

POLICY STATEMENT

Policy Statement Title: Academic Affairs Policy on Salary Equity

Functional Area: Academic Affairs

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Approved by: Ann Stevens, Executive Vice Chancellor for Academic Affairs and Provost

Responsible Office: Academic Resource Management

The University of Colorado-Boulder maintains a strong commitment to the principles of merit-based evaluation and salary equity. The Provost and Executive Vice Chancellor for Academic Affairs, as the chief academic officer of the Boulder Campus, is responsible for establishing and monitoring procedures that ensure equity in faculty salaries. If inequities are identified, the cost of correcting the inequity is the responsibility of the department or primary unit.

The following equity evaluation policy has been developed to achieve this goal.

A. Responsibilities of the Department or Primary Unit Level¹

1. The ultimate responsibility for equity in the salary-setting process rests with the primary unit. However, deans should regularly review and approve salary decisions made by the units.
2. Each department or primary unit shall review its procedures for personnel evaluation and salary recommendation to ensure that equity concerns for all faculty members are conscientiously addressed as a normal part of the review. Equity concerns include issues such as race and gender. (Group compression shall not be considered an appropriate basis for a salary equity claim; this limitation should not be interpreted, however, as preventing a unit from considering compression when making salary determinations.)
3. Departments or primary units have primary responsibility for maintaining the salaries of all faculty members in an equitable relationship to their career merit, that is, their professional accomplishments over the course of their academic career. Each unit should describe in writing the factors used in determining career merit. In general, career merit should be defined in terms of performance in teaching, research/creative work, and service. This description should be made available to each faculty member in the unit.
4. Each department or primary unit shall establish a salary equity appeal process within the unit to ensure that the salary equity appeal of any faculty member is dealt with in a fair and timely manner. This process must include deadlines for the resolution of any salary equity appeal presented, and such deadlines should be uniform for all units in the school or college. The salary equity appeal process must comply with the principles outlined in the attached guidelines. The proposed salary equity appeal process must be approved by the dean and the Provost, and a copy of the approved

procedures should be distributed to all faculty members in the unit. Faculty members who have a salary equity appeal must first present the salary equity appeal to their primary unit. Each year the Office of Academic Affairs will provide each primary unit with a faculty data file that includes years since PhD (or highest degree required for the position), years in a CU faculty position, rank, and years in current rank. Because the data represent only some quantitative factors, the department must review the salary of each individual relative to other faculty members in the unit with similar career merit or professional experience. The data are intended as a diagnostic tool to assist the unit head in examining relative career merit of faculty. For example, if several faculty members have similar experience but their salaries differ significantly, the differences should be accounted for in terms of differences in career merit; if professional experience and salaries are equal for two individuals, their career merit also should be judged equal. In the absence of comparative data on career merit, the data provided by Academic Affairs may not serve as the basis for a salary equity appeal.

Departments or primary units may provide their own data or adopt alternative approaches using any information that they determine will provide a better basis for the evaluation and maintenance of equity, but these alternatives must be approved by the appropriate dean and the Provost.

As part of the annual process of recommending salary increases to the dean or Provost, the unit should verify in writing that an equity evaluation has been conducted pursuant to procedures adopted by the unit. Inequities identified as part of this review or through a completed salary equity appeal process at the primary unit level should be addressed fully with the current year's salary funds available to the unit. The unit must devote up to half of its salary funds to the resolution of such inequities if any have been identified. If inequities cannot be fully resolved during the current year, the unit must submit with its recommended salary increases a plan for resolving the inequities with future salary funds.

Efforts should be made to incorporate the diversity of the unit's faculty in the processes of evaluation, recommendation, and appeal.

Procedures established by the unit for evaluation, recommendation, and appeal must be approved by the dean and the Office of Academic Affairs.

Each unit shall maintain a salary equity file which includes a copy of this policy, a copy of the unit's procedures for determining salaries, a copy of the unit's salary equity appeal procedure, the most recent unit data, and current vitae for each faculty member. This file must be provided to any faculty member within the unit upon request.

