

**UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE
MEETING BY TELECONFERENCE, FEBRUARY 7, 2014**

MINUTES

Present by phone: Jeff Lansman (UCSF), Chair; Stefan Tanaka (UCSD); Helen Henry (UCR); Juliana Gondek (UCLA), Alison Butler (UCSB); Rodrigo Laszlo (UCI); Vern Paxson (UCB); Cynthia Vroom (UCOP), Consultan); Martha Winnacker (UCOP), Staff. *Absent:* Robert Hillman (UCM), Vice Chair; Daniel Weiss (UCSF); Gina Dent (UCSC).

- I. *Greetings and announcements.* On determining that a quorum was present by phone, Lansman convened the meeting at 1:02 p.m.
- II. *Approval of the agenda.* Members approved the agenda as reordered to accommodate Vice Provost Susan Carlson's availability at 1:30.
- III. *Consent calendar.* Members approved the draft minutes of December 5, 2013.
- IV. *Round table.* Members reported on privilege and tenure issues arising within their divisions. (1) Where does authority to initiate a disciplinary proceeding lie when an independent Charges committee is responsible for making initial probable cause misconduct findings and the cognizant administrator disagrees with a finding of no misconduct? In one such situation, the administrator asked CPT for an opinion, and CPT disagreed with the Charges committee but has no authority to initiate a disciplinary proceeding. The administrator is considered likely to do so. On another campus, an administrator found probable cause and initiated a disciplinary process after the Charges committee found no probable cause. (2) What is the role of CPT in privilege and tenure grievance cases in which grievants assert that improper procedures were used in a merit review because a department systematically devalues specific areas or forms of research or publication? Several divisions are seeing grievances related to CAP and promotion/tenure decisions in which the grievants allege that proper procedures were not followed because the reviewing bodies systematically discounted certain forms of publication; systematically certain research topics; or undervalued the work of faculty whose on-campus time is constrained by family caregiving responsibilities. In some cases, grievants believe or allege that devaluation of some forms of research or publication is a cover for race or gender discrimination. One member urged that faculty who believe they have been discriminated against should seek a merit equity review. Others were unsure what that is, and members agreed that faculty need better information about the resources and remedies available to them. (4) What constitutes proper mentoring of graduate students? In one division, a recent Ph.D. graduate has lodged a complaint against a faculty member with the stated intention of protecting current and future graduate students in the same program. The specific case is being resolved through a negotiated settlement that will create a record that will be relevant if the same faculty member is accused in the future.
- V. *UCP&T advisory to department chairs.* This item was agendized as item VI but was taken up out of order at 1:30 when Vice Provost Susan Carlson joined the meeting. Vice Provost

Carlson provided an overview of a training initiative directed at deans and department chairs that will be developed as part of the President's allocation of an additional \$5M to the President's Postdoctoral Fellowship Program. The one-time funds will support recruitment and start-up costs to hire an additional five Fellows as UC tenure-track faculty. The proposed training will support long-term retention of the newly hired Fellows by assisting deans and department chairs to foster academic climates where all faculty can do their best work. The training will focus on understanding and assessing academic climates and implementing changes where needed. Substantive work is just beginning as the project gathers current research, but the expected format is a half-day presentation on every campus that will include reproducible modules. Among these will be theatrical simulations of such scenarios as CAP deliberations that might illustrate how to focus on merit of scholarship in emerging fields or formats rather than devaluing it because it is unfamiliar. Vice Provost Carlson hopes to find a person who is already at UC, familiar with these issues, and available to commit to intensive work as the project leader over several months. She also hopes to identify current and recent deans and department chairs who will support the project. She asked about UCP&T's proposed advisory letter to department chairs and expressed a desire to collaborate and avoid duplication of effort. She agreed that it would be valuable to provide information about faculty rights, privileges, and responsibilities and the privilege and tenure process to department chairs, since most serve for relatively short periods and do not understand all elements of the Faculty Code of Conduct or what might constitute a grievance. She cited as an example of the kind of material that could be developed for diversity a Deans and Department Chairs Toolkit for creating a family-friendly department that was developed at Berkeley in 2006-07 (available at <http://ucfamilyedge.berkeley.edu/ChairsandDeansToolkitFinal7-07.pdf>).

Members commented the ultimate goal of trainings and advisories is to change the culture so that bad behavior is conspicuous and clearly unacceptable and that choices about format and content should further this goal. Vice Provost Carlson encouraged UCP&T to consider how it may collaborate on the training effort.

Vice Provost Carlson reported that a recent analysis of "contributions to diversity" statements submitted by faculty at UCSD as part of their merit reviews revealed that these statements are becoming longer and more substantive over time, reflecting some evolution in culture. She also reminded UCP&T members of the ADVANCE PAID workshops funded by the National Science Foundation to support more women in STEM fields. The fifth one will take place at Davis on April 23 with the theme of department climate assessment and interventions.

