

**UNIVERSITY COMMITTEE ON PRIVILEGE & TENURE
MEETING – DECEMBER 4, 2014**

MINUTES

Present: Jeff Lansman, UCSF, Chair; Juliana Gondek, Vice Chair, UCLA (*phone*); Jonathan Simon, Berkeley; Nancy Lane, Davis (*phone*); Maria Pantelia, Irvine; Onuttom Narayan, Merced; Stefano Lonardi, Riverside (*phone*); Stefan Tanaka, San Diego (*phone*); Paul Roth, Santa Cruz; Cynthia Vroom, OGC, consultant; Hilary Baxter, committee staff.

- I. **Greetings and Introductions.** Chair Lansman convened the meeting shortly after 10:00 a.m. Members introduced themselves.

- II. **Approval of the Agenda.** Members unanimously approved the agenda as noticed.

- III. **Consent Agenda.** Members unanimously approved the minutes.

- IV. **Round Table.** Members provided reports on activity and concerns within their divisions.

Berkeley: No glaring problems in division; issues are relatively minor (technical items, communications) rather than major disputes such as denial of tenure based on discrimination.

UCSF: Though Academic Council did not support UCSF's initial attempt to expand Senate membership to non-tenured faculty, these faculty at UCSF (e.g., clinical, adjunct) may vote on faculty actions in departments. No decision has been reached about how votes are tabulated; the issue is still being discussed in CAP. The campus P&T does not have a formal position but does have a strong interest in ensuring appropriate procedures are followed. There is some concern that faculty who get an adverse action will contend that those who are not tenured are not really entitled to vote.

The issue also has arisen at UCSC. Some departments allow everyone to vote and others do not. A faculty member can invoke a right such that only full professors can vote on full professors. The campus Counsel interpreted this right to mean that lower rank faculty are prohibited not only from voting but also from reading the file. UCSC hopes to bring forward a proposal to change voting rule.

Santa Cruz: The campus P&T is working on its relationship to the Charges Committee as actions from the latter can happen without notice to P&T. How do other campuses work? Discussion highlights follow; UCP&T members are welcome to email responses.

- *UCLA*: Current discussion about the possibility of merging Charges into P&T (perhaps as a subcommittee) as there is much duplication of work. Charges would function as “grand jury” on whether something should be elevated for P&T consideration. There is no final decision but support from both the administration and P&T faculty.
- *UCSC*: Charges has faculty members but is administration entity so is walled off from the Senate.
- *UCSF*: Charges is a small but important step finding misconduct, determining consequences, informing the faculty member and apprising them of disciplinary recommendation. If faculty member accepts this recommendation, then P&T is never informed of the case. Part of P&T’s job has been to help faculty members understand that P&T may take a closer look.
- There was discussion of various campus practices with respect to notifying the local P&T committees about actions of the Charges committees. UCP&T would like to ask Cindy Vroom whether such notification is required.
- Members supported development of case studies to provide guidance on P&T matters, including those involving sexual harassment that implicate other campus bodies or administrative units. Jeff will distribute an article on relevant issues.

Irvine: The Vice Chancellor and campus P&T are working to resolve a few issues but things are relatively quiet. There have been only two serious cases (research misconduct) over the past eight years. UCI does not have a Charges committee but does have a disciplinary process through the VC office. There is some discussion about moving from the current two-phase process—administration moves forward and then refers to P&T in the event of charges—to a single, integrated review. The medical center has its own process and always objects to referral of grievances to P&T. Though P&T hears cases that are referred, the question is whether medical center accepts the committee’s recommendations for disciplinary action.

San Diego: There is interest in getting information about P&T out to faculty so that they understand the process and the committee is not always the place of last resort. Relevant APM language is not user friendly so case studies in the vernacular would be helpful.)

Riverside: Though there were no cases during the last academic year, there are now two cases and the local P&T will meet soon. One involves relations with Charges and clarification is being sought as to who handles what and how to approach the matters. UCR does have a grievance panel that looks at cases before they come to P&T.

Merced: There is no activity – not surprising given the campus is still relatively new.

UCLA: A case was discussed involving a faculty member who did not feel a fair hearing could be secured through department chair and the matter went to merit equity review. There was some

question as to whether such reviews go only through the VC who convenes a separate committee to weigh evidence in the packet or are also reviewed by the department.

