Health Sciences faculty by drawing on a broad range of revenue funds, including clinical income as well as endowment earnings, grants, and contracts. However, the current draft of APM - 668 is structured on other UC Additional Compensation policies rather than on the HSCP, due to differences between general campus and health sciences faculty activities; for example, clinical responsibilities do not play a major role for most general campus faculty. This focus on existing Additional Compensation practices allows the NSP to be simpler than the HSCP.

1 General Campus faculty refers to faculty who are NOT in the Health Sciences and not covered by the University’s Health Sciences Compensation Plan.
Finally, it should be noted that use of the policy will be a campus-by-campus decision and that the current role of faculty in evaluation and review is not altered.

A.2. Why the University’s current compensation framework needs augmentation. The rank and step system is a central tenet of UC faculty compensation. University administration remains committed to the system and the Steering Committee’s recommendation clarified the system’s fundamental place in faculty salaries. The adoption of the NSP should be seen as an augmentation to the rank and step system, needed even in the welcome circumstance of regular increases to the faculty salary scales. In the near term, increases to the scales are likely to be modest at best, leaving them still inadequate in meeting market demands in many disciplines.

Under the current salary scales, in order to meet market conditions for many faculty, the University must offer larger and larger off-scale salaries (67% of ladder-rank faculty are currently off-scale). This mechanism (the award of ad hoc state-funded off-scale salary increases in response to external offers and market conditions) is reactionary, non-uniform, expensive, and sometimes counter-productive. In some disciplines, faculty are all but encouraged to entertain offers from competing universities as the only means to secure a market-based salary.

An additional increase in the current salary scales would begin to address this situation, but would not, by itself, fully address the issue of market competitiveness. Because market forces vary greatly by discipline, an across-the-board increase in the salary scales in isolation would not provide sufficient flexibility to meet all market conditions. But perhaps most important, addressing the salary lag via the salary scales alone does not tap the many sources of self-generated income to which various disciplines or individual faculty may have access.

Ironically, competition from within the UC system is also a stress on salaries. UC health sciences schools, because they have more flexibility in structuring salaries through HSCP, are becoming increasingly attractive to campus basic sciences faculty, who see the potential to earn considerably more under the HSCP. The NSP would allow basic scientists to have competitive salaries that are commensurate with those offered in the health sciences while remaining in their general campus departments.

The NSP will not solve all current salary challenges, but will contribute to UC competitiveness. The proposed NSP would provide a more uniform approach to competitive salaries than currently exists on the general campuses, while still allowing campuses to decide whether or not to participate. In summary, the NSP will:

- help to reduce reliance on diminishing State-appropriated funds for market-driven salary costs (but not base salary costs);
- utilize appropriate State and non-State resources to support competitive faculty compensation;
- allow the campuses to compensate faculty at closer to market-competitive levels when this can be achieved using non-State-appropriated funds;
- demonstrate a commitment to high achieving faculty by rewarding significant contributions to the University mission including generation of non-State-appropriated funds to support faculty activities;
• improve salary satisfaction for highly marketable faculty, for whom additional scarce State resources would otherwise be required to fund retention counteroffers;
• encourage an entrepreneurial spirit while facilitating the achievement of school, college, department and/or individual goals.

B. Frequently asked questions on APM - 668

1. **Who would use this program?** This is difficult to estimate accurately, since the NSP involves at least three kinds of funding for faculty efforts: gifts and endowments, professional fees and fees in self-supporting programs, and faculty who can put academic year effort on contracts and grants. University-wide, there are over 4700 endowments that support departments, chairs and professorships, and research. Some of these endowments allow for salary funding while others will not. For faculty with sustained efforts on contracts and grants, campus Vice Provosts estimate that a few hundred faculty would have the kind of support needed to take part in the program, since they would be likely to fund their summer research efforts first. Faculty participation in the Furlough Exchange Program also suggests that a portion of the faculty with external funding of various kinds do have flexibility in funds that can support salary; NSP would allow them to take advantage of this flexibility. The University has a growing number of Professional Degree Supplemental Tuition (PDST) programs, and faculty members teaching in them might choose to take part in the NSP. Some of UC’s professional schools have a history of supporting base faculty salaries through tuition/professional fees, and this program would not replace current funding situations (although it would potentially give schools additional flexibility to meet salary needs in the future). We understand that some campuses may choose not to adopt the NSP at all; these are generally campuses that do not already have the HSCP.