Next steps: Vice Provost Carlson will provide Winnacker with information about the April 23 workshop and updates on the training project.

[Note: Information about the April 23 workshop is posted at

<http://www.ucop.edu/ucadvance/events/upcoming-events/roundtable-april-23-2014.html>

The announcement flier is at <http://www.ucop.edu/ucadvance/files/roundtable-5/roundtable-5-announcement-web.pdf>

Each campus may send five participants, who should be selected from “faculty and academic administrators who are decision-makers with regard to faculty careers: i.e. STEM faculty, department chairs, deans, EVCS and vice provosts, search committee chairs, faculty leaders, Affirmative Action and Diversity Committee chairs and members, equity advisors, student leaders in STEM disciplines, and faculty work/life advisors.”]

- VI. *Moreno Report response.* The joint administration-Senate working group on the Moreno Report completed its work at the end of December, and the President accepted several of its recommendations, including recommendatipms that every campus establish a central office for the prevention of harassment and discrimination (OPHD) and that data be collected systemwide.

Members discussed the relationship between divisional CPTs and campus OPHDs, beginning with reports from divisions with OPHDs. At UCSD, where the OPHD is just over a year old and was established as part of an agreement with the U.S. Department of Justice, all complaints of harassment or discrimination on racial/ethnic or gender grounds, including those that are brought to CPT as grievances, are referred first to the OPHD for initial factfinding. If OPHD finds that an act of discrimination or harassment occurred, it refers the matter to the appropriate authority: for faculty, the referral is to CPT. OPHD doesn't have the authority to impose discipline but may broker an informal agreement to settle a case. The OPHD head meets with CPT at least once a year. Berkeley has an OPHD that is designated as the campus Title IX office for investigating and handling gender discrimination and harassment cases. Although the office may investigate race/ethnicity discrimination, its authority in this area is not clearly defined. Members agreed that it is important to maintain a place where people can seek confidential advice without being forced to initiate a formal proceeding. For an OPHD to be effective, all members of the campus community need to know about it and the kinds of services it can provide. Members agreed that knowledge is uneven and that faculty need to be provided with comprehensive information about what assistance is available and how to get it if they experience harassment or discrimination. It is not enough for the faculty handbook to include two or three pages of information.

Members discussed the need for training on procedures and a manual, including template letters, for CPT chairs, who do not necessarily come to the position with a good understanding of how to manage grievance investigations and hearings. In particular, they may not know how to handle sensitive information prior to a formal action, when it needs to remain confidential and when it should be shared with administrators and/or grievants or victims.

Members discussed the difficulty of confronting harassment and discrimination when

unequal power relationships make victims unwilling to make a complaint. This issue is particularly difficult when the alleged offender holds some power over the potential complainant. Members would like to explore how the P&T process could help compensate for such imbalances. A member suggested that it would be helpful to convene a Universitywide session in which new assistant professors would be educated about their rights and how they can use the P&T process. Members considered whether UCP&T could its own specialized task force to serve as advisers to junior faculty – similar to UCFW’s Health Care Task Force, a special committee of experts on health care that reports to UCFW.

Regarding the Moreno report recommendation to collect data at the campus and system level on the frequency and severity of harassment and discrimination complaints, members agreed that the current P&T data sheets are not very useful. Future, more comprehensive data from campus OPHDs will be more comprehensive but will not provide qualitative information about the most egregious cases or about patterns of behavior in specific departments and schools or colleges. Chair Lansman reiterated his prior request for redacted case histories from the divisions. Members agreed to continue discussing what kind of data is or can be made available that would meet those needs.

- VII. *Advisory letter to department chairs* – continued. Members resumed discussion of the elements that should be included in the advisory letter. Members agreed that the letter to department chairs should be separate from general information to faculty and that it should include:
- a. Department chairs’ responsibility as administrators to foster an inclusive environment, to deal with grievances by correcting the situation, and to initiate discipline when called for.
 - b. Information about the three year rule and the resulting need to support a grievance or begin a disciplinary action promptly. [Note: Members asserted the rule is flexible and allows introduction of old evidence, but the Bylaw may need to be amended to make such an interpretation explicit.]
 - c. A clear statement that members of departments have the right to lodge complaints against the department chair with higher administrators.
 - d. Members discussed but did not reach a conclusion whether the letter should come from UCP&T or from divisional CPTs with campus-specific information. Members agreed that the letter should be sent annually.
- Next steps:** Chair Lansman and Winnacker to prepare a draft for committee consideration.
- VIII. *Next meetings.* None of the dates proposed in the initial polls are workable for all members. Winnacker will conduct new polls for a two-hour teleconference and an all-day meeting. [NOTE: Please hold APRIL 21 for a possible in-person meeting.]