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10-28-2020

### Committee on Special Programs, Centers & Partnerships Meeting - Packet 10/28/2020

UC Hastings Board of Directors

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UC HASTINGS COLLEGE OF THE LAW

**COMMITTEE ON SPECIAL PROGRAMS, CENTERS &  
PARTNERSHIPS MEETING**

October 28, 2020

# Committee on Special Programs, Centers & Partnerships

Oct 28, 2020 11:00 AM PDT

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**UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW  
COMMITTEE ON SPECIAL PROGRAMS, CENTERS & PARTNERSHIPS  
MINUTES OF APRIL 10, 2020 MEETING**

Due to the COVID-19 pandemic and the Shelter-in-Place order by the City and County of San Francisco, the meeting was held virtually, via the Zoom video conferencing platform. Notice of the meeting was posted and is available at

[https://repository.uchastings.edu/board\\_materials\\_2020/](https://repository.uchastings.edu/board_materials_2020/).

1. Roll Call

The Chair called the meeting to order at 2:05 p.m., and the Secretary called the roll.

Committee Members Present

Chair Tom Gede

Director Simona Agnolucci

Director Mary Noel Pepys

Director Chip Robertson

Committee Members Absent

Director Denise Bradley-Tyson

Other Directors Present

Director Claes Lewenhaupt

Director Courtney Power

Staff Participating

Chancellor & Dean David Faigman

Academic Dean Morris Ratner

Chief Financial Officer David Seward

General Counsel & Secretary to the Board John DiPaolo

Legal Director of Center for Gender & Refugee Studies Blaine Bookey

Deputy Director of Center for Gender & Refugee Studies Moira Duvernay

Communications and Advocacy Coordinator of Center for Gender & Refugee Studies

Brianna Krong

Assistant Chancellor & Dean/Chief of Staff Jenny Kwon

Director of Center for Gender & Refugee Studies Karen Musalo  
HR Director Andrew Scott  
Director of Center for WorkLife Law and Distinguished Professor of Law Joan Williams  
Associate General Counsel Laura Wilson-Youngblood

2. Public Comment Period

The Chair invited public comment. No member of the public offered comment.

\*3. Approval of Minutes of February 20, 2020

The Chair called for a motion to approve the minutes. Upon motion made and seconded, the minutes were approved.

4. Presentation on the Center for WorkLife Law

The Committee expressed the Board's appreciation to the Center for WorkLife Law and explained the purpose of the meeting.

Professor Joan Williams, Director of the Center for WorkLife Law and Distinguished Professor of Law gave the Center for WorkLife Law's presentation. She shared the following information with the Committee:

The goal of the Center is to advance leaders with diverse skills, protect pregnant and breastfeeding employees and students, and inform on workplace bias identification and disruption. WorkLife Law was founded in 2000. It invented and disseminated modern policy for keeping attorneys on partnership track and paying them in proportion to the work they do. WorkLife wrote a report with the American Bar Association on gender and racial bias in the legal profession and what people can do to change it. WorkLife Law focuses work on projects where it can make a concrete change within a two to five year time range.

At the time WorkLife Law was founded, employers could openly discriminate against mothers because doing so was gender neutral. Professor Williams began writing a series of law review articles and engaging in activism that lead to a 2004 case holding that discrimination against mothers was gender discrimination. The Equal Employment Opportunity Commission (EEOC) released guidance on caregiver discrimination in 2007. The 2012 EEOC guidance on pregnancy discrimination was based on WorkLife Law reports. WorkLife Law developed the legal theory for pregnancy rights under the Americans with Disabilities Act in addition to the Pregnancy Discrimination Act. Professor Williams stated that *Hicks v. Tuscaloosa* was the first case to hold that plaintiffs could get breastfeeding accommodation rights under the Pregnancy Discrimination Act, and the Eleventh Circuit took its language directly from WorkLife Law's amicus brief.

WorkLife Law maintains a database of family responsibility discrimination litigation and advises attorneys on how to litigate these cases. The Center has also developed a patchwork of 17 legal theories as well as a series of webinars. Additionally, WorkLife Law runs a hotline for

those throughout the country who have experienced bias and connects those who call with local lawyers. WorkLife Law also writes amicus briefs with the help of Hastings students, and works with both plaintiffs and defense lawyers on bias in the legal profession. It hosts a well-regarded workshop on sexual harassment, which it presented at a Ninth Circuit conference this year.

WorkLife Law is part of a working group on new knowledge in social psychology and delivery to end users. Professor Williams interviewed 127 highly placed women, exploring gender bias and gender bias as impacted by race. She noted that WorkLife Law is the only white-led group invited to the Women of Color Collective. WorkLife Law developed the Workplace Experience Survey, which is designed to identify every bias in a ten-minute survey, including where and how it is playing out, and the bias's impact on social factors in the workplace. WorkLife Law's bias interrupters programming is built into ABA, NCCA, and engineering reports and is also being implemented in India.

The Center has written 70 articles on gender bias issues, and helped invent modern workplace flexibility policies. WorkLife Law founded Pregnant Scholar, which is one of the central Title IX organizations in country, with 60,000 users. WorkLife Law works with institutions to develop model policies for pregnant and parenting students, and runs a hotline for pregnant and/or parenting students which has helped over 1200 people to date. WorkLife Law works with over ninety universities, with many unions, and with K-12 educators and staff. It has also conducted studies of arbitration in caregiving disputes, and Professor Williams has delivered the keynote at the American Arbitration Association. WorkLife Law is also working on collective bargaining agreement provisions for pregnancy and breastfeeding, and works with legislatures on discrimination and breastfeeding laws. Professor Williams presented a 2009 report coauthored with a Hastings student that developed the model for local family discrimination laws. Professor Williams also presented to the National Academy of Science and Medicine twice this year, and has been awarded a series of National Science Foundation grants.

Professor Williams highlighted WorkLife Law's consulting work with the Bush administration regarding the intermittent leave policy, the EEOC, the New York Commission on Human Rights on breastfeeding accommodations, and in efforts to change the policy for pregnant farmworkers regarding unemployment and exposure to toxins.

WorkLife Law conducted a randomized controlled study that helped shift workers to stable schedules. Professor Williams indicated that capitalism can be a tool to accomplish some of these social changes, and noted partnerships with University of North Carolina business school and University of Chicago. WorkLife Law is now seeking funding to write a business playbook on how to navigate the journey from unstable to stable work schedules.