2. **Why doesn’t the University just raise the salary scales and reward all faculty for performing their duties through difficult budget times?** Through ongoing efforts, the President is working to increase faculty salaries. The Board of Regents has already approved a 3% salary increment for 2011-12, and the President has just announced details of this salary program. The President is also developing a 5-year budget plan with a built in assumption that faculty salaries will need to go up 3% annually, in addition to the 1.78% allocated to merit and advancement reviews. The NSP would be a salary tool to be used in addition to these salary processes.

3. **Doesn’t the University have other ways to accomplish the goals of the NSP?** The NSP encourages faculty to engage in activities which bring external support to the University, thus creating more flexibility in financing faculty work. UC joins other public and private institutions that are raising their endowments, establishing fee-generating professional programs, and encouraging faculty to support their efforts through external grants. The NSP would create a common administrative framework and shared set of principles and practices for managing external funds that support faculty work.
4. **What do federal funding agencies say about salary and compensation?** Faculty and administrators developing the NSP have recognized that the program must be in compliance with federal regulations, and the program has been designed with such regulations in mind. The following are the most relevant standards, which should be taken into account by participating units in designing their implementation plans.

a) **OMB circular A-21.** “Cost Principles for Educational Institutions” (OMB Circular A-21) sets out the principles that universities must use in determining costs that may be charged to federal grants, contracts, and other agreements. Under OMB Circular A-21, costs charged to federal grants must be reasonable, allocable, and consistently applied:


“The tests of allowability of costs under these principles are: they must be reasonable; they must be allocable to sponsored agreements under the principles and methods provided herein; they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and they must conform to any limitations or exclusions set forth in these principles or in the sponsored agreement as to types or amounts of cost items.” (See 2 CFR 220, Appendix A, Part C.2, Factors Affecting Allowability of Costs)

With respect to consistency, OMB Circular A-21 notes that:

“Major considerations involved in the determination of the reasonableness of a cost are: . . . the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including sponsored agreements.” (See 2 CFR 220, Appendix A, Part C.3, Reasonable Costs)

Under OMB Circular A-21, compensation is allowable as a direct cost (see 2 CFR 220, Appendix A, Part D.2). Details regarding the calculation of compensation that may be permissibly charged to federal grants are set out in Section J.10, including specific provisions relating to “Salary rates for faculty members”:

“(1) Salary rates for academic year. Charges for work performed on sponsored agreements by faculty members during the academic year will be based on the individual faculty member’s regular compensation for the continuous period which, under the policy of the institution concerned, constitutes the basis of his salary. Charges for work performed on sponsored agreements during all or any portion of such period are allowable at the base salary rate. In no event will charges to sponsored agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period. This principle applies to all members of the faculty at an institution.” (See 2 CFR 220, Appendix A, Part J.10.d)

Definition of Institutional base salary: “The annual compensation paid by an organization for an employee’s appointment, whether that individual's time is spent on research, teaching, patient care, or other activities. Base salary excludes any income that an individual may be permitted to earn outside of duties for the applicant/grantee organization. Base salary may not be increased as a result of replacing organizational salary funds with NIH grant funds.” (See NIH Grants Policy Statement, Part I, Section 1.2, Definition of Terms) [http://grants.nih.gov/grants/policy/nihgps_2010/nihgps_ch1.htm#definitions_of_terms](http://grants.nih.gov/grants/policy/nihgps_2010/nihgps_ch1.htm#definitions_of_terms)

