

UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE
ANNUAL REPORT 2013-14

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Privilege and Tenure met twice in person and once by teleconference in 2013-14 as well as working through email to carry out its duties under [Senate Bylaw 195](#) to advise on general policies involving academic privileges and tenure and to maintain statistical records on grievance, disciplinary, and early termination cases that are addressed through formal Privilege and Tenure (P&T) processes. In addition to conducting its own business during meetings, the committee consulted extensively with Senior Counsel Cynthia Vroom, the Office of General Counsel's designated attorney advisor to committees on privilege and tenure; the systemwide Senate leadership; and Vice Provost for Academic Personnel and Programs Susan Carlson. Senior Counsel Vroom and Vice Provost Carlson are consultants to the committee.

At each meeting, Committee members engaged in detailed discussions of privilege and tenure processes in their respective divisions providing useful insight and information to all members. Among the topics of discussion were the issues raised by the "Moreno report"; how divisional privilege and tenure committees interact with their respective administrations; the challenges committees face when attorneys for the parties invoke technical legal procedures that are difficult to incorporate into a non-judicial process; the challenging of navigating overlapping jurisdictions between privilege and tenure committees, the academic personnel advancement and promotion process, and campus offices for the prevention of harassment and discrimination; and the need for broad dissemination of information to members of the faculty regarding the privilege and tenure process.

Committee chair Jeffry Lansman served on the Administration-Senate working group convened by the Provost to respond to the Moreno Report on race discrimination experienced by faculty at UCLA, and the committee devoted considerable time to discussing the report in order to develop the comments he contributed to the task force. In follow-up discussions after the task force completed its work, members of the committee identified complex issues to be resolved in negotiating the boundaries between the privilege and tenure process and both campus offices for the prevention of harassment and discrimination and academic personnel committees, including how to manage transitions between cognizant bodies with overlapping but not identical jurisdictions. Members also began to consider whether the privilege and tenure process can help balance unequal power relationship between junior and senior faculty that discourage junior colleagues from making complaints.

The committee continued its consideration of how to clarify the use of evidence in cases that involve allegations about conduct that is made worse by repetition over time in the context of the Bylaw-based "three-year rule" that bars bringing either a grievance or discipline case more than three years after the grievant or the administration was informed about it. Although some members of the committee consider the three-year rule unduly restrictive for grievants who may learn only retroactively that they have been subject to some form of chronic discrimination, the committee was not ready to

recommend a change in the relevant Bylaws. The 2013-14 committee recommends that the 2014-15 committee continue to discuss the related issues.

As part of its ongoing effort to address the need for better understanding of how the privilege and tenure process can be a resource for all faculty, the committee completed a letter of advice to department chairs on how they can use the privilege and tenure process to help fulfill their responsibilities for nurturing an inclusive climate within the department. Committee Chair Lansman sent the letter to the Chair of the Academic Council with a request that it be distributed to the division chairs for further distribution to department chairs in Fall 2014.

UCP&T opined formally on the proposed revision to APM 210-1.d. Although formal systemwide review was postponed until Fall 2014, the 2013-14 committee invested significant thought into its response and wished to put its views on the record.

Committee members recommended that future committees consider drafting a Privilege and Tenure Manual for all campuses and identified major components that could be included in such a manual.

Members of UCP&T found the opportunity to discuss procedural and substantive issues that arise in the context of confidential privilege and tenure proceedings to be an invaluable support for the work they do in their divisions. Given the confidential nature of privilege and tenure proceedings and the resulting lack of records that can be reviewed by colleagues outside a particular process, the committee's discussions are an important venue in which to ensure that each divisional committee approaches its work with a consistent understanding of what the governing Bylaws mean.

Respectfully submitted,

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