Professor Williams also shared her work on social class. She wrote a book called *Shaping Work-Family Debate*, and then published *White Working Class*, which was reviewed in the New York review of books and read by 50,000 people. *White Working Class* started a conversation about social class in America. She told the Board that she could not have written these books without the support of WorkLife Law. She further noted that the implicit bias training at Facebook was organized around evidence presented in her book.

WorkLife Law also performs significant levels of outreach, including on twitter and other social media and through regular communication to the press. Professor Williams has written 27 Harvard Business Review articles, the most recent of which brought over 9000 new visitors to WorkLife Law's website. WorkLife Law's report on breastfeeding in the workplace was read 12000 times and covered on the front page of the New York Times business section. WorkLife Law also writes for teacher's newsletters, and works on model policies with employers and employees, plaintiffs' and defense lawyers, and all stakeholders and corporations.

Professor Williams also presented on WorkLife Law's funding. She indicated that WorkLife Law currently has a \$1 million budget. Grants make up \$400,000 of the total budget, and the remainder is made from WorkLife Law's fee-for-service model. Professor Williams' speaker fees, which amount to \$100,000 to \$200,000 per year, go to WorkLife Law. She stated that WorkLife Law's staff salaries amount to \$840,000, and the center spends \$107,000 on consultants. WorkLife Law used \$115,000 in state funds to cover staff compensation, but the rest was raised by WorkLife Law. Grant funding is used strategically to cover salary when available. Professor Williams indicated that she received a \$300,000 grant from Novo, and is grant prospecting with Bigglesworth, a new local funder. She also receives funding from the Kellogg Foundation, and has brought in \$2 million in grants.

Professor Williams founded the Hastings Leadership Academy for Women, which is recognized as a premier program for women partners. It comprises a business school leadership framework applied to the legal profession. Both in-house counsel and law firms participate. The center also has Women's Leadership Edge and WorkLife Law Brain Trust programs.

Professor Williams indicated that over the past five years, 245 students have been taught by WorkLife Law staff, who also provide career counseling for current and former students. Additionally, their curriculum is enhanced in various courses by connections in the legal community, which in turn provides a network for students and understanding of different roles that employment lawyers play. She also offers a Leadership for Lawyers course.

Three WorkLife Law lawyers are Hastings graduates. Professor Williams stated that WorkLife Law hires research assistants and summer interns, paying \$7,500 for the summer. Hastings students have the opportunity to co-author works. Additionally, WorkLife Law provides a leadership training workshop for ASUCH.

Professor Williams consulted with the Hastings administration on its sexual harassment and Title IX policies. WorkLife Law's research staff provides IRB expertise. WorkLife law also provides a Family Medical Leave Act presentation for the Consortium.

Professor Williams presented on her medium-term plan for the Center. She would like to hire an executive director and staff attorney. The Committee asked how the Board and the College administration could best support WorkLife Law. Professor Williams stated that the Board can help by connecting WorkLife Law to people interested in leadership academies, webinars, and other WorkLife Law programming. She also wants to be able to pay her staff what they need to live comfortably in the Bay Area, noting that it is hard to retain people, particularly given that the diversity and inclusion officer market and employment law markets are actively recruiting

talent and pay higher wages. Part of WorkLife Law's mission is to be a best practice employer. Professor Williams indicated that so far she has not had any problem in getting salary increases for her staff through the Hastings administration. She said that WorkLife Law does not participate in Hastings raises, but gives lawyers a \$2000/year cost of living raise. Academic Dean Morris Ratner indicated that all compensation adjustments for the Center are approved through the normal College approval processes.

Professor Williams also stated that the Development Office at Hastings does not currently provide support for WorkLife Law, but that she would appreciate that support. Chancellor & Dean Faigman indicated that Development could ask potential donors they meet with what their priorities are and forward people accordingly. Professor Williams also indicated that she would like to have additional recordkeeping and fiscal support from the College administration, as her team essentially has to keep two sets of books in the current system. Professor Williams said that she has been at Hastings for fifteen years and appreciates the support she has received, including seed funding for WorkLife Law that was not available at her previous institution.

The Committee thanked WorkLife Law and Professor Williams for their work.

#### 5. Presentation on the Center for Gender and Refugee Studies

The Committee expressed the Board's appreciation to the Center for Gender and Refugee Studies and explained the purpose of the meeting.

Karen Musalo, Director of the Center for Gender and Refugee Studies and Professor of Law, gave the Center for Gender and Refugee Studies (CGRS) presentation. She introduced Moira Duvernay, the Deputy Director of the Center, and Blaine Bookey, the Legal Director of the Center. She shared the following information with the Committee:

The origins of refugee law go back to the failure to protect those fleeing the Holocaust. Refugee protections originally did not recognize women's rights as human rights. CGRS was founded in 1999 with a \$20,000 grant from a philanthropist. CGRS now has 18 full-time staff and a \$2.5 million budget, and has been involved in every major precedent-setting gender-based asylum victory in the last twenty years.

CGRS provides expert consultation and legal education. There is no free legal representation for asylum seekers in the U.S., which creates an intense need for pro bono representation. CGRS has set up an asylum case database and outcome tracking system so that attorneys who have no prior experience in asylum law can get training and take on these cases. CGRS partners with many top law firms and also provides expert consultation and legal education at many top law schools. CGRS consults on approximately 23 cases per day. The litigation resource development efforts incorporate Hastings students to do research and drafting on country conditions and asylum law. CGRS's yearly output includes five comprehensive training manuals, 30 new human rights documentations and analysis of 22 countries. CGRS also has an expert witness database that it launched in September 2018, and which has been used over 2500 times by advocates, with 72,260 page views. The database contains over 200 expert witnesses, including social scientists, legal, medical, and mental health professionals. CGRS pioneered the use of expert testimony in

asylum cases. CGRS staff also speak at symposia, consultations, and trainings, conducting 70 trainings in the last year that reached over 5000 participants, with demand steadily increasing. Congresswoman Nancy Pelosi secured a congressional appropriation in 2005 for CGRS to launch the Refugee and Human Rights Clinic. Hastings has adopted the clinic into its curriculum and funds it because it was initially so popular. CGRS was designated an official IOLTA-funded support center in 2016, reaffirmed in 2019. CGRS was selected by the Vera Institute of Justice five years in a row as a primary trainer and technical assistance provider to a leading federally-funded national network of legal representation providers to unaccompanied child migrants. CGRS is also sought out as an expert source in international and national media. CGRS does tracking and asylum adjudication analysis of unpublished decisions not available from other sources. CGRS attorneys provide expert testimony before international human rights bodies and foreign governments. CGRS staff also mentor Hastings students and assist them in publishing their research.