“Selected Items of Cost: Salaries and Wages: Allowable. Compensation for personal services covers all amounts, including fringe benefits, paid currently or accrued by the organization for employee services rendered to the grant-supported project. Compensation costs are allowable to the extent that they are reasonable, conform to the established policy of the organization consistently applied regardless of the source of funds, and reasonably reflect the percentage of time actually devoted to the NIH-funded project. Direct salary is exclusive of fringe benefits and F&A costs.” (See NIH Grants Policy Statement, Part I, Section 7.9.1) [http://grants.nih.gov/grants/policy/nihgps_2010/nihgps_ch7.htm#selected_cost_items](http://grants.nih.gov/grants/policy/nihgps_2010/nihgps_ch7.htm#selected_cost_items)

A 2005 Q&A document for Health Sciences prepared by the Association of American Medical Colleges, in consultation with NIH personnel, elaborated on these issues:

“Question: In what circumstances can an institution increase a faculty member’s existing Institutional Base Salary based on receipt of a new grant award that provides support to the faculty member’s salary?

“Answer: Grant funds can replace, not increase, a faculty member’s salary. A-21 requires that to be allowable, a cost has to be, among other things, reasonable. And “reasonable” includes being consistent with established institutional policies that are applicable to the work of the institution generally, including sponsored agreements – not just sponsored agreements. In other words, institutional policies cannot provide for salary increases based only on receipt of federal grant support.

“To repeat, an institution can’t increase salary simply because part or all of the effort is now charged to a Federal award, assuming that the duties are essentially the same. Institutions can adjust compensation based on past performance and current responsibilities if the adjustment is done on a consistent basis, regardless of the source of support. Therefore, the faculty member’s IBS can be reevaluated the next time these levels are set by the institution.” February 10, 2005. ([http://research.fiu.edu/effort/documents/aamcEffortReporting.pdf](http://research.fiu.edu/effort/documents/aamcEffortReporting.pdf)).

“NSF regards research as one of the normal functions of faculty members at institutions of higher education. Compensation for time normally spent on research within the term of appointment is deemed to be included within the faculty member’s regular organizational salary.

“As a general policy, NSF limits salary compensation for senior project personnel to no more than two months of their regular salary in any one year. This limit includes salary compensation received from all NSF-funded grants. This effort must be documented in accordance with the applicable cost principles. If anticipated, any compensation for such personnel in excess of two months must be disclosed in the proposal budget, justified in the budget justification, and must be specifically approved by NSF in the award. These same general principles apply to other types of non-academic organizations.

“NSF award funds may not be used to augment the total salary or salary rate of faculty members during the period covered by the term of faculty appointment or to reimburse faculty members for consulting or other time in addition to a regular full-time organizational salary covering the same general period of employment. Exceptions may be considered under certain NSF programs, e.g., science and engineering education programs for weekend and evening classes, or work at remote locations. If anticipated, any intent to provide salary compensation above the base salary must be disclosed in the proposal budget, justified in the budget justification, and must be specifically approved by NSF in the award budget.”

See NSF Proposal and Award Policies and Procedures Guide, Part I, Section II.C.2.g (i) (a), Senior Project Personnel Salaries & Wages Policy; and Part II, Chapter V. B.ii(a), Senior Project Personnel Salaries and Wages.
(http://www.nsf.gov/pubs/policydocs/pappguide/nsf11001/gpg_2.jsp#IIC2gi)

“All remuneration paid currently or accrued by the organization for employees working on the NSF-supported project during the grant period is allowable to the extent that:

“(a) total compensation to individual employees is reasonable for the work performed and conforms to the established policy of the organization consistently applied to both government and non-government activities.”

See NSF Proposal and Award Policies and Procedures Guide, Part II, Chapter V.B.1.a(i), Salaries and Wages, All Grantees
(http://www.nsf.gov/pubs/policydocs/pappguide/nsf11001/aag_5.jsp#VB1a)

**Summary on question #4.** Applicable rules vary by funding agency and contract/grant. Several features of the proposed policy are designed with these requirements in mind: the eligibility criteria that considers factors beyond the availability of contract and grant funds, uniform application of the negotiated salary rate across all fund sources, and the adherence to an annual or two-year NSP (which will remain in effect regardless of whether the faculty member obtains new or retains previously obtained external funding). This draft policy has been reviewed by Financial Accounting, the Office of General Counsel, and the Office of Research and Graduate Studies. The Office of the
President recognizes that this new compensation policy reconceives some long-standing processes in the management of general campus salary.

