



## Academic Senate

### EXECUTIVE COUNCIL

July 9, 2021

**To:** Daniel Jeske  
Vice Provost for Academic Personnel

**From:** Jason Stajich  
Chair, Riverside Division

**RE: Proposed Modification to the Merit and Review Process (Extenuating Circumstances)**

Dear Dan,

I write to provide feedback regarding the *Proposed Modification to the Merit and Review Process (Extenuating Circumstances)* as discussed by the Executive Council. Due to the short timeframe on this review, Executive Council did not have the benefit of standing committee comments and we were unable to debate this with reference to all requested committee feedback in hand. Council strongly encourages the Administration to consider the timing of proposals for proper consideration and response from standing and faculty executive committees.

Executive Council's discussion indicated that the justification for change in standard was not clear. While the proposal is centered on the UCFW recommendations, there was confusion regarding how it interacts with the COVID-19 evaluation modifications. While the intention of this proposal is to operate *in addition* to the COVID-19 modification there was concern that how it is written was signaling a sunset of the COVID-19 policy. Further, Council discussions emphasized that the impact of COVID-19 will remain for many years. Even if campus returns to in-person and "normal" operations, the impact on both faculty and staff who provide important support to faculty in research and scholarship will continue to reverberate on careers and productivity. A member felt that everyone should have an opportunity for their file to be considered through both a COVID impact and extenuating circumstances lens with at least a three-year adjustment period. Some members felt it was difficult to determine what qualifies under the proposed policy and that there is risk for enormous variability. Should this proposal be adopted on campus, uniformity would guarantee fairness in the implementation.

As raised by many members, it would be helpful to clarify *how* someone indicates that a file should be considered under either or both the extenuating circumstances and COVID-19 modified process. It was not clear how to articulate how to elect to be reviewed in consideration of extenuating circumstances. Who gets to decide the legitimacy of a claim? This needs to be decided at step zero. It would also be important to clarify which entity (Academic Personnel Office, Dean's offices, Human Resources, Equity Advisors, Committee on Academic Personnel?) would assess and approve when a file is to be considered under these policies. Who is the deciding body to determine if a modification is needed? This confusion feeds into a concern that CAP would be put into a terrible position to be asked to make the decision arbitrarily, which is not the committee's role. A similar deep concern was raised about Department faculty and chairs who may also be put in a position to decide who qualifies and who does not. Some members asserted that qualification should be decided before a file gets to Departments and Dean's offices so CAP can evaluate the file through the proper lens. It should also be clarified how this proposal might also interface with ASMD. Relatedly, an additional question that emerged is, how would CAP or VPAP define 50%?

Concerns were discussed about faculty's request for accommodation being viewed as negative to the reviewers of their file. It is critical that we accommodate vulnerable faculty. How do we know if departments will treat people equitably? There is also concern that the proposal puts onus on faculty to share details they may not want to. There were also questions about if this process could be used to unintentionally penalize candidates. Could CAP not recommend or the VPAP/Provost effectively not give someone consideration of a full step and claim that while they were productive it wasn't enough for a full step? Are there safeguards to prevent this? Also, what happens if a candidate receives an extenuating circumstance and/or COVID accommodation/decision and then the following year are they required to achieve all they did not before? Can a candidate do back-to-back, year by year (e.g., COVID modification followed by other accommodations)?

Some additional observations were that the figure on page 76 was perceived to be too narrow in scope and was described by some members as "Very HR type of reasons." Other members objected to the term "extenuating circumstances" because events such as illness or COVID should not be conflated with life events (e.g., birth or adoption of a child) that should not be viewed as negative. Language choices could be more carefully chosen.

Overall, there was support from Council members in the proposal attempting to find ways to accommodate for the extenuating circumstances. The direction of the proposal was considered a positive move as long as the implementation is thought through. Most of the criticism was on implementation and specifically on how to decide what circumstances qualify. The Committee on Faculty Welfare spoke in support and endorses the direction the proposal is taking. Due to the timing of the request, Council was not able to hear a summary from CAP on their perspective of the report before our discussion, but CAP's perspective will be shared with the Council at a future meeting. Finally, Council was clear they are concerned about untenured faculty and making sure they found the needed support to emerge from circumstances as supported as possible. I encourage careful reading and consideration of this memo and the attached from the committees who have responded thus far.

As you can see there are primarily expressions of support for the spirit of the proposal but getting the details right does seem to be somewhat delicate. At the core is who is getting to decide if a circumstance rises to the level of being sufficient to warrant the extra consideration, and some of the possible unintended consequences, as well as some of the simple logistics of how many times these can be taken, at what frequency, and in succession?

I look forward to further discussion about this important proposal.