B. Responsibilities of the College or School (Applicable When College or School is Not the Primary Unit)

In cases where a dean determines the salary of faculty members rostered in a primary unit (including a department chair), the dean has an obligation to consult with the unit to determine if the salary is equitable in comparison with other faculty members in the unit. If an inequity is identified for such a faculty member, the dean is responsible for remedying the inequity.

The determination of a salary equity appeal in the primary unit, through the primary unit's appeals process, may be appealed to the dean. The dean shall establish a process of appeal to consider salary equity appeals when salary equity concerns cannot be resolved at the primary unit level. This process shall

include specific time deadlines for the resolution of appeals presented. The dean shall provide a description of the salary review and salary equity appeal process (including reasonable deadlines) within a college or school for review and approval by the Provost.

The appellant and the department chair shall be given an opportunity to participate in the appeal process. An assessment by the primary unit of the quality of the appellant's research/creative work shall not be overturned by the dean unless there is convincing evidence that the assessment was erroneous or biased.

The dean shall be accountable for the equity of faculty salaries for units that report to him or her and should be satisfied that each unit has made salary recommendations consistent with maintaining equity. The dean shall forward to the Provost each unit's equity verification or plan for resolution of inequities identified. The dean may either endorse the unit's documentation or provide an independent assessment.

C. Responsibilities of the Provost and Executive Vice Chancellor for Academic Affairs

1. The Office of Academic Affairs will provide the data elements outlined in section 4 to each unit on an annual basis. It will also conduct biennially a statistical study to review salary trends. The purpose of the study is to compare the salaries on a class-wide basis of protected class and non-protected class faculty. This study is intended both to monitor the process and to find statistical measures that will assist the units in conducting their own equity evaluations. (This study would reveal class-wide problems but would not highlight problems of individuals.) The Provost will review the results of the study when they become available and notify the appropriate dean of any concerns raised by the study.
2. Each year the Provost will review the salary increase recommendations from each dean, each unit's equity review verification, and any unresolved inequities identified by the unit or the dean. In cases where questions arise concerning equity, the dean will be asked to justify the relevant salary adjustments to the Provost. Salary increase recommendations for a unit may not be implemented until the Provost's concerns regarding inequities are resolved. If a member of the unit has filed a salary equity appeal, however, the Provost may allow implementation of the unit's salary increase recommendations before that appeal is completed. If salary increase recommendations are implemented pending an appeal and the appeal is ultimately successful, the appellant's salary will be adjusted during the next salary cycle as a charge against the unit's new funds for salary increases. The Provost will review each unit's in-depth assessment of its salary structure. Units found to be out of compliance and without an adequate plan for resolving salary equity problems of individual faculty will be denied annual salary increases until such a plan is developed and approved. The financial burden for addressing any inequities will be the responsibility of the primary unit.
3. The Provost is responsible for monitoring equity in faculty salaries. In unusual circumstances, exceptions to this policy may be approved by the Provost. After appropriate consultation with administrators and faculty, the Provost may modify, alter, or terminate the Salary Equity Evaluation System as necessary.
4. The Provost shall make the final decision regarding salary equity appeals that are reviewed by the Salary Equity Appeals Committee. (See below.)

D. Responsibilities of the Salary Equity Appeals Committee (SEAC)

1. The Salary Equity Appeals Committee (SEAC) shall be convened annually to hear salary equity appeals. The committee will be chaired by the Vice Provost and Associate Vice Chancellor for Faculty Affairs.
2. Members of the committee will be outgoing members of the Vice Chancellor's Advisory Committee (VCAC). This committee will review any appeal regarding salary equity that has not been resolved at either the primary unit or college/school level. Members of the committee will serve for one calendar year. These members may also serve on the Provost's Advisory Committee during the same time period.
3. The committee will develop procedures and specific time deadlines for its review. The appellant, the department chair, and the dean shall be given an opportunity to participate in the appeal process and respond to the evidence presented.
4. The committee shall not consider appeals based on "Other Faculty" appointments (Job Code 14xx, e.g., associate chair, chair, faculty director, associate dean, endowed chair.) Only base salary is to be considered.
5. An assessment by the primary unit of the quality of the appellant's research/creative work shall not be overturned by the committee absent convincing evidence that the assessment was erroneous or biased.
6. The committee's recommendation will be forwarded to the Provost. The Provost will make the final decision regarding salary equity appeals considered by the Salary Equity Appeals Committee.
7. The dean and the department chair will be responsible for carrying out adjustments as directed by the Provost; it is understood that the financial burden for such adjustments will be placed on the primary unit. Retroactive salary increases may not be awarded.