5. **What restrictions are there on such a program, either through funding agencies and foundations or internal policy?** The awarding of salary must be in line with UC policy, gift and endowment memoranda of understanding, contract and grant award terms, and federal and state regulations. See answer to Question #4 for excerpts of the most applicable federal policy.

6. **What is the relationship of this program to the Health Sciences Compensation Plan (HSCP) in APM - 670? Why can’t that program just be used in select departments?** The HSCP demands that all faculty in a participating school take part, on the assumption that they are all taking part in duties that include generation of external funds (clinical funds, grants and contracts, consulting, etc.). While this model might be appropriate for a few general campus departments or sub-disciplines, it would not work for most of the faculty who will participate in NSP, who may be part of a small group in their department or school who participate. Many of the principles of the HSCP have helped the University develop the NSP, however. A key factor driving the creation of the NSP is that on several UC campuses with Health Sciences schools, general campus faculty are considering appointments in the health sciences, often due to the flexibility of the salary benefits.

7. **Do other universities have similar programs?** Our peer universities, both public and private, have or are developing programs that encourage faculty members to engage in activities that generate external funding for the university. More than in the past, faculty members are encouraged to put academic year research effort on contracts and grants. Our competitors are developing programs that allow faculty salaries to be paid, in part, through endowments, contracts and grants, and special course fees (Executive MBA programs and other professional graduate degrees in particular). Private Universities are doing more than in the past to encourage faculty members to put research effort on contracts and grants and are offering back to the faculty member professional development funds out of the base salary that has been replaced. The faculty member usually retains a portion but not usually all of the released funds. Public institutions have more varied policies and practices, which often vary by college within the institution. Some have faculty on less than 100% appointments with the assumption that the faculty member will put the remaining percent of time on external funds, including endowments and contracts. Some allow indirect cost dollars to support department or individual faculty members’ research activities as well as salary increments.

8. **Why are the dates of participation always fixed to begin on July 1 and run for a full fiscal year?** The NSP is not a “bonus” program for one-time actions, but a program that allows for a negotiated salary component based on several factors. To be in compliance with sound accounting practices, the salary must be negotiated for an entire year.
9. Why is there a “contingency fund contribution” for those who participate in the program? How would it be used? The program allows a campus to set a standard contingency fund contribution to cover the costs of negotiated salaries in unforeseen situations: the illness of the faculty member, the discontinuation of a contract, reduction in endowment earnings or fees. Some campuses may choose to administer the program and this contingency fund at the school level.

10. Are fiscal year faculty eligible? Yes, and this program allows faculty on a fiscal-year salary a new flexibility to contribute to their own compensation through their professional activities.

11. What is the effect of the NSP on faculty consulting activities? The NSP does not change general campus faculty members’ obligations to have consulting approved and reported in accordance with APM – 025. Consulting income is not a part of the NSP.

12. What is the University policy about putting effort on endowments, course fees, and contracts and grants? Several APM policies govern the relationship between faculty salaries and fund sources, and these are different for ladder-rank faculty titles than for other faculty titles. See APM – 190 (Appendix F), APM – 191-D-2 & D-5, APM – 220 (Appendix A), APM 660, and APM – 667. See also APM 270, 275, 278, 280, and 670.

13. What is the plan for adding a “defined contribution” component to the negotiated salary component? Human Resources at UCOP is developing policy to put the negotiated salary component under a defined contribution retirement plan, similar to the current plan for summer salary. The employer’s contribution to the defined contribution plan will be the funding source.

14. Why is there so much review? Couldn’t this be simpler? The common administrative framework of the NSP is needed to ensure that the NSP program meets University policy for the awarding of salary.

15. When could this plan be available for faculty participation? If the NSP is approved, a participating campus will need to develop a local implementation plan (see 668 – 10). Depending on the approval date, it may be possible for campuses to begin programs for fiscal year 2013.
C. Case studies

The following are four examples of how individual faculty members might participate in the Negotiated Salary Program.

