

UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE

Minutes of Meeting
Friday, February 18, 2022

I. Chair's Comments/Consent Calendar

Luca Ferrero, Chair

Action Taken: The agenda and minutes were approved 7-0-0.

II. Bylaw 336 Timelines

Hilary Baxter, Senate Executive Director

The Executive Director reminded the committee that state auditor had concerns about how long it was taking the University to review SVSH cases. The Board of Regents concurred and asked the Senate to revise its Bylaws accordingly. The University reported to the state auditor for 2019-2020 on the timelines of its SVSH cases, and the auditor determined that the University has met its goals. The reporting on SVSH that is being conducted now is only for the University's Title IX office. The Executive Director reviewed 2020-21 cases chart with the committee. The committee had some questions for Executive Director Baxter. On a related note, Analyst Harms will update the P&T Activity Surveys and distribute them to the committee members by the next meeting.

III. Guest: Professor Brian Soucek to Discuss the Development of the University's New Anti-Discrimination Policy

Professor Soucek informed the committee that there was a working group formed last year with a charge from President Drake to support the development of a presidential policy on discrimination and harassment that would apply to all faculty, staff, and students. It was specified that the policy should address education and training, employment practices in hiring and retention, adjudication of policy violations, and prevention. This working group was also develop a procedure for implementation of the policy at all locations and recommend changes to other relevant University policies. Originally the Senate Chair was the only faculty member on the committee which had about 34 members; now there are two faculty members. The working group is almost entirely comprised of people in Academic Personnel, Title IX, DEI, and labor relations; there is one student representative. Certain members of the committee and staff are working on drafting language for the policy, but that has not been shared yet. The goal is to have a draft policy to President Drake by the end of summer. Professor Soucek invited the committee members to reach out to him with suggestions and advice from the P&T perspective. Members had questions for Professor Soucek and there was considerable discussion. It was agreed that VP Carlson should be asked to put more faculty on the workgroup when she joins the committee for an update.

IV. Consultation with the Systemwide Title IX Director

Suzanne Taylor, Systemwide Title IX Director

Director Taylor told the committee that her office is anticipating the proposed federal Title IX regulations in the spring. She is hoping for a balanced approach that retains the strengths of the current regulations and focuses on addressing the more problematic issues. The Director also addressed the growing trend across the country of "passing harassers" from one institution to another. This has been seen in both the academic and athletic arena. UCD had a pilot program that

has received a lot of positive acclaim; this may be a good foundation for developing systemwide guidance. The committee engaged in discussion about the need for some direction and about information sharing in general. The Chair asked if it was likely that UC would have revise its bylaws or policies. The Director said that the expectation is that the proposed regulations would be put out for 60-day review, after which comments would need to be taken into account. The process could take over a year and would not be a consideration for this year's committee.

V. Consultation with the Attorney Adviser to UCPT

Chad Pimentel, UC Legal

Members had questions for Mr. Pimentel about P&T issues that had arisen on their campuses, including questions about confidentiality and the inclusion of P&T documents into personnel files. Mr. Pimentel stated that one aspect he could advise on is public records requests. The default rule is that personnel actions may be withheld if the disclosure would amount to an unwarranted invasion into the personal privacy of the employee. However, if there is a substantiated finding of misconduct by a public employee, the public's interest in having that information outweighs the employee's interest in privacy. In practice, the University holds back on most underlying documents – such as P&T transcripts – but turns over final investigation reports with some redactions for privacy. Members had more questions and there was considerable discussion.

VI. Faculty Vaccination Compliance

Luca Ferrero, Chair

The Chair reminded the committee that the issue of faculty compliance with the University's COVID vaccine policy was raised the last meeting. There was concern that campus P&Ts may be facing a considerable number of disciplinary cases related to non-compliance. The Vice Provost shared a report that indicated that there was only one disciplinary case related to a Senate faculty member systemwide.

VII. For Systemwide Review: Department Political Statements

The Chair explained that the Academic Council is considering a systemwide approach to the issue of department political statements. The Council wants to assess the views of the divisions to ensure that they meet faculty needs and are consistent with the practice of academic freedom on the campuses. He invited the committee's comments and thoughts and said that feedback was due to Council by March 22. The committee discussed the topic at length, including the issue of minority opinions and whether junior faculty might feel like they had limited ability to comment. The Chair said he would write a letter that summarized the committee's opinions and submit it to Council.

VIII. Simultaneous Misconduct Charges and Merit and Promotion Considerations – Workgroup Report

The Chair told the committee that there is no current framework for what happens when there is an ongoing merit and promotion action at the same time the faculty member is subject to a disciplinary action or investigation. He and members Simon and Tucker met to create a draft document that would address how such cases should be handled. One option is to introduce something into the Bylaws that would allow the administration to put a temporary hold on a merit and promotion action. The Chair shared a draft of the document he and the committee had worked on. The committee discussed issues of integrity, confidentiality, and the burden of proof.

The Chair said that the workgroup would return to the document and determine an appropriate trigger for stopping the clock and would bring it forward for discussion and action at the next meeting.

IX. Roundtable: Reports from the Divisions

Members reported on P&T matters from their divisions.