Sincerely,  
*/s/Jason*

**COMMITTEE ON ACADEMIC PERSONNEL**

June 24, 2021

To: Jason Stajich, Chair  
Riverside Division Academic Senate

From: Yinsheng Wang, Chair   
Committee on Academic Personnel

Re: **(Proposal) Proposed Modification to the Merit and Review Process (Extenuating Circumstances)**

At its meeting on June 21, 2021, CAP discussed Proposed Modification to the Merit and Review Process (Extenuating Circumstances).

The committee is in general supportive of the proposed modification. However, the committee has some concerns that the “achievement relative to opportunity” discussed in the draft proposal implies a different definition of extenuating circumstances than scenarios such as parental leave, medical leave, or the stop-the-clock situations outlined by the APMs that the proposal references.

APM-133, which has the broadest definition defines the conditions this way and explicitly limits it to the probationary period:

"A faculty member may request to stop the clock during the probationary period for personal reasons (see below), including childbearing, childrearing, serious health condition, disability, bereavement, or significant circumstance or event that disrupts a faculty member's ability to pursue University duties. Extensions are normally granted for a period of up to one (1) year for each event, automatically for some reasons, and upon request and approval for other reasons. For those extensions needing approval, such approval will be at the discretion of the Chancellor."

Later APM133 defines "Significant Circumstance or Event" as:

"A faculty member may request to stop the clock during the probationary period, for reasons due to a significant circumstance or event beyond the faculty member's control that disrupts the faculty member's ability to pursue University duties. Examples of significant circumstances or events beyond the faculty member's control for which the faculty member may request to stop the clock include the effects of a natural disaster or the effects of significant delays in the provision of research space, facilities, or resources committed to the faculty member and necessary for the faculty member's research activities. The faculty member must provide appropriate supporting documentation, as determined by established campus procedures."

If the intent is to make the "Significant Circumstance or Event" language apply to all faculty, all of the time, this language should be in the draft so that it can be discussed by all, rather than referencing policy that is meant for the probationary period.

It was also not clear to the committee which reviewing bodies will be deciding what may constitute extenuating circumstances. Moreover, the committee was concerned about privacy issues, because the same information that might be seen as extenuating -- medical issues, family crises, financial difficulties, etc. -- are exactly what most people would prefer to keep private.



June 30, 2021

TO: Jason Stajich, Chair  
Riverside Division of the Faculty Senate

FROM: Lucille Chia, Chair *Lucille Chia*  
CHASS Executive Committee

RE: Proposed Modification to the Merit and Review Process

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The CHASS Executive Committee has not had the opportunity to discuss this memo other than through email communications, which are reflected in the comments below.

