

UNIVERSITY COMMITTEE ON PRIVILEGE & TENURE
MEETING – May 18, 2015

MINUTES

Present: Jeff Lansman, UCSF, Chair; Juliana Gondek, Vice Chair, UCLA (*phone*); Jonathan Simon, Berkeley; Nancy Lane, Davis (*phone*); Maria Pantelia, Irvine (*phone*); Onuttom Narayan, Merced; Stefano Lonardi, Riverside (*phone*); Stefan Tanaka, San Diego (*phone - afternoon*); 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 for the December 2014 meeting.

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

Merced: No P&T cases and only one grievance since campus opened. Given limited experience with P&T matters on the relatively new campus, some resource documents are being developed.

Santa Barbara: Quiet – no cases now and nothing turned away.

Riverside: Five grievances of which two were dismissed. One grievance involves a tenure case where there was a contention that inadmissible factors were included in the review. One disciplinary case could end up in court.

Davis: Discussion of a two cases, including very long case more than a decade in duration and another involving an endowed chair.

Irvine: Four cases are in process; more guidance is needed for hearing panels. There was discussion as to whether faculty are deterred from coming forward given intimidation or fear of reprisal.

UCLA: The campus CAF has had ongoing discussion about protecting faculty from accusations against them that come from individuals from outside UC. Relevant instances involve a World Arts & Cultures class as well as animal research issues. Practices on campuses vary in terms of

whether individuals or groups outside UC have standing. Does P&T want to take up this issue to have consistent systemwide approach?

Vetting of P&T members also was discussed as well as efforts to provide briefings on relevant topics for divisional P&T committees. In the wake of the Moreno report, some campuses have brought in scholars on gender equity to do offer some background and review relevant issues. Counsel from OGC can assist with this type of activity as well.

San Francisco: Two current cases were mentioned; prima facie evidence was found in one and it moved to a hearing; the other is in negotiation. A couple of other cases begun two years ago appear to have stalled with parties apparently not interested in proceeding or wrapping up. Perhaps the committee should consider a systemwide policy or procedure about closing out P&T cases.

Berkeley: Relatively quiet – just one complaint from last year. There is good training for department chairs.

V. **UCP&T Memo to Department Chairs – “Campus Climate and the Privilege and Tenure Process”**

Only Santa Barbara and San Diego distributed the memo. A UCSB faculty member wrote to Chair Lansman with concerns about the effectiveness of P&T committees. Berkeley decided not to circulate the memo, feeling it would be confusing for department chairs to hear from P&T on discipline matters since the committee does not have a role in that part of the process. Discussion with the Vice Chancellor for Equity and Inclusion may be more helpful as that position handles climate issues. The Senate Executive Director at Davis reviewed ways to get information in the memo out to the faculty. It was noted that subsequent memos should be routed through Academic Council for formal endorsement before being sent to division chairs for distribution. In terms of campus climate more generally, the topic has received attention at Riverside. A report from the Senate Task Force on Climate, Equity, and Discrimination was released in February that made a series of recommendations now under consideration.

VI. **Role of P&T in disciplinary cases settled by negotiation**

Committee members discussed whether or not local P&T committees should be apprised of cases settled by informal resolution. While the Regents’ Standing Orders require consultation with an “appropriately constituted Senate committee,” one member felt the passage implies consultation on *unilateral actions* (appointments, promotions, demotions and dismissals) but not on informally negotiated settlements as these require bilateral agreement. Nonetheless, there is an interest among several members in having P&T committees receive some information about cases resolved before going forward to formal hearings.

In addition, members discussed the possibility of developing a document to apprise faculty of their rights, advising them of options and the process that would follow if they choose not to settle. It was generally felt such a resource would be helpful and could be made easily accessible via campus Senate websites.

VII. **Consultation with Academic Personnel**

Faculty Leadership Seminars: Academic Personnel worked to develop seminars that have been held on each campus. The session begins with live theater to kick-start conversations about climate, micro-aggressions, etc.; scenarios came from conversations with faculty. There is a Q&A session and roundtable discussion about how scenarios play in academic depts. Berkeley is only remaining campus and will have its session in the fall. The seminars have been well-received with a 70+ percent response rate to evaluations; new deans and department chairs are particularly enthusiastic.

Faculty Survey: AP is working on a survey to find out why faculty leave (those recruited away, those that retire, etc.) The contract has gone through OP and work with campuses on questions will begin soon.

Sexual Abuse and Violence Prevention Policy: No minutes were taken for this discussion which was conducted under attorney-client privilege.

VIII. **Working Lunch and Consultation with Senate leadership**

Senate Chair Mary Gilly updated committee members on current issues of interest, including UC budget discussions with the state, a measure to restrict UC's constitutional autonomy and an effort to establish major preparation pathways for community college students interested in transferring to the University.

IX. **Review of proposed revisions to APM 210-1.d.**

Committee members approved proposed revisions intended to give due recognition to all areas of faculty achievement that promote equal opportunity and diversity.

X. **"Three-year rule" on initiating discipline or grievance proceedings**

Instituted in 2005, this rule has been interpreted somewhat differently from campus to campus. More uniform interpretation may be desired or there may be interest in changing the length of the period. (The latter would require a new bylaw.)

A letter from a Merced faculty member requests clarification on how the rule should be applied to cases involving a pattern of behavior where the administrators overlook early offenses and, upon repetition, seek to prosecute a series of actions extending over a period longer than three years. There was discussion about circumstances, if any, under which it might be appropriate to

bring forth as background any information dating back more than three years. For serious issues, some members felt it may be important to allow consideration of incidents outside the three year window; others were hesitant to allow too much flexibility and discretion regarding the inclusion of such evidence. Members agreed to discuss the matter with their local P&T committees and, if desired, to raise the issue again for consideration by UCP&T in 2015-16.

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

No minutes were taken for this discussion which was conducted under attorney-client privilege.

XII. **Reimbursement grievance cases.**

No discussion on this item.

XIII. **Healthy workplace issues**

These issues were covered in the Academic Personnel discussion on the faculty survey.

XIV. **P&T Handbook**

Committee members revisited the idea of developing a Privilege & Tenure handbook. If looking to case studies, the challenge OGC Counsel noted is the difficulty in getting enough facts on record without disclosing any identifying information. Educating faculty about what is grievable – i.e., providing translations of the APM – would be helpful. Often former campus P&T members serve as resources (grievance advisors) for other faculty with questions about the P&T process. Formalizing this role and apprising new faculty from outset could be constructive steps.

XV. **Priority topics and wrap-up**

Consider uniform approach to apprising divisional P&T committees of cases resolved informally through settlement; development of a document to apprise faculty of rights and P&T processes; aggregate P&T case studies for a handbook, take up reimbursement in grievance cases, revisit flexibility/discretion in the “three-year rule.”

The meeting adjourned at 3:35 p.m.