X. Consultation with the Academic Senate Leadership

Robert Horwitz, Academic Senate Chair

Susan Cochran, Academic Senate Vice Chair

Academic Council Chair Horwitz told the committee that Provost Brown has announced he will be leaving his position at the end of the academic year, as will Vice Provost Carlson and Academic Senate Executive Director Hilary Baxter. The Senate will be involved in all of those searches. UC was largely pleased with its allocation in the governor's budget, but did not get what it requested for deferred maintenance and seismic retrofitting. In contrast, \$135M was allocated for climate related research, particularly for projects that are aimed at improving infrastructure resiliency. A key development in the budget is a multi-year compact that would provide the UC with an annual five percent increase on the permanent budget for five years as long as progress is made on certain specified policy goals such as increased enrollment. The President has talked about his proposed increase of 20K students by 2030; the governor's budget stipulates that growth must be on all 10 campuses. Some of that growth will be substitution of resident students for non-residents, and the governor's compact promises to pay campuses to bring down their non-resident student percentages to an 18 percent cap over the next five years. OP has convened an enrollment capacity working group and it is looking at the expansion of summer session and possible satellite campus arrangements with an underutilized CSU or community college campuses.

At the January Regents' meeting, there was a presentation from an NGO called California Competes that looked at higher education and workforce issues. It conducted a survey on the demand from adults 25 years or older for UC education and it reported that demand is quite high, especially among Latino adults and that three-quarters would like an exclusive online modality. Vice Chair Cochran believes that the California Competes research is questionable. However it supports predilections by some of the Regents and legislators for online education. One of the provisions of the budget is for UC to double the number of student credit hours generated through undergraduate online courses compared to a pre-pandemic baseline and to accomplish that by 2030. Chair Horwitz explained that this raises the question of fully online undergraduate degrees, which would reorient the whole sense of what it means to have a UC education. The issue of fully online undergraduate degrees has bedeviled the Senate for the three years. It was discussed at the Council meeting last week, and the group came to no consensus about it.

The University and the GSRs have reached an understanding about the initial phase of the contract. The primary bone of contention is the line between students and employees. President Drake has been adamant about maintaining that line. PIs may be placed in the position of preferring to hire postdocs rather than graduate students. If the University intends to increase the number of graduate students by 4000 in the next eight years, it needs to consider how it is going to admit and fund them. Separately, the Senate has put together a working group to look at Senate membership for UC Health clinicians.

Chair Horwitz said that he and Vice Chair Cochran had talked to the President regarding faculty frustration with the continued theft of intellectual property and academic dishonesty through businesses like Course Hero and Chegg. If UC cannot solve the cheating problem that is endemic to the online domain, then it cannot expect online education to be the solution to the access problem to the University. This argument sparked the attention of Regent Park, who has asked the Office of the President to address the issue of student dishonesty at the next Regents' meeting.

Some division chairs have related complaints from retirees about the new Medicare prescription plan and long wait times for assistance. RASC is looking into reinstating in-person retirement counseling in response to Senate complaints. Last year, the UC pension saw COLA increases of two percent, but inflation is at seven percent. The Senate has asked OP to institute another COLA, and President Drake has promised action on this front. At the Regents' meeting, the Senate weighed in on the new housing loan plan. These loans are designed to help faculty with down payments and offer up to \$150,000, much of which would be forgivable over time. The Senate argued that the policy should state a strong preference for these loans to be used for entry-level and junior faculty.

COO Rachel Nava came to the January Academic Council meeting to talk about staffing matters. CUCSA (the Council of University of California Staff Assemblies) conducted a survey that reported that approximately 43 percent of staff say they are thinking of leaving UC. The Chair noted that the new University work environment will allow some staff to work remotely, but that some faculty- and student-facing staff may need to appear in-person. The University is going to have to address the need to have some kind of post-pandemic social contract between students, faculty, and staff to determine mutual commitments and to reestablish a functional intellectual community.

XI. Consultation with Academic Personnel and Programs

Susan Carlson, Vice Provost, Academic Personnel and Programs

Amy K. Lee, Associate Vice Provost, Academic Personnel and Programs

The Vice Provost said that she had received information that morning that the campuses are now in the process of collecting information about booster compliance and that some are also taking also initial steps to notify those who are not in compliance. She remarked that booster compliance is different from vaccination compliance in terms of deadlines. Feedback from the campuses indicates that there are is a wide range of how they're approaching this; campuses have their own systems that they developed to keep the data and some of them have capacities that others do not. The campuses are also at different stages of deciding that they are ready to notify employees about non-compliance. The compliance rate with the policy as of January for all employees was about 97 percent across hundreds of thousands of employees.

All of the comments are in for the abusive conduct and bullying draft policy and her office is working to review the feedback. Questions were raised about cyber bullying, and that may be added to the policy. Work continues on the anti-discrimination policy, and it is likely that the draft of that document will circulate in fall 2022. The Vice Provost said she is concerned about possible overlap with other related policies, such as SVSH and bullying. She wants to ensure that the right staff and infrastructure are in place to handle the complaints that will come forward once the policy is enacted.

XII. Other Topics/ New Business

There was no new business.

The committee adjourned at 3:42 p.m.

Minutes Taken by Fredye Harms, Committee Analyst
Attest, Luca Ferrero, UCPT Chair