E. Guidelines for Submitting a Salary Equity Appeal

1. Criteria
 - a. Equity claims must be based on a faculty member's salary and may not be based solely on an annual raise. Equity claims may not be based on "Other Faculty" appointments (Job code 14xx, e.g., associate chair, chair, faculty director, associate dean, endowed chair.) Only base salary is to be considered.
 - b. Equity claims must be based on the salaries of other faculty members in the unit as a whole. If a faculty member is paid equitably in comparison with most other faculty members of similar career merit, the faculty member may not base a claim of inequity on the salary of a single faculty member whose salary is unusually high with respect to that group. Nothing in this paragraph, however, should be interpreted as barring a salary equity appeal based on evidence of racial or gender bias within the unit.
 - c. Equity claims may not be based on the salaries of faculty members in other units, except as described below.
 - d. A faculty member may not base a claim of inequity on the salary of another faculty member in the unit whose salary is determined by a person or process outside of the unit. However, a faculty member who is tenured in a unit but whose salary is determined outside of the unit (such as a chair or program director whose salary is determined by the dean) may base a claim of

inequity on the salaries of the faculty members within the unit in which he or she is tenured. The individual responsible for determining the salary is also responsible for remedying any inequities found.

- e. Institute faculty members whose salaries are determined within the institute (either by the director of the institute or through an institute salary committee) may file salary equity appeals based on the following principles:
 - i. Faculty members in the same institute who are also tenured in the same department and have comparable career merit may use that group as a basis for comparison in bringing a salary equity appeal.
 - ii. If no such comparisons are available within the institute, institute faculty members may compare themselves with other faculty members within their department of tenure. If the institute faculty member believes he or she is underpaid compared to others with comparable career merit in his or her department of tenure, the institute faculty member must consider the salaries of other institute faculty members compared to their respective departments of tenure. If all institute faculty members with comparable career merit share similar relative positions when compared to their respective departments of tenure, a salary equity appeal is not appropriate. For example, assume an institute faculty member is earning 10% less than faculty members with comparable career merit within his or her respective department of tenure. If other faculty members within the same institute are also earning 10% less than faculty members with comparable career merit within their respective departments of tenure, a salary equity appeal should not be available. Institute directors should consult with the unit of tenure for each institute faculty member before determining that individual's salary.
- 2. From time to time, it may be necessary to pay a high salary to attract or retain a faculty member. This circumstance may be used to explain that particular individual's salary and may not be used as a justification for a salary equity appeal filed by other faculty members in the unit. In time, however, it is expected that the salaries of all faculty members will be highly correlated with their relative career merit.
- 3. If a faculty member's salary is determined by a separate process outside of the unit in which that faculty member is tenured (e.g., the salaries of chairs and program directors) the faculty member's unit of tenure nevertheless remains the basis of comparison in the salary determination. Therefore, the individual making the salary determination has an obligation to consult the unit of tenure to ensure that the salary is equitable in comparison with salaries in that unit.

F. Dates and Deadlines for Salary Equity Appeals

- 1. Salary equity appeals submitted for consideration by the primary unit must be filed by September 15 for resolution during that academic year.
- 2. The primary unit salary equity appeal process must be completed by November 1. If the appellant is not satisfied with the primary unit's response, he or she may appeal to the dean no later than November 15. (If the school or college is the primary unit, an appeal must be made to the campus Salary Equity Appeals Committee by November 15.)

3. The dean must complete his or her evaluation by January 1. If the appellant is not satisfied with the dean's response, the appellant may appeal to the campus Salary Equity Appeals Committee no later than January 15.
4. By April 1, the Salary Equity Appeals Committee will submit its recommendations for all salary equity appeals to the Provost, who will make a final decision on the appeal no later than May 1.