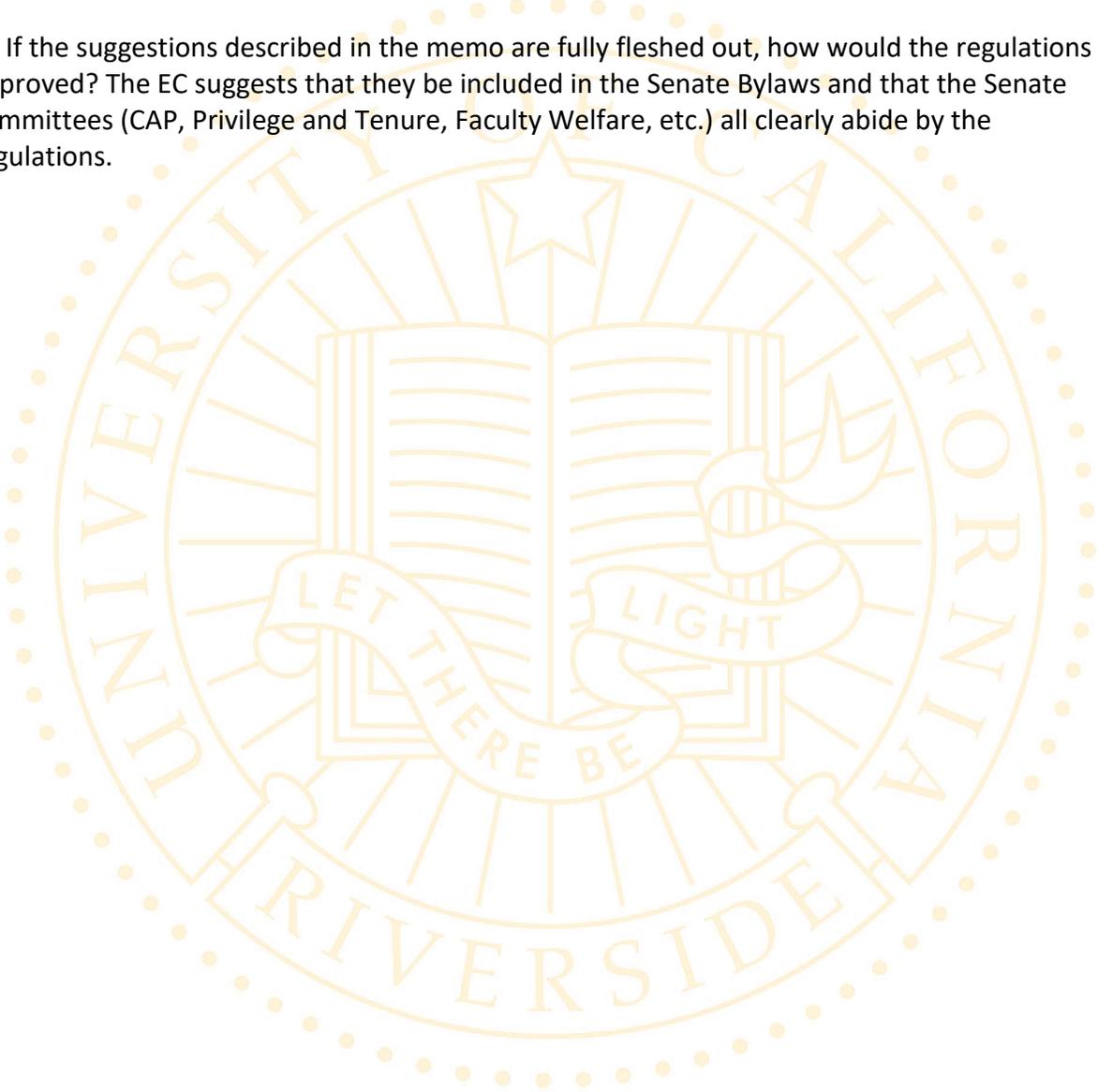
1. Members of the EC appreciate the overall proposed idea of making adjustments to the evaluation of merit files as described in APM-220—an idea inspired by the adjustments made for the Covid-19 pandemic conditions.
2. To the Executive Committee, it is entirely reasonable “to include a proportional accommodation for diminished scholarly productivity when reduced achievement is attributable to extenuating circumstances” (such as those described in Point 2, p. 2 of the memo from the Provost’s office. The question is how these extenuating circumstances should be precisely determined as qualifying for “proportional accommodation” and who should decide whether a faculty member’s request for such accommodation qualify for consideration. Should it be the faculty member’s home department or program? the appropriate Dean’s Office? the Human Resources office? the Senate Committee on Academic Personnel (CAP)?
3. Similar questions should be asked and answered in full detail for the various steps shown in Figure 3 of the memo (p. 5): what criteria and who determines that the “Teaching[,] Research[,] and Service Bars [are] Met”? and what is 50% of these bars?

One EC member had concerns about pandemic situations that would apply to the more general circumstances in the proposal.

My one concern is that COVID measures will be used to stop people rather than to help people. For example, I go up for a merit thinking I have met all the expectations (I have published, done service, good teaching, the works...), but now CAP can determine whether I have "met the expectations" or have "insufficient productivity judged due to

the effect of the pandemic." And now, rather than get a merit, I would get only half. I submitted a file that met the requirements of my department and discipline, but now CAP has a way to penalize files they do not like. Is there a way for the person going up for merit if they want to elect if they want these COVID-IMPACTED measures applied to them? Otherwise, CAP gets to decide who and how much the pandemic has affected.

4. If the suggestions described in the memo are fully fleshed out, how would the regulations be approved? The EC suggests that they be included in the Senate Bylaws and that the Senate committees (CAP, Privilege and Tenure, Faculty Welfare, etc.) all clearly abide by the regulations.





**COMMITTEE ON DIVERSITY, EQUITY, & INCLUSION**

June 30, 2021

To: Jason Stajich, Chair  
Riverside Division Academic Senate

From: Xuan Liu, Chair  
Committee on Diversity, Equity, & Inclusion

Re: [Campus Review] (Proposal) Proposed Modification to the Merit and Review Process (Extenuating Circumstances)

The Committee on Diversity, Equity, and Inclusion reviewed the proposed Modification to the Merit and Review Process (Extenuating Circumstances). We are generally in favor of the proposal.

However, given the impact of the pandemic is far from over and some faculty members will likely feel it more this year than in AY20-21, we are concerned on the proposed additional modification (Figure 3) to the AY20-21 COVID impacted procedure (Figure 2). In fact, many faculty members have not had an opportunity to have their files considered under the AY20-21 COVID impacted policy yet. We believe that the same COVID impacted policy should be used to mitigate the effect of the pandemic on every faculty member upon request.