C. 1. Basic Assumptions for APM 668 case studies (apply to all four cases):

The campus Chancellor has decided that the campus will participate in the program.

Campus implementation plan includes a mandatory contribution of 3% of professorial base salary (released state FTE funds) to the contingency (or reserve) fund. This amount has been determined by the Chancellor/Executive Vice Chancellor. In these examples, the contingency fund is set at a campus level. It may be set at a School level.

The Chancellor/EVC has also determined that no faculty member will be permitted to negotiate more than 25% of base salary. This percentage is established on an annual basis.

Faculty member meets all good standing, teaching, and funding requirements for participation as outlined in approved campus implementation plan.

All examples assume that the various funding sources cited allow the use of funds for salary support and permit rebudgeting, if rebudgeting is necessary. The examples also assume that there are no other applicable federal restrictions (i.e. that the proposed salary will not exceed the NIH funding caps and that the proposed salary complies with NSF support limits).

The covered salary (scale rate + off-scale) is considered UCRP covered compensation. The negotiated salary component is eligible for a special DCP contribution. Summer salary is eligible for a special DCP contribution.

All figures noted below are gross salary calculations and do not reflect the net salary after taxes and other deductions. Additional benefits costs due to plan participation are not reflected.

C. 2. Assumptions about faculty in case studies

Cases A – C:
Participant is an academic-year Professor, Step 5, off-scale
Covered Salary = $108,000 (Scale rate of $103,300 + off-scale component of $4,700)

Summer compensation pay rates (excluding Summer Session) are based on the total annual salary in effect on July 1. Thus, the total negotiated salary will be used as the basis for calculating summer salary resulting in an increase to the 1/9th monthly rate. When a new total negotiated salary amount is implemented, the summer salary will be reconfigured to reflect the increased annual salary rate which will be charged to appropriate fund sources.

Case D:
Participant is a fiscal-year Professor, Step 5, off-scale
Covered Salary = $124,500 (Scale rate of $119,800 + off-scale component of $4,700)
CASE A

Professor Alicia Alvarez holds the Franklin Endowed Chair in Counseling Psychology which generates $12,000 in funds that may be used towards salary in accordance with the endowed chair MOU. She also has a research grant from which she will earn 1/9th summer salary for additional research performed in July.

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<thead>
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<th>Compensation Before Participation</th>
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<tbody>
<tr>
<td>Scale rate + off-scale</td>
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<tr>
<td>1/9th summer salary</td>
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<td>(rounded to 3,200)</td>
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<td><strong>Total Annual Compensation</strong></td>
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**INCREASE IN TOTAL ANNUAL COMPENSATION:** $9,800
**CASE B:**

Professor Bob Borden agrees to teach in a week-end professional interdisciplinary degree program. Estimated fees of $15,000 are generated by the course he will teach on an overload basis. He decided to use $10,000 of this in to participate in the NSP. In addition, he received an NEH summer award in the amount of $20,000 (flat-rate).

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<td>Summer salary (NEH award)</td>
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**INCREASE IN TOTAL ANNUAL COMPENSATION: $ 6,800**
CASE C

Professor Colleen Carter is in the biological sciences and has a robust research program. She has additional funding of $25,000 available throughout the year from two grants. Professor Carter has decided to use $20,000 and report appropriate effort (previously uncharged) to one of her research accounts. She also has sufficient funding for 3/9ths summer salary (reconfigured based on the total negotiated salary 1/9th rate) that is funded from grants and an endowment account.

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<td>Contingency fund contribution (3%) (rounded to 3,200)</td>
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<tr>
<td>3/9th summer salary at negotiated rate (rounded)</td>
<td>+41,600</td>
</tr>
<tr>
<td><strong>Total Annual Compensation</strong></td>
<td>166,400</td>
</tr>
</tbody>
</table>

**INCREASE IN TOTAL ANNUAL COMPENSATION: $ 22,400**
CASE D

Professor Darin Dhang is a fiscal year professor in agronomy. He has an industry grant on which he can put one month salary, reporting the appropriate effort, during the fiscal year (equivalent to $10,375 rounded to $10,400).