- V. **Moreno Report – follow up and new issues.** Members discussed the memo to department chairs completed by the 2013-14 UCP&T last August. It describes the chair’s responsibility for the employment and academic climate within the department; instructs them to take grievances seriously, offering intervention where appropriate and encouraging complainants to use the grievance process; and advises them to act promptly to initiate disciplinary proceedings when bad behavior occurs and is not corrected by informal intervention.
Action: Members decided to ask Council Chair Gilly forward the memo to Division Chairs without the appendix on the three-year rule.
- VI. **Review of Proposed Response on Revisions to APM 210-1.d.**
The Committee discussed revisions proposed and distributed for review in May 2014 as well as a language from UCSD that circulated informally this fall. There was some support for the latter. It was generally determined that, while members believe faculty activities that further "diversity" should be considered in advancement and promotion, it is more important to consider diversity in a larger context—that is "diversity of contribution": the recognition in advancement and promotion cases that faculty contribute to the university's mission in diverse ways.
Action: Members agreed to revise the comments pending from the 2013-14 UCP&T and forward them in a letter to Council Chair Gilly.
- VII. Break
- VIII. **Working Lunch and Consultation with Vice Provost Carlson.**
- a. Vice Provost Carlson described “Fostering Inclusive Excellence: Strategies and Tools for Department Chairs and Deans,” a new seminar developed specifically for UC Department Chairs and Deans. Designed to foster informed conversation about the best way to build and nurture a productive academic climate, the seminar combines research and data with a theatre scenario on the merit review process. It will be brought to each campus this year.
 - b. In response to the federal Violence Against Women Act, UC developed a Presidential Policy on Sexual Harassment and Sexual Violence that will soon go out for final systemwide review. There are a number of questions that remain to be answered related to this policy, including whether all faculty are mandated reports and how training required under the federal law will articulate with existing UC training for sexual harassment prevention.
 - c. There was discussion of a possible joint meeting of UCP&T and UCAP.
- IX. **Consultation with Senate Leadership.**
Council Chair Mary Gilly highlighted a number of issues:

- a. There is an “engagement plan” for UC faculty about stability plan for budget and long term funding for UC. Information and FAQs will be coming soon.
- b. There were two last minute appointments to the Board of Regents before the November meeting: former Assembly Speaker John Perez and current Long Beach City College President Eloy Ortiz Oakley.
- c. The Regents approved a budget requesting that would give the President authority to raise tuition up to 5% for five years if the state does not provide sufficient funds above the planned increase to the base budget. Neither Governor Brown nor his recent appointees supported it and voiced considerable discontent at the Regents meeting. The Governor wants to “shift the cost curve” for higher education.
- d. UCSF’s Reg Kelley was recently appointed as Special Advisor to the President for Innovation and Entrepreneurship. The Senate is represented on three of the President’s Innovation Council workgroups, including that dedicated to examining ways to recognize and reward faculty innovation.
- e. Total Remuneration Study indicates there is a 10-12% gap between UC faculty and their counterparts. Some plan on how to address this gap is needed before taking the matter to Regents.
- f. An interim report indicates UC undergraduate applications for freshman are up 4%; transfer applications appear flat at this point.
- g. There is a legislative measure seeking to restrict UC’s constitutional autonomy but, given such amendments require a two-thirds vote of the legislature, it is not expected to move far.

X. **Consultation with Attorney Advisor to UCP&T.**

OGC attorney Cindy Vroom was unable to attend the meeting.

XI. **Moreno Report continued** (see V. above)

XII. Break

XIII. **“Three-Year Rule” on initiating discipline or grievance proceedings.**

There is concern among some over lack of clarity about the three-year rule. Grievances and disciplinary actions are not the same thing even though three-year rule that relates to them is the same. One member felt more flexibility is needed for grievances. In practice, some campuses will not initiate action around an *event* that occurred more than three years earlier but will accept *evidence* that is older than three years. Members were divided as to whether the wording of Bylaw 336 is sufficient, with one noted that perhaps vagueness is good thing. Consultation with Cindy Vroom at the next meeting is desired.

XIV. **Financial burden of bringing a grievance.**

Members discussed campus conventions about whether faculty bringing a grievance have attorneys. It appeared in most cases they do not but occasionally they elect on their own to use one or are advised to do so. (Cases involving medical schools tend not to be resolved through

mediation and are elevated to formal proceedings.) There is concern that the administration not require faculty to have an attorney. A few members noted the responsibility of local P&T committees to ensure the rights of the grievant are protected.

- XV. **Handbook.** Members discussed development of a P&T handbook—a time-consuming exercise. It could include the case studies mentioned above and a descriptive matrix of P&T processes.
- XVI. **Priority topics and wrap-up:** P&T case studies, parameters for paying attorneys fee (when is reimbursement mandatory and when is it discretionary). Left option open to schedule a teleconference in the next couple of months and to poll for alternate May dates for the second in-person meeting.

The meeting adjourned at about 3:45 p.m.