CGRS partners with the ACLU and Southern Poverty Law Center to challenge federal policies that violate international legal obligations. Hastings students participate in these efforts. CGRS intervenes as counsel, co-counsel, or amicus in cases poised to be precedent setting.

Professor Musalo presented on CGRS' policy advocacy, public education and contributions to Hastings students and the Hastings community. She noted that many applicants are attracted to Hastings in part because of CGRS. CGRS is mentioned more than any other program at Hastings by LEOP students. CGRS provides training and resume-building experiences, and also employs students in paid summer clerkships and research assistant positions. There are four Hastings graduates on the CGRS staff. Professor Musalo noted the Hastings-to-Haiti Partnership program, with exchanges between Hastings and a partner law school in Haiti. Professor Musalo teaches a rule of law in Haiti spring seminar, and a student organization and spring break delegation travel to Haiti.

CGRS funding includes \$107,200 from Hastings. Government grants and contracts comprise a little over \$1 million in funding. Foundation grants comprise \$833,875, and individual and law firm contributions total \$241,703. CGRS also has other income of \$121,129. The Committee asked about grants from the State Department or USAID. Professor Musalo stated that those entities support a different category of refugees than CGRS typically works with, and would appreciate the introduction. The Committee inquired about what else CGRS would do if it did not have any funding limitations. Professor Musalo stated that CGRS would do more fact finding in countries that are refugee-sending, would hire more students, and would increase its international involvement. The Committee also asked whether sabbaticals for Center staff are possible under the current College policy. Professor Musalo indicated that they are not, and that she wants to be able to give her staff three-month sabbaticals for total disengagement. She proposed that funding for the sabbaticals would come from money that CGRS independently raises. Additionally, she informed the Board that she has contingency budget plans and is reaching out to foundations and other potential funders in light of COVID-19.

The Committee thanked Professor Musalo for her presentation and all of the great work that CGRS does.

\*6. Adjournment

The Chair adjourned the meeting at 5:11 p.m.

Respectfully submitted,

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John K. DiPaolo, Secretary

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\*Action item.

## I. Introduction

Employees at UC Hastings are categorized by the following designations:

- Officers: The Chancellor and Dean, Academic Dean, General Counsel and Secretary to the Board and the Chief Financial Officer stipulated in the Bylaws of the College;
- Faculty: Including Distinguished, Regular, In-House Clinic, Long-Term Contract Faculty, Lecturers, and other categories defined in the Faculty Rules and Procedures;
- Represented staff: Positions covered under a collective bargaining agreement; and
- Non-represented staff: Managerial, supervisory and confidential career and contract staff.

This policy pertains to non-represented staff. UC Hastings uses a number of mechanisms to adjust non-represented staff compensation, including equity adjustments, general salary adjustments, merit achievement awards, merit increases, and stipends. Reclassifications may also include associated salary adjustments, as appropriate.

This policy establishes eligibility, parameters, and procedures for career and contract staff compensation changes and clarifies the authority of Directors of Research Centers to manage salary adjustments for positions supported by non-state funds. Faculty, represented staff, temporary employees, student employees, and Officers of the Board are excluded from this policy.

## II. Terms and Definitions

Division Heads – The Division Heads consist of the Chancellor and Dean, the Academic Dean, and the Chief Financial Officer. Each department reports to one of these Division Heads.

Equity Adjustment -- A salary adjustment granted to address changing market conditions or to promote internal equity within a Unit, Department or Division.

General Salary Adjustment (“GSA”) -- A salary adjustment provided across-the-board to all eligible employees.

In-Level Adjustments – A salary adjustment associated with a significant change in duties and responsibilities, not just in terms of tasks but in terms of the fundamental nature of the role, without an upward or downward change in classification.

Merit Achievement Award – A one-time, non-recurring, lump sum payment to reward sustained, exceptional performance and/or significant contributions over an extended period of time that represents a major portion of the employee’s area of responsibilities.

Merit Increase -- An addition to base compensation where the increase is based on individual work performance, supported by written performance evaluation. A merit increase is granted as a percentage of salary.

**Reclassification** – Moving from one classification to another classification due to a change in the nature and type of work being performed. A reclassification may but need not result in a salary adjustment.

**Stipend** -- An amount in addition to the base pay, paid on a regular basis, for temporary performance of higher-level duties or for other significant duties not part of the employee's regular position.

**Research Center** – The term “Research Center” as used in this document refers to that subset of programs that have been approved by the Board of Directors pursuant to Section VII of the Faculty Rules and Procedures and frequently fund employees in whole or in part on non-state funding. As of the date of the adoption of this Policy, the term “Research Center” includes Gender & Refugee Studies, Worklife Law, the Center for Innovation (C4i), and the UCSF/UC Hastings Consortium on Law, Science & Health Policy.

### **III. Policy**

#### **General**

1. The Chancellor and Dean authorizes all compensation adjustments. The Board approves compensation pools for merit and general salary increases subject to the availability of funding and as provided in the annual budget.
2. Prior to submittal of a request to the Chancellor and Dean, Human Resources (HR) will consult with the appropriate budget managers to ensure adequate funding is available and will ensure the request complies with this policy.
3. All compensation and other changes to terms and conditions of employment will be documented and a copy of the documentation will be placed in the employee's personnel file.
4. An individual may not receive a salary increase that causes their base compensation to exceed the maximum of the salary range for their classification.

#### **Equity Adjustments**

Equity adjustments are used to rectify severe salary equity problems that cannot be corrected through the reclassification cycle or other mechanisms. Equity adjustments shall not be used in lieu of merit increases. Equity adjustments are initiated by the department after considering internal relationships, budget constraints, and other relevant factors.