<table>
<thead>
<tr>
<th>Compensation Before Participation</th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scale rate + off-scale</td>
<td>124,500</td>
</tr>
<tr>
<td>Total Annual Compensation</td>
<td>124,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contingency Fund Calculation</th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(from Professorial base, 19900 Funds)</td>
<td></td>
</tr>
<tr>
<td>Base salary + off-scale</td>
<td>124,500</td>
</tr>
<tr>
<td>Contingency fund contribution (3%)</td>
<td></td>
</tr>
<tr>
<td>(rounded to 3,700)</td>
<td>-3,700</td>
</tr>
<tr>
<td>Adjusted base salary</td>
<td></td>
</tr>
<tr>
<td>(rounded to 120,800)</td>
<td>120,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Negotiated Salary Calculation</th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjusted Scale Rate + off-scale</td>
<td>120,800</td>
</tr>
<tr>
<td>Replacement base salary</td>
<td>+3,700</td>
</tr>
<tr>
<td>(Industry grant)</td>
<td></td>
</tr>
<tr>
<td>Base salary</td>
<td>124,500</td>
</tr>
<tr>
<td>Negotiated salary component</td>
<td>+6,700</td>
</tr>
<tr>
<td>(10,400-3,700 rounded)</td>
<td></td>
</tr>
<tr>
<td>Total Negotiated Salary</td>
<td>131,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Compensation After Participation</th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Negotiated Salary</td>
<td>131,200</td>
</tr>
<tr>
<td>Total Annual Compensation</td>
<td>131,200</td>
</tr>
</tbody>
</table>

INCREASE IN TOTAL ANNUAL COMPENSATION: $6,700

August 2011
668-0 Policy

The Negotiated Salary Program (NSP) allows the University to provide additional compensation to faculty who are in Good Standing. Faculty will participate in the program for (renewable) periods of one to two years, based on an annual review process. NSP supplements the salary (rank, step, off-scale) determined in accordance with the academic review process for faculty.

668-2 Purpose

The purpose of the Negotiated Salary Program is to provide a common administrative framework within which participating units (schools, colleges, or departments) can compensate faculty according to the competitive requirements of academic disciplines. Specific goals of this Program are:

a. To leverage non-state-appropriated funds to recruit and retain outstanding faculty.
b. To encourage the appropriate mix of teaching, research, and service activities of the quality required by the University of California.
c. To provide incentives that encourage and recognize significant contributions to the University mission.
d. To offer consistent benefits and privileges to general campus faculty.

668-4 Definitions

a) Total Negotiated Salary: The total negotiated salary will be comprised of the covered salary (for rank and step plus any off-scale component) and a negotiated salary component. Negotiations will be conducted annually to determine an individual’s total negotiated salary for the following NSP period;
these discussions begin with the participating faculty member and the department chair and recommendations are forwarded to other reviewers as outlined in 668-6.

The scale and off-scale component are covered under the University of California Retirement Plan (UCRP) up to the amount permissible under law and in accordance with UCRP provisions and regulations. The negotiated component of salary is not covered compensation under UCRP but may be subject to an employee/employer matching contribution to the University’s Defined Contribution Plan (DCP). [A DCP process for NSP is being developed during fall 2011.] All compensation paid by the University under the NSP will be subject to Federal and State withholding and reported on a W-2 form as wages in accordance with IRS regulations and University policies and procedures.

b) **External Funding:** For the purposes of this policy, external funding refers to any non-state-appropriated funds, such as (but not limited to) endowment or gift income, professional degree fees, self-supporting degree fees, and contract and grant support. Campus implementation plans will detail which external funding sources can be used in support of this program.

c) **Good Standing:** The definition of Good Standing includes, but is not limited to, meeting teaching, research, and service obligations as defined by the unit implementation plan, and compliance with all applicable University policies, procedures, and training requirements.