1 A school or college that determines salaries on a college-wide basis (regardless of the existence of a departmental structure) shall consider the school or college the "primary unit" for the purpose of this policy.

Guidelines for Primary Unit Salary Equity Appeal Process

These guidelines are provided to assist primary units in designing a process for salary equity appeals. A variety of models may be used (e.g., submitting salary equity appeal to the existing salary committee, creating a separate salary equity appeal committee, submitting salary equity appeals to the chair) as long as the following criteria are satisfied. All salary equity appeal processes must be submitted for approval to the dean and the Provost.

Creating a Salary Equity Appeal Procedure

1. The faculty of each unit should be given the opportunity to discuss how salary equity salary equity appeals will be handled within the unit. The salary equity appeal process must be in writing, distributed to all faculty members, and approved by a vote of the faculty. The process also requires the approval of the dean.
2. Salary equity appeals must be submitted in writing to the individual designated in the policy (e.g., the department chair, the salary committee chair). Responses to salary equity appeals must also be made in writing.
3. The salary process must include the following deadlines: The person or committee designated to respond to salary equity appeals must provide a written response to the appellant within 30 calendar days. (Exceptions may be made for salary equity appeals filed during semester break or during the summer months.)
4. Following the receipt of a response from the unit, the appellant may appeal to the dean or, if the school or college is the primary unit, to the campus Salary Equity Appeals Committee, within 30 days.

Procedures for Filing Salary Equity Appeals

1. A faculty member who wishes to file a salary equity appeal shall notify in writing the person designated by the primary unit's salary equity appeal process of his or her salary equity appeal and the basis for a claim of inequity. A valid salary equity appeal must satisfy the following criteria:
 - a. The appeal must be based on total salary, not annual raises.
 - b. The appeal may not be based on "Other Faculty" appointments (Job code 14xx, e.g., associate chair, chair, faculty director, associate dean, endowed chair.) Only base salary is to be considered.
 - c. The appeal must be based on a comparison between the salary of the appellant and the salaries of all other faculty members of comparable career merit in the same unit whose salaries are determined within the unit.
 - d. The appellant should compare his or her salary to those of the unit as a whole. A higher salary paid to one faculty member may not form the basis of a salary equity appeal if the appellant is equitably paid in comparison to most other faculty members in the unit with comparable career merit. Nothing in this paragraph, however, should be interpreted as barring a salary equity appeal based on evidence of racial or gender bias within the unit.

- e. A difference in salaries between two faculty members in the same unit may not, in and of itself, form the basis for a salary equity appeal even if the two faculty members have been working in the unit for the same number of years.
 - f. The salary equity appeal may not be based on a comparison with faculty members in other units.
 - g. The salary equity appeal may not be based on a comparison with faculty members in the unit whose salaries are determined by a person or process outside of the unit's control.
 - h. The salary equity appeal may not be based on individual salaries, salary ranges, or salary averages of another campus, another institution, AAU statistics, or other outside sources of comparison.
 - i. The salary equity appeal may only request prospective relief, to be addressed when funds for salary increases are next available to the unit. Back pay, retroactive salary increases, or other kinds of remedies may not be requested or awarded as part of this process.
2. The appellant shall be given an opportunity to submit any written documentation of his or her claim.
 3. If the unit's salary equity appeal procedure is handled by a person or committee other than the person or committee responsible for setting salaries, the person or committee who originally determined the salary must be provided a copy of all documentation submitted by the appellant and given an opportunity to respond. The appellant must be given copies of any documents submitted in response to the salary equity appeal.
 4. The person or committee authorized to handle salary equity salary equity appeals may request additional documentation from the appellant, the unit head, or the salary committee. That person or committee may choose to interview the appellant, the unit head, and/or other faculty members but is not required to do so.
 5. The unit's response to the salary equity appeal must be in writing and must include an explanation of the decision reached.
 6. The person or committee handling salary equity appeals does not have the authority to award back pay, retroactive salary increases, or other kinds of remedies.