Examples of Equity Adjustment justifications:

1. An employee's salary significantly lags the outside market rate for comparable work. The information documenting the need for an equity adjustment is to be coordinated with Human Resources and include supporting salary survey data or empirical data demonstrating the severe difficulties in recruitment and retention.
2. An employee's salary is significantly below similarly situated employees in the same area and title code with comparable performance, experience, skills, knowledge, assignments, and relationship to the

market for similar positions/work. Management shall demonstrate that the problem cannot or should not be corrected over time through the normal reclassification or merit review process.

3. To correct a serious salary inequity within a department, such as a working supervisor earning less base salary than a direct subordinate engaged in the same type of work. A serious salary inequity would not be deemed to exist if such a salary differential developed because of a stipend, temporary reclassification, or special salary program situation. Nor would it apply where the supervisor provided primarily administrative direction and was not expected to possess the same or a higher level of technical knowledge than the subordinate.

### **General Salary Adjustments**

1. The availability of general salary adjustments is not guaranteed from year to year and is instead based upon whether a general salary adjustment allocation has been adopted in the annual budget.
2. General Salary Adjustments shall be applied consistently across employment groups and appointment types as designated by the Board, with the exception of Research Centers per subpart 4, below, and are not intended to be merit-based.
3. GSAs shall also be applied to salary range parameters within the Title and Pay Plan.
4. Research Centers may elect to provide a smaller GSA or may opt out of a GSA due to funding constraints.

### **In-Level Adjustments**

An In-Level Adjustment is made to recognize meaningful change in duties and responsibilities of a position that are significant but do not warrant an upward or downward change in job classification. An In-Level Adjustment may be appropriate when:

1. There is a significant change in the level of responsibilities that necessitates a significant update to the existing job description, not just at the level of specific tasks to be performed, but in terms of the fundamental nature of the role; or
2. An employee acquires increased skills and competencies in their current job which add substantial value to the College over-and-above the normal professional development the College expects of all of its employees.

To be considered for an In-Level Adjustment, the employee must have completed the probationary period in their current position. An In-Level Adjustment generally ranges from 1 percent to 10 percent of base compensation, with due consideration to the level and complexity of new job responsibilities, skills and/or knowledge in the employee's current job classification, and current placement within the range.

An In-Level Adjustment cannot result in a salary that exceeds the maximum of the range.

If an In-Level Adjustment has been previously given to the employee for the same position, please consult with HR before requesting another In-Level Adjustment.

## **Merit Achievement Awards**

Merit Achievement Awards are designed to recognize sustained, exceptional performance and/or significant contributions over an extended period of time that represents a major portion of the employee's area of responsibilities, including performance or project goals above and beyond normal performance expectations.

Staff participate in activities throughout the year that further the mission of the College. In cases where the activity rises to the level of a major achievement (e.g., an instrumental role in successful implementation of a major project) or a period of time involving an extraordinarily and unusually burdensome workload, or in cases in which a staff member engages in a sustained effort to take responsibility for an unusually high level of professional development in an area that adds value to the staff member's work, a Merit Achievement Award may be utilized as a mechanism for rewarding such service.

Merit Achievement Awards are one-time, non-recurring, lump-sum payments and should not take the place of a reclassification review. While the amount of an award will vary annually based on the availability of funds, the typical range for Merit Achievement Awards would be between 2-10%, and no single award may exceed the lesser of 15% of the employee's annual base salary or \$15,000. Additionally, cumulative awards in a given fiscal year may not exceed these caps. Merit Achievement Awards are not included in benefit and retirement calculations.

Eligible employees include those who:

- Are non-represented career or contract employees who have successfully completed their probationary period (if applicable);
- Received a "meets expectations" or better overall rating on their most recent annual performance evaluation;
- Did not receive more than one Merit Achievement Award in the last 12 months, regardless of the activity that justified the previously awarded Merit Achievement Award; and
- Since the last Merit Achievement Award, if any, made exceptional, significant, and sustained contributions over a period of time.

Research Centers may fund Merit Achievement Awards using unrestricted Research Center funds. Non-Center departments must request funding for Merit Achievement Awards from a centralized pool.

Payment of the award will occur only after approval of the Chancellor and Dean has been received, and managers and supervisors should not communicate with employees regarding the award until approval has been received.

## **Merit Increases**

1. The availability of state-funded Merit Increases is not guaranteed from year to year, and is based upon whether a merit compensation allocation has been adopted in the annual budget.
2. Research Centers may request Merit Increases according to the timing schedule below, provided they have funding available to support the requested increases.
3. Eligibility for Merit Increases is limited to career and contract staff who have worked at least 6 continuous months and maintained an average of at least 50% time in either career or contract status as a UC Hastings employee.

4. Performance evaluations must have been completed within 12 months of the Merit Increase effective date in order for a Merit Increase to be awarded, and employees must have received a “meets expectations” or above. Exceptions to this requirement may be granted with the approval of the Director of Human Resources.

### **Reclassifications**

The change of an employee’s current job classification to a job classification having a higher salary range is termed an Upward Reclassification. Upon Upward Reclassification, an employee’s salary shall be at least the minimum of the new classification.

The change of an employee’s current job classification to a job classification having a lower salary range is termed a Downward Reclassification. Upon Downward Reclassification, an employee may receive a salary decrease; however the employee’s current salary rate may be retained, even if the salary is above the maximum of the new classification salary range. In such cases, the employee shall not be granted Merit Increases or GSAs until the resulting salary falls within the new salary range.

Factors that may justify a Reclassification include:

- Nature or type of work performed;
- Level of responsibility;
- Impact of position on the unit, department, or campus;
- Reporting relationships;
- Scope of duties;
- Complexity of work;
- Creativity/innovation;
- Supervision received;
- Supervision exercised; and
- Knowledge and skills required to perform the duties.

Factors that do NOT justify a Reclassification include:

- Performance of the incumbent;
- Longevity of the incumbent in position;
- Temporary assignment to work more appropriately compensated through a stipend;
- Qualifications of the incumbent that are not required by the position;
- Personality; or
- Financial needs.

### **Stipends**

Stipends are used to either compensate for work performed in a higher classification, or in certain cases, to compensate for work on special projects or activities outside of an employee’s normal job duties.

1. Staff Stipends are considered covered compensation for the purposes of UCRP calculations.
2. For non-exempt staff, it is the College’s policy to compensate additional same-level duties with overtime pay or comp time.