668-6 **Responsibility**

The overall goals of the program are to position the institution to excel and to increase flexible funding for the units involved. Responsibility for the excellence that generates non-state-appropriated funds rests at all levels.
a) Faculty members are responsible for remaining in Good Standing and for exemplary contributions to the University mission, e.g. external recognition, research dissemination, educational innovation, and the generation of non-state-appropriated funding to support faculty activities. To participate, faculty members submit a proposal to the department chair.

b) Department chairs are responsible for evaluating faculty proposals and for verifying that faculty members are making significant contributions to the University mission.

c) Review of a total negotiated salary is determined according to campus policy and practice and may include review by the Committee on Academic Personnel (CAP), in accordance with established campus practice.

d) Deans are responsible for reviewing and endorsing individual faculty proposals and for assuring that appropriate resources are available for the total negotiated salary. The dean is responsible for determining whether a faculty member is in Good Standing after input from the department chair and the faculty member. Any faculty member who is determined not to be in Good Standing must be provided with written information regarding how to return to Good Standing.

e) Executive Vice Chancellors/Provosts are responsible for approving faculty proposals. This authority may be re-delegated.

f) Chancellors are responsible for managing the negotiated salary program at the campuses. This authority may be re-delegated.
668-10 Criteria

a) Implementation Plans

An implementation plan must be developed and approved for each participating unit and its faculty. Implementation plans will include a limit on the percent of salary for the total negotiated salary and the percent required to establish the contingency fund, in addition to the following:

1. Process and timing for soliciting, receiving, and reviewing faculty proposals.


3. Method for predicting and defining the appropriate stability of the Program.

4. Management of the contingency fund that supports the Program.

5. Process for consulting with faculty on the development of Good Standing criteria.

6. Approval hierarchy.

7. Notification and documentation process.

b) Determination of the Total Negotiated Salary

The total negotiated salary for each faculty member will be recommended by the appropriate dean after consultation with the department chair and before or after consultation with CAP (on campuses where CAP has input into salary
recommendations). Each proposed total negotiated salary must be based on past performance and current responsibilities. It is not based solely on the availability of funds. See APM - 668-6 for approval responsibilities.

The funding must be derived from a stable source, paid in accordance with any related fund source restrictions, and sufficient to include the related benefits costs. The funding source(s) must be secured or scheduled by June 30 of the year prior to implementation of the total negotiated salary.

c) **Maintenance of the Total Negotiated Salary**

Total negotiated salaries are effective for a one- or two-year period corresponding with the University fiscal cycle of July 1 - June 30. Once a total negotiated salary has been implemented it must be maintained for that period. No changes or retroactivity may be approved. Even when State funds are released and effort is supported by external funds, in no case will a faculty member’s State-funded covered salary be permanently reduced as a result of participation in this Program.

d) **Regular Duties**

Participation in this program may not disrupt the required balance in duties or otherwise negatively impact a faculty member’s regular research, teaching or service obligations. Teaching done as a part of the standard course load would not make a faculty member eligible for the NSP.

668-14 **Eligibility**

Faculty members who are in Good Standing are eligible to apply for participation in the Negotiated Salary Program provided all other conditions of the campus plan are
met and provided their unit has a plan. Faculty members who are participating in the Health Sciences Compensation Plan may not participate. A participating unit may adopt the plan for all faculty members through a process established in the implementation plan document.

668-16 Limitations

External consulting and other externally compensated activities are permitted in accordance with APM - 025, Conflict of Commitment.

The Chancellor must establish a campus or school maximum percent of total negotiated salary and the percent required to establish the contingency fund.

If a faculty member transfers from one UC campus to another, s/he must renegotiate his/her salary according to the implementation plan at the new campus.

668-24 Authority

The Chancellor has authority to determine whether the campus will participate in the Negotiated Salary Program after consultation with the campus Academic Senate and Executive Vice Chancellor/Provost.

The Chancellor has authority to approve NSP implementation plans and any modifications or limits to the total negotiated salary component.

The above authority may be re-delegated.
This policy will be evaluated by the Office of the President at the end of three years to ensure that its goals are being met.