

UNIVERSITY COMMITTEE ON PRIVILEGE & TENURE (UCPT)

Minutes of Meeting

October 10, 2018

I. Welcome & Introductions**Chair's Comments/Updates***Adebisi Agboola, UCPT Chair*

Chair Adebisi Agoola thanked everyone for coming to the meeting today, and welcomed the members to the meeting.

II. Consent Calendar

A. Approval of today's agenda.

III. Senate Bylaw 336 Proposed Revision

Background materials including the [California State Audit \(CSA\)](#), [Regents Chair Kieffer letter](#), and [the recommendations of the ad hoc Academic Senate Working Group](#