3. For non-exempt staff that engage in higher-level duties (duties regularly performed by employees in a job classification above the employee's current classification), the College may approve a temporary salary adjustment, not to exceed the maximum of the higher classification, to compensate for work done in the higher level classification.
4. For exempt staff, a Stipend may be paid when an employee is temporarily assigned to duties of (1) a higher classification, or (2) other significant duties that are not part of the employee's regular position that require the employee to work additional hours. In the case of higher-level duties, the sum of the Stipend and the employee's base compensation shall not exceed the maximum salary of the higher-level position. In the case of other significant duties ("Project Stipends"), the amount generally awarded is between 5% and 20% of base salary.
5. In no instance should a Stipend request be submitted in lieu of a Reclassification request. However, a Stipend may be used as a bridge before an In-Level Adjustment or Reclassification becomes effective, provided both the Stipend and the In-Level Adjustment or Reclassification are requested simultaneously. Approval of the bridge stipend does not constitute approval of the adjustment or reclassification, which must be approved through the normal process.
6. Stipends are not included in calculations for GSAs, Merit Increases, or other adjustments to base compensation.
7. Stipends are generally made for a maximum period of 12 months, and may not extend beyond 24 months, unless funded by a contract or grant through a Research Center, in which case they may not extend beyond the term of the contract or grant.
8. Stipends may not be requested retroactively. The effective date of a Stipend may not be prior to submission of the request to HR for review. The only exception is for Stipends funded by contracts or grants, where the delay was due to funding disbursement.
9. Stipends will be paid in regular installments in the employee's regular paycheck. If the employee takes a leave that interferes with the employee's ability to work on the project compensated through the Stipend, the Stipend will be suspended until such time, if any, as the employee is able to resume work on the project.

#### **IV. Procedures**

##### **Timing**

In general, the College will consider salary adjustment requests according to the following schedule:

##### **Fall (effective January 1 of the following year)**

- College-wide Reclassifications
- College-wide In-Level Adjustments
- College-wide Merit Increases
- College-wide Merit Awards

##### **Spring (effective June 1)**

- College-wide Merit Awards (budget permitting)
- Center-based Reclassifications

- Center-based In-Level Adjustments
- Center-based Merit Increases

#### Any Time

- Equity Reviews
- Stipends (including bridge stipends)
- Reclassifications and In-Level Adjustments due to significant re-organization

The term “College-wide” includes Research Centers, in their discretion. The term “Center-based” means the timing is limited to Research Centers, in their discretion.

#### **Equity Adjustments**

Any Department Head contemplating seeking an Equity Adjustment should consult first with their Division Head. A request for an Equity Adjustment must be made on an Equity Adjustment Form by a Department Head and must include: an explanation of why the adjustment is warranted, the proposed salary adjustments, and the funding source from which it will be paid. A current job description must be included with the request. Upon receipt of a request, the Chancellor & Dean will discuss with the relevant Division Head and the HR Director, and may request additional market studies to validate the justification. The Chancellor and Dean will also assess funding availability to support any change deemed appropriate. Equity Adjustments can take time to evaluate; however, the Chancellor & Dean or his or her designee, shall provide an update to the requesting Department at least every 30 days.

#### **General Salary Adjustments**

Procedures for College-wide GSAs are established at the time the GSA pool is approved by the Board of Directors for state-funded employees, or by Research Centers with regard to their soft-money-funded employees. Formal notifications of GSAs are communicated to individual employees from Human Resources.

#### **In-Level Adjustments and Reclassifications**

The Chancellor and Dean will solicit recommendations from managers regarding In-Level Adjustments and Reclassifications according to the timing schedule above. Submissions must include details about the request, justification based on the criteria provided herein, the updated job descriptions, and a description of how the proposed change impacts the department. After the deadline has passed, the Chancellor and Dean will convene a committee to review requests; that committee will include, among others, division heads (Chancellor & Dean, Academic Dean, and Chief Financial Officer). Approved In-Level Adjustments and Reclassifications will be communicated to employees from HR. Managers will be informed of requests that have not been approved.

#### **Merit Achievement Awards**

Managers or supervisors may nominate staff for Merit Achievement Awards using the Merit Achievement Award Form. The nomination shall include: the justification for the award, the relationship between the award and the employee’s salary, and the funding source, if applicable.

### **Merit Increases**

Procedures for College-wide Merit Increases are established at the time the merit pool is approved by the Board of Directors. Formal notifications of approved Merit Increases are communicated to individual employees from Human Resources. Research Center Merit Increases for soft-money-funded employees can be sought by application by each Center during each merit cycle.

### **Stipends**

A request for a Stipend must be made on a Stipend Request Form by a Department Head and must include: an explanation of why the Stipend is warranted, the proposed amount, duration of time, and the funding source from which it will be paid. An extension of a Stipend must be requested in writing prior to the expiration of the existing Stipend and must include an explanation of the extenuating circumstances justifying the Stipend extension and the duration of time proposed for the extension.

## **VI. Custodial Department**

Chancellor and Dean and Human Resources

## **VII. Approvals /Revisions**

# Committee on Special Programs, Centers and Partnerships

Chancellor & Dean and Academic Dean

October 28, 2020



UC Hastings Law  
SAN FRANCISCO

# Centers

# Research and Programmatic Centers

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- **WorkLife Law**
- **UCSF/UC Hastings Consortium**
- **Center for Innovation**
- **Center for Gender and Refugee Studies**
- *Center for Negotiation and Dispute Resolution*
- LexLab
- Center on Tax Law
- Center for Business Law
- Center for Racial and Economic Justice

# Faculty Rules, Document VII (2013)

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- Faculty members who are interested in and have opportunities to obtain outside funding for research on a continuing basis may seek to have the College establish a Research Center or Institute, as an umbrella organization with the College, to receive funds from outside foundations, individuals, firms or governmental agencies to support the defined activities of the Center or Institute.
- **All established policies and procedures of the College shall be applicable to any Research Center or Institute that is established pursuant to these procedures, including but not limited to UC Hastings personnel policies** and the policies in the UC Hasting Branding and Identity Manual.

