

**UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE
ANNUAL REPORT 1999-2000**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The Universitywide Committee on Privilege and Tenure (UCP&T) met four times during the 1999-2000 academic year, focusing primarily on the task of translating the 1997 Report of the Task Force on Disciplinary Procedures into modifications to Senate Bylaws. UCP&T confronted several other matters, including corresponding revisions by Administration (in consultation with UCP&T) to APM-015, Faculty Conduct and Administration of Discipline; the codification of consultation with the Chancellors in cases of disagreement; record keeping for disciplinary and grievance matters; and legal advice options for divisional Privilege & Tenure Committees. UCP&T wishes to acknowledge the hard work and commitment of its administrative consultants, Carole Rossi, University Counsel; and Sheila O'Rourke, Executive Director—Academic Compliance and Special Assistant to the Provost.

**Proposed Revisions to Senate Bylaws 335, 335H
Proposed New Senate Bylaws 334, 336, 337**

In 1997 UCP&T began discussing the Report of the Task Force on Disciplinary Procedures, a systemwide report which proposed a number of changes in the way that faculty discipline is administered at UC.

In its current version, Senate Bylaw 335 describes the procedures Divisional P&T Committees must use in dealing with grievances, faculty discipline matters, and early termination disputes. However, dealing with all of those issues within a single bylaw and set of procedures has led to a great deal of procedural confusion and to ambiguities about the difference between grievances and discipline. UCP&T is discussing proposed bylaw revisions which will include a separate bylaw for grievance (SB 335), disciplinary cases (SB 336), and early termination cases (SB 337). By placing each set of procedures in a separate bylaw, UCP&T hopes to minimize confusion and clarify the differences in procedure used in each type of situation.

The existing Senate Bylaw 335 also outlines the procedures that a P&T Hearing Committee must follow in conducting a formal hearing. However, the bylaw does not specify who has the burden of proof at such a hearing or what level of proof is required. UCP&T is discussing revising the bylaws to clearly specify both the burden and the level of proof required at a hearing of grievances, disciplinary cases, or early termination cases.

Proposed revision: Senate Bylaw 335H. Currently the findings and recommendations of Divisional P&T Committees only are advisory to the Chancellor, or in certain cases, to the President or the Regents. UCP&T has been discussing a proposed revision, SB 335H, which will explicitly incorporate an important new agreement reached this year between the Senate and the President's office: in the event that a Chancellor disagrees with the findings of a P&T hearing, the Chancellor will be required to meet with the P&T chair, and at the chair's discretion, with the whole P&T Committee in order to resolve the differences prior to a final decision by the Chancellor.

Proposed Revision to Senate Bylaw 195—UCP&T

The proposed revisions to SB 195—Privilege and Tenure will allow UCP&T to maintain statistical records of three categories of cases: grievance, disciplinary, and early termination. All

relevant UCOP Administrators who have been consulted agree with UCP&T's recommendation that a statistical record—one free of all identifying names and locales—would be of great importance both to the University Administration as well as to the Senate. P&T Committees and even UCP&T do not have a good perspective of the nature or disposition of discipline and grievance cases. It would be useful to know the number of cases, whether cases are increasing or decreasing, what sanctions are appropriate, and whether campuses generate different types or numbers of cases. Under the proposed revision to SB 195, UCP&T would maintain the proposed general, non-confidential, statistical caseload database.

UCP&T's discussions about the proposed revisions to Senate Bylaws will be continued during the 2000-2001 academic year.

Proposed Revisions to APM-015—Faculty Conduct and Administration of Discipline

A joint faculty/administrative working group was established in 1999 to draft modifications to APM-015, undertaking an effort that will parallel UCP&T's revisions to Senate bylaws. The APM, of course, is an administrative document, and UCP&T's role is to consult on proposed revisions. The Faculty Code of Conduct, however, which is incorporated into APM-015, is a Senate document. UCR&J, the Academic Council, and the Academic Assembly all must approve revisions to the Faculty Code of Conduct. The Board of Regents holds final authority for approval of any revisions to APM-015.

Ideally, the final draft APM-015 and UCP&T's recommended revisions to the Senate Bylaws would receive parallel systemwide review. UCP&T's discussions about proposed revisions to APM-015 will be continued during the 2000-2001 academic year.

Legal Advice Options for Divisional Privilege & Tenure Committees

As approved in 1999 by the Systemwide Senate, three new options are now available to enhance the legal support provided to P&T Committees. Those options include assignment of a UC faculty member from another campus with legal training to serve as a member of the P&T Committee. The second option is obtaining the advice of a designated attorney in the Office of the General Counsel, and the third option is the assignment of a hearing officer (usually an experienced arbitrator or retired judge).

Following UCP&T discussion, a set of guidelines and procedures for their use were drafted by Chair Blumenthal and Counsel Rossi and distributed to Divisional Senate Chairs, Divisional P&T Chairs, and Chairs of Divisional Charges Committees.

Respectfully submitted,

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