

**UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE (UCP&T)
ANNUAL REPORT 2005-06**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

In accordance with Senate Bylaw 195, the University Committee on Privilege and Tenure (UCP&T) considers general policies involving academic privileges and tenure. In addition, the committee constitutes special Hearing Committees for disciplinary cases and maintains statistical records of the grievance, disciplinary and early termination cases taking place on each of the campuses.

UCP&T conducted its business via email during the 2005-06 academic year. Highlights of the Committee's activities and accomplishments are noted in this report.

Formal Review of APMs 700, 710, 711 and 080

UCP&T played a key role in the review of these policies and the Academic Council's decision to request that APMs 700, 710, 711 and 080 be "withdrawn from formal review in favor of a new round of proposed APM policies, as informed by the issues and concerns" that were detailed by UCP&T, other Academic Senate committees and divisions.

APM 700-10 (Constructive Resignation)

The proposed APM 700-10 added the concept of "constructive resignation" for faculty who are absent without approval or do not return to assigned duties after an approved leave of absence for non-health reasons. UCP&T expressed serious concerns and strong reservations about the proposal, primarily that the proposed policy did not explicitly provide for a hearing prior to dismissal and thus violated existing protections for faculty, granted under Regents Standing Orders and also embodied in Academic Senate Bylaw 337. Additionally, the committee was concerned about the potential for egregious misapplication of the policy because of vague language contained within the proposal. Finally, there was no compelling explanation about the inadequacy of existing policy, namely APM 015 (Faculty Code of Conduct) and APM 016 (University Policy on Faculty Conduct and the Administration of Discipline), to justify the need for a new policy. UCP&T recommended that the proposed APM 700-10 be withdrawn.

APM 710-42 (Sabbatical Leave Credit)

The proposed revision of APM 710 (Leaves of Absence/Sick Leave) provided guidelines for the amount of paid sick leave and leaves of absence that may be granted to academic appointees. UCP&T expressed concern about the proposed change with regard to partial-term leaves of absence and the accrual of sabbatical leave credit (APM 710-42). The committee was concerned that inaccuracies in accounting based on partial-term leaves could lead to a larger number of grievances from faculty who believe they have been denied earned benefits. UCP&T recommended that the proposed revisions to APM 710-42 be withdrawn.

APM 080 (Medical Separation)

The new APM 080 (Medical Separation) was proposed to establish a process for the medical separation of academic appointees who have exhausted sick leave and continue to be unable to work for health reasons and for whom reasonable accommodation is not possible. UCP&T recommended that APM 080-3 should be amended to include a specific role for the Academic Senate in the early termination process in the case of medical separation, including the right to a hearing constituted by the Academic Senate as promulgated in Senate Bylaw 337.

Other Systemwide Senate Reviews

UCP&T, as part of the Systemwide Academic Senate review process, also reviewed and submitted positions on the following proposals. The committee paid special attention to proposals with the potential to impact faculty rights and trigger complaints that could eventually become a matter for divisional P&T committees.

- APM 220-18.b(4) – Criteria for Advancement to Step VI
- Academic Council Special Committee on Scholarly Communications (SCSC) white papers and Proposed Scholarly Work Copyright Rights Policy
- Proposed Principles on Private Funding for Senior Leadership Salaries at the Level of Dean and Above
- State Legislation: SB 1412 (Morrow) – Student Bill of Rights
- University Committee on Academic Freedom (UCAF) Proposed Student Freedom of Scholarly Inquiry Principles
- Proposed Amendment to Senate Bylaw 185 – University Committee on Library (UCOL)

Acknowledgment

UCP&T wishes to acknowledge the expert assistance and support of University Counsel Maria Shanle, Academic Senate Executive Director Maria Bertero-Barcelo, and Committee Analyst Kimberly Peterson.

Respectfully submitted:

Kathleen Montgomery (R), Chair
Timothy Bradley (I), Vice Chair
Stephen Bundy (B)
Norman Matloff (D)
Michael Goldstein (LA)
Anne Myers Kelley (M)
Paul J. Friedman (SD)
Ching C. Wang (SF)
Geoffrey Rutkowski (SB)
Al Zahler (SC)

Kimberly Peterson, Committee Analyst