

UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE

Minutes of Meeting

Friday, March 1, 2024

I. Approval of the Agenda and Minutes

Action Taken: *The agenda and minutes were approved with one change to allow an Executive Session consultation with UCEP Chair.*

Chair Tucker announced a change in committee leadership. Vice Chair Narayan will be taking an administrative position, and Professor Amussen will be taking over as Vice Chair. Chair Tucker will serve as chair one more year, and Professor Amussen will assume the role of chair in 2025-26.

The Chair asked the committee for its preference regarding the recording of UCPT meetings. After some discussion, the members decided that the default should be not to record the meetings and that recording should take place selectively. At that point, the recording was stopped.

II. Consultation with the Systemwide Title IX Office

Isabel Dees, Title IX Deputy Director

Deputy Director Dees discussed the reissuance of the Title IX regulations. The Office for Management and Budget is scheduled to have meetings with stakeholders through the end of March; they may schedule additional meetings in April. That body will then convey feedback back to the DOE who will consider it before it publishes the regulations.

The Deputy Director explained that during Trump's term of office in 2020, the DOE issued new Title IX regulations to include hearings (along with several other revisions). In summer of 2022, the DOE, under Biden, issued new proposed regulations making hearings discretionary. It also put into place other changes such as coverage related to pregnancy. The following year, the DOE proposed regulations on trans athlete participation. Deputy Director Dees' office has been waiting for those proposed regulations to be issued as actual regulations so that it can make the relevant policy changes. The DOE will have to take the budget considerations into account. It is unlikely that UC will see regulations published before the end of May/early June, and it is also unlikely that the implementation date will change (August or early September). Her office is anticipating a 60–90 day implementation. That conjecture is largely informed by the academic cycle. There were more public comments in this round compared to earlier versions. The DOE has been busy on issues related to civil rights, and there has been considerable political engagement. The DOE has been working on "plain" language and visualization of how the regulations will be implemented. UCPT will be hearing detailed information about SVSH and how to seek support if needed.

Attorney Advisor Meltzer reminded the committee that after the last set of regulations, the University needed to make some changes to the system bylaws related to hearings and the P&T process. He expressed the hope that such changes would not need to be made again.

Chair Tucker remarked that the question of a double hearing is especially burdensome, not only because it runs the risk of being repetitive, but also because it requires people who have been traumatized to be in close contact with the people who may have committed the bad behavior. Deputy Director Dees said that the current regulations allow for physical separation of the parties in a hearing and that her office has adopted Zoom as a best practice to enable that separation.

Members had questions for Deputy Director Dees and Mr. Meltzer.

III. Chair's Report

Irene Tucker, Chair

The Chair reported that most of the items discussed at the last meeting are still in process.

IV. Roundtable: Reports from the Divisions

Members reported on P&T issues at their campuses.

V. Statements on Department Websites

Attorney Advisor Meltzer discussed the item, which had come up at the November Regents' meeting. He said that the Regents' letter did not stipulate that landing pages cannot be linked to other pages where such statements could exist.

Members discussed the issue at length.

UCPT was joined by the UCEP Chair and the meeting went into Executive Session.

No minutes are taken during Executive Session.

VI. Presumptive Resignation Policy

Onuttom Narayan, UCSC

Professor Narayan expressed confusion regarding the presumptive resignation policy, and members discussed it. Because the OP consultants from APP were not available for this meeting, Analyst Harms will arrange for a separate meeting with them to discuss this issue.

VII. Consultation with the Academic Senate Leadership

James Steintrager, Academic Senate Chair

Steven Cheung, Academic Senate Vice Chair

Academic Senate Vice Chair Cheung said that he had received a number of questions from the UCPT Chair, the first of which was the status of Bylaw 55. He noted that there are some advantages to amending this bylaw. However, it is also felt that a systemwide policy would impinge on the decision-making rights of departments and might also impact hiring practices. He noted that an extensive discussion about the bylaw had taken place at Assembly, and it decided to table the item. The second question was about the status of the University's vaccination policy. Council voted unanimously to endorse the policy with some changes. The policy should explicitly allow people who get ill from the vaccines to take sick time. The next item in question was the negotiated salary program, which was first started as a trial in 2013, and has been renewed twice. The Senate reviewed this proposal and expressed very strong concerns about its potential to exacerbate salary inequities and the possible undermining of the merit and promotion system. The Senate also felt that it might compromise the core mission of the University by shifting faculty effort from teaching, mentoring, and service to revenue-generating activities. The Council voted to oppose the proposed new APM 672 by a very wide margin. APP is reviewing the highly negative comments and has yet to respond. The final question related to a recent event at the Berkeley campus, which has raised the question of awarding of academic credit for attending political events. He noted that UCEP is reviewing the situation.

Committee members had questions for the Senate Chair and Vice Chair, and there was considerable discussion.

VIII. Holding Personnel Cases in Abeyance

Diana Messadi, UCLA

Professor Messadi told the committee about a grievance that was recently received at her campus that resulted in a promotion being paused and put in abeyance. She asked members how such incidents were handled at their campuses.

Members asked questions and weighed in with divisional practices.

IX. Items Under Systemwide Review**A. Systemwide Senate Review of Proposed Regents Policy on Use of University Administrative Websites**

The Chair remarked that the committee had already discussed this item at the start of the meeting. Members weighed in with questions and thoughts. Chair Tucker said she would write a letter to the Senate Chair expressing UCPT's concerns.

- B. Proposed Revisions to Academic Personnel Manual (APM) Section 285, Lecturer with Security of Employment Series

Members felt that this item only partially related to UCPT and chose not to opine.

- C. Revised Presidential Policy BFB-BUS-50: Controlled Substances Use In Research and Teaching

The committee chose not to comment on this item.

- D. Second Systemwide Senate Review of Proposed Senate Regulation 424.A.3 (Area H)

The committee chose not to comment on this item.

X. Consultation with the Attorney Advisor to UCPT

Josh Meltzer, UC Legal

Mr. Meltzer provided legal updates and answered questions from members.

XI. New Business

There was no new business.

XII. Executive Session

No minutes are taken during Executive Session.

The committee adjourned at 2:35 p.m.