We also note that there is a very good academic article that shows that gender-neutral parental leave policies actually do more to hurt females in academia than help them. The reason is that when males take parental leave, they tend to continue working on research. When females take parental leave, they spend most of their time on household production. (<https://www.aeaweb.org/articles?id=10.1257/aer.20160613>). We hope that this factor can be considered as we modify merit and promotion procedure to mitigate the effect of the pandemic.



**COMMITTEE ON FACULTY WELFARE**

July 2, 2021

To: Jason Stajich  
Riverside Division Academic Senate

From: Patricia Morton, Chair  
Committee on Faculty Welfare

Re: **[Campus Review] Proposal: *Proposed Modification to the Merit and Review Process (Extenuating Circumstances)***

At its remote meeting on June 15, 2021, the Committee on Faculty Welfare discussed the Proposed Modification to the Merit and Review Process (Extenuating Circumstances).

The Committee strongly supports the modifications to the existing merit and review process, which builds on temporary modifications established during the COVID-19 pandemic and incorporates an Achievement Relative to Opportunity (ARO) approach to the process. We have questions, however, about the way this policy would be implemented and believe it needs further clarification.

The proposal does not outline how a modified outcome might affect subsequent years of a faculty member's career. The policy needs to clarify what happens if a faculty member receives a modified outcome and when that person should be eligible for the next merit or promotion. In other words, what is the expected timeline for merits and promotions after an ARO outcome? Can a faculty member receive back-to-back COVID-impacted and ARO outcomes?

Who determines the validity of a request for an ARO outcome? Who determines whether or not a faculty member has achieved at least 50% of normal research productivity? Who approves the ARO request, which would be based on reasoning provided by the candidate? The department, the Dean, APO or VPAP? CFW is concerned that this determination be made in the fairest and most transparent manner, preferably by faculty rather than administrators.

The Committee would like the policy to clarify whether this is a one-time opportunity and whether there is a time limit for a second consideration. Notably the flow chart does not have a feedback loop after "Achievement Relative to Opportunity Outcome" other than "at the next positive merit action." CFW believes the policy should make clear that back-to-back ARO actions are not allowed. The next time a faculty member met the 50% threshold, they would be eligible for the next step and would receive rest of the salary increase. If they do not meet the 50% threshold, then they would not be eligible for relief.

Are there limitations on the number of times a faculty member can request an ARO outcome due to extenuating circumstances? Once a career? Once in X number of years? When is disability or family leave more appropriate than a request for an ARO outcome?

The Committee finds this proposal takes substantial steps to both mitigate the effect of the pandemic on faculty members and address long-term structural inequities within the merit and promotion process. With clarification of the questions outlined above, CFW would endorse the proposal.



School of Medicine  
Division of Biomedical Sciences  
Riverside, CA, 92521

June 29, 2021

**To:** Jason Stajich, Ph.D., Chair, Academic Senate, UCR Division

**From:** Declan McCole, Ph.D., Chair, Faculty Executive Committee, and UCR School of Medicine

**Subject:** SOM FEC Response to the Proposed Modification to the Merit and Review Process (Extenuating Circumstances)

The SOM Executive Committee reviewed the *Proposed Modification to the Merit and Review Process (Extenuating Circumstances)* at the regular meeting on June 24, 2021. SOM FEC does not have any concerns with this proposed modification. SOM FEC strongly supports this modification to the Merit and Review process and has no additional comments.

Yours sincerely,

A handwritten signature in cursive script that reads "Declan McCole".

Declan F. McCole, Ph.D.  
Chair, Faculty Executive Committee  
School of Medicine



School of Public Policy  
University of California, Riverside  
INTS 4133 | 900 University Ave  
Riverside, CA 92521

TO: Jason Stajich, Chair  
Riverside Division

FR: Richard M. Carpiano, Chair  
Executive Committee, School of Public Policy

RE: [Campus Review] (Proposal) Proposed Modification to the Merit and Review Process  
(Extenuating Circumstances)

Date: June 29, 2021

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The Executive Committee of the School of Public Policy reviewed the document “[Campus Review] (Proposal) Proposed Modification to the Merit and Review Process (Extenuating Circumstances).”

We appreciate the attention paid to the professional and personal challenges that faculty have faced during the COVID-19 pandemic and this effort to help address the productivity impacts from such challenges. We are in support of the proposal and have no comments to add.

Sincerely,

A handwritten signature in black ink that reads "Richard M. Carpiano". The signature is written in a cursive, flowing style.

Richard M. Carpiano, Ph.D., M.P.H.  
Professor of Public Policy and Sociology