# Two Models: External Funding and Centers of Excellence

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- **Funded Research:** primary purpose is to receive funding for research
- **Programmatic center of excellence:** primary purpose is to tie together faculty, scholarship, students and student organizations, alumni, the practice community, and/or institutional partners

# Fuzzy Margins

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- CNDR is nominally a research center but generates little private funding or research
- Center on Tax Law is a programmatic center but funds a Low Income Taxpayer Clinic via an IRS grant

# Compensation Policy Administration, Year 1

# Center Utilization of Policy

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- **Merit Awards**
  - CGRS (13)
- **Merit Increases**
  - Consortium (3)
  - WLL (2)
- **Reclassifications or In-Level Adjustments**
  - WLL (1)
  - CGRS (5)
  - C4i (2)

# Question posed to each center:

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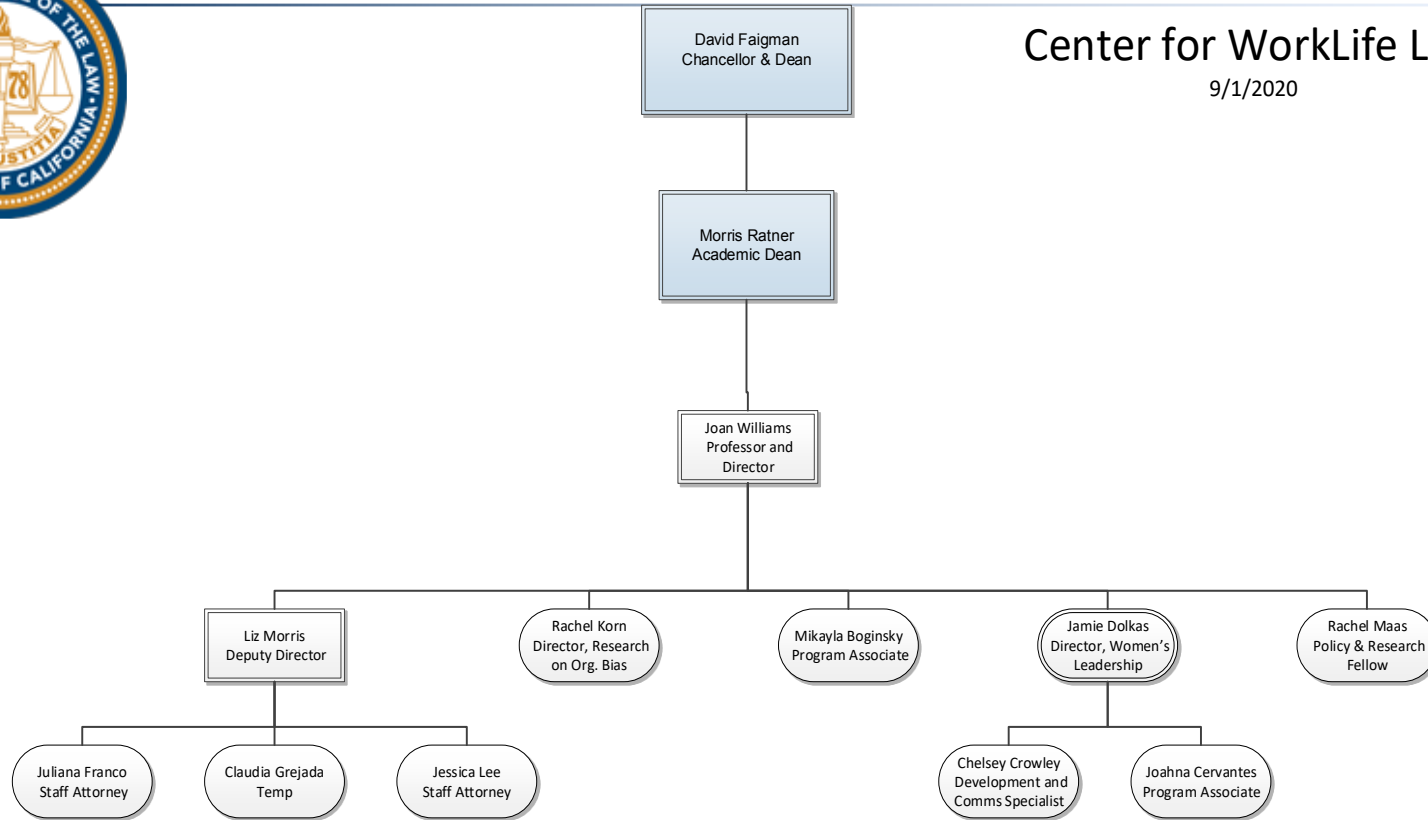
“The College has been operating under the [current] compensation policy for approximately the past year. During that period, have the [center’s] staff compensation needs been addressed by the policy? If there was something you needed that the policy didn't provide, can you let me know what it was?”

# Answer for all centers:

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With the exception of one center's previously-floated requests for staff sabbaticals, **all center compensation-related requests have been accepted and made**. One center continues to express process concerns about autonomy and deference; but those abstract process concerns have not resulted in actual disagreements over compensation matters during the past year of policy administration.

# WorkLife Law, x1



## Legend

Temp/contracts

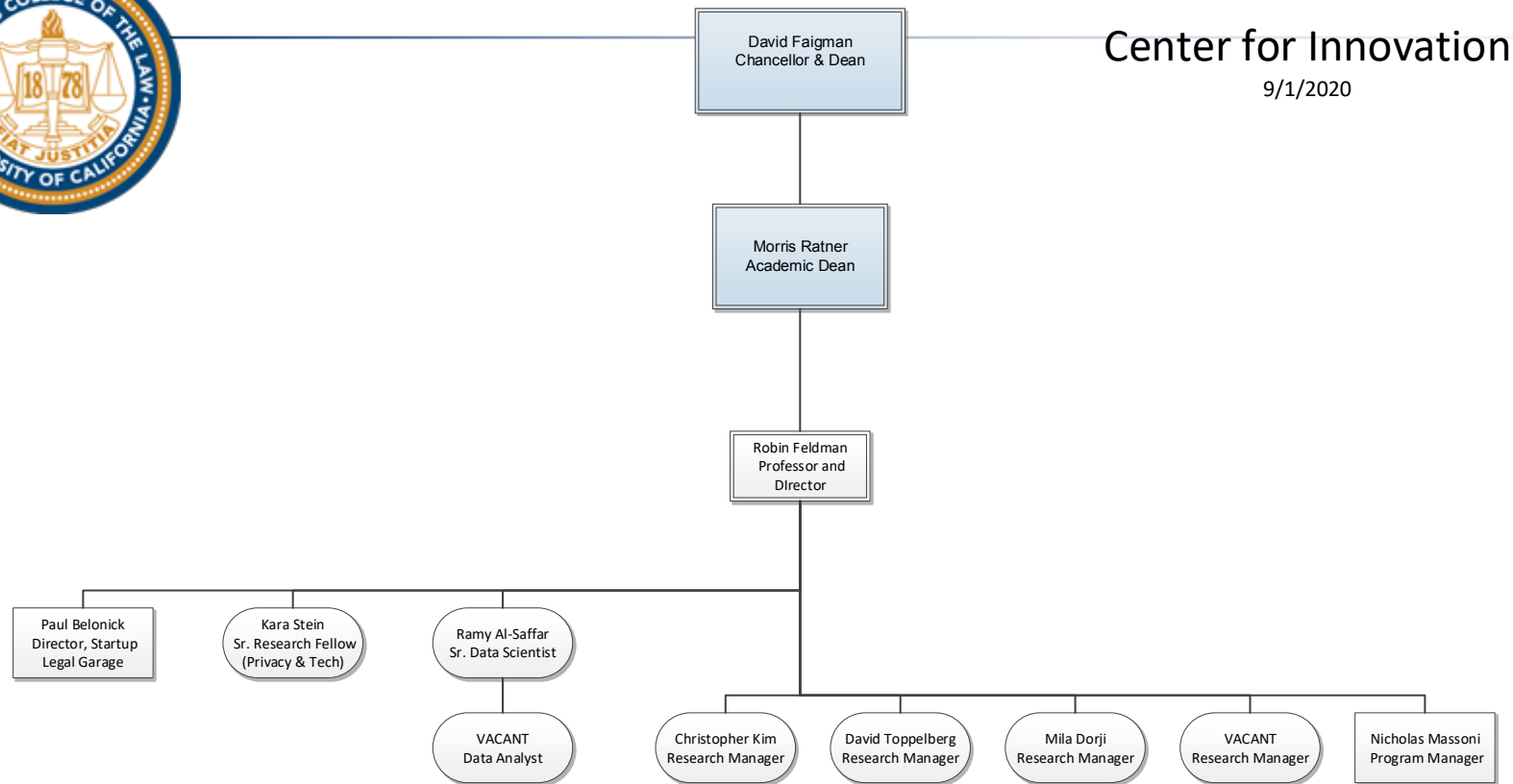


# WorkLife Law, x2

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WorkLife Law (Liz Morris for and copied to Joan Williams): “I think the policy looks good. It has not presented any problems for us over the last year.”

# Center for Innovation, x1



## Legend

Temp/contracts

# Center for Innovation, x2

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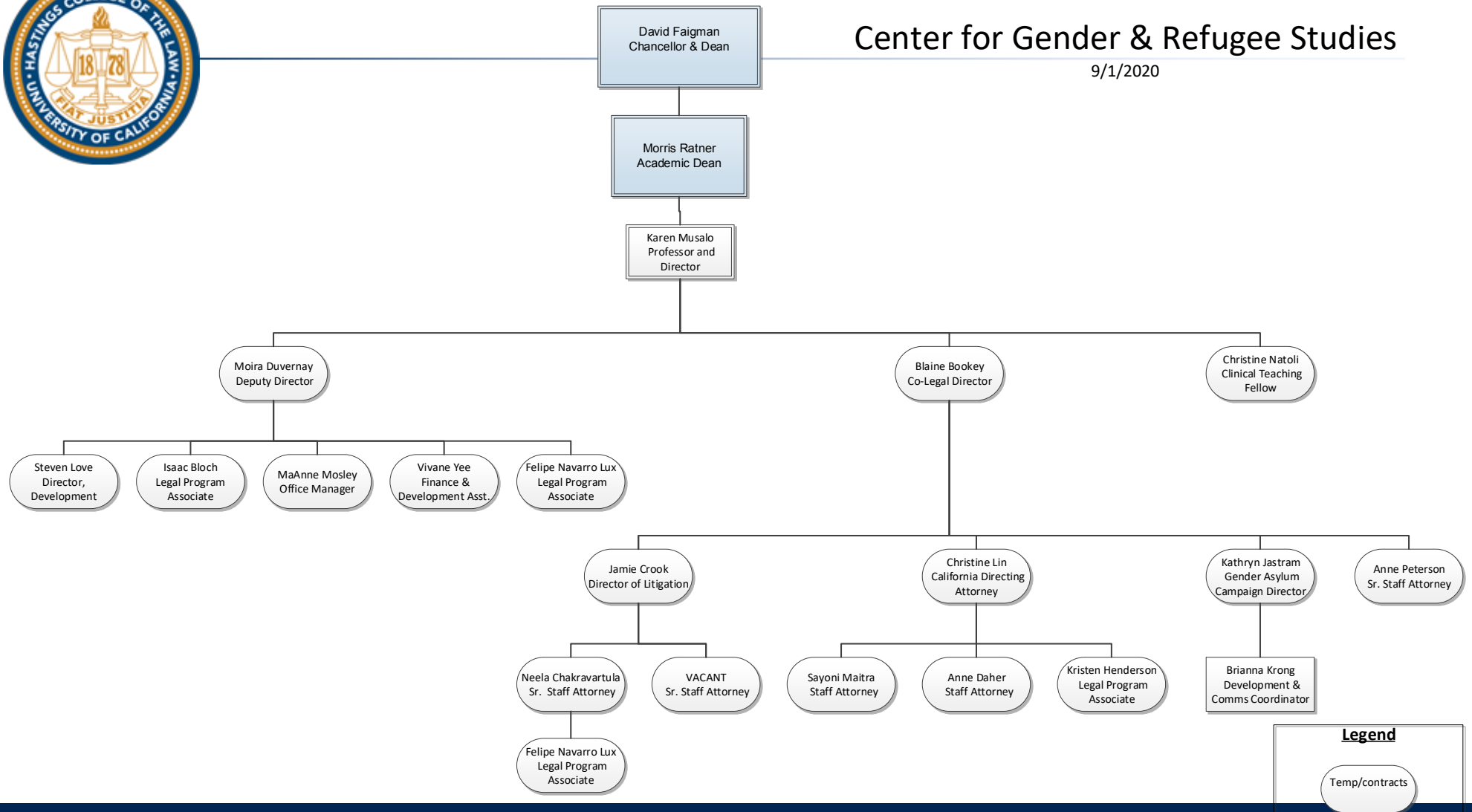
Center for Innovation (Robin Feldman) - Professor Feldman agreed with the following characterization: “(1) C4i's needs have been met during the first year the policy was in operation, and (2) C4i has no objections to the policy as drafted, but (3) we are looking for additional tools to scale comp to grant opportunities for non-faculty employees, which would better meet C4i's needs than the exception process we have used to date.”



# CGRS, x1

## Center for Gender & Refugee Studies

9/1/2020



# CGRS, x2

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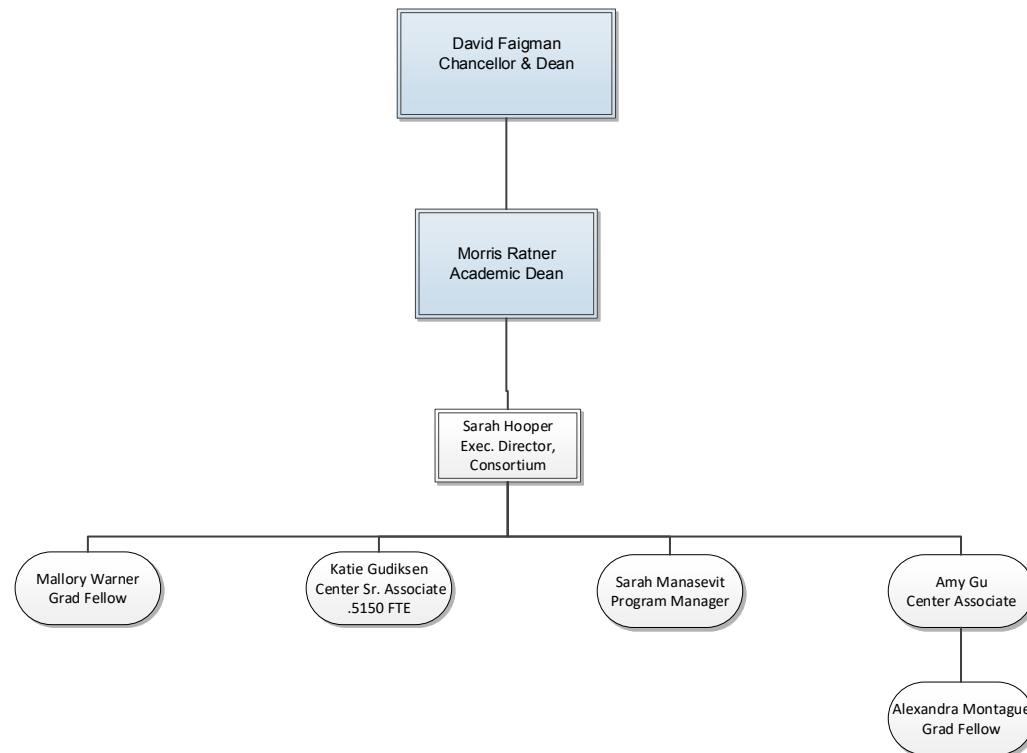
CGRS (Karen Musalo): “Unfortunately, the compensation policy doesn’t address the two main issues which precipitated the tension between CGRS and the UCH administration. As you might recall the conflict was over our desire to provide our staff with **sabbaticals**, and the desire to have **autonomy** over setting salaries, and raises. The first issue - that of sabbaticals is not resolved. The policy allows merit achievement awards, but even if we were to try to utilize that route, the amount is too limited to constitute payment during a multi-month sabbatical. As to the second issue — of salaries and raises — the authority lies with the Dean and his convened Committee, and does not express deference to the Center director, nor give her any discretion/autonomy.”

# Consortium, x1



UC Hastings / UCSF Consortium

9/1/2020



## Legend

Temp/contracts



# Consortium, x2

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Consortium (Sarah Hooper): “I think it's been working well, at least insofar as the policy itself hasn't posed a barrier in any of our grants administration work.”

# End Presentation

Click to Edit Separator Slide Title

# Questions?

**UC Hastings**  
**2019-20 Research and Program Center Budgets**

	<u>Core Funds</u>	<u>Nonstate</u>	<u>Total Budget</u>	<u>Notes</u>
<b><u>Research Centers</u></b>				
Center for Gender & Refugee Studies	127,200	3,195,613	3,322,813	Includes \$20,000 state funded director stipend
Center for Innovation Law	240,739	1,136,023	1,376,762	Includes \$20,000 state funded director stipend
Center for Negotiation & Dispute Resolution	340,864	13,000	353,864	Includes \$20,000 state funded director stipend
Center for WorkLife Law	154,975	645,880	800,855	Includes \$20,000 state funded director stipend
				Includes state funding for HPL at \$229,181 and \$20,000 director stipend. Non-state amount includes grants with 12-36 months duration. <i>Formula used: Total grant amount divided by duration of the grant by month, and multiplied by 12 months for annual</i>
UCSF Consortium	456,218	1,129,460	1,585,678	<i>AVERAGE amount of grant.</i>
	<b>\$ 1,319,996</b>	<b>\$ 6,119,976</b>	<b>\$ 7,439,972</b>	
<b><u>Program Centers</u></b>				
Center for Business Law	40,885	-	40,885	Includes \$20,000 state funded director stipend
Center for Tax Law	32,000	-	32,000	Includes \$20,000 state faculty co-director stipend
East Asian Legal Studies	-	-	-	Last funding 2018-2019.
Government Law Program	5,700	664	6,364	
LexLab	223,000	5,045	228,045	Includes \$20,000 state funded director stipend
Racial Justice Center	6,660	-	6,660	
	<b>\$ 308,245</b>	<b>\$ 5,709</b>	<b>\$ 313,954</b>	
<b>Total</b>	<b>\$ 1,628,241</b>	<b>\$ 6,125,685</b>	<b>\$ 7,753,926</b>	

*Source: 2019-2020 Center Budgets  
referenced against Fiscal Information  
Reporting System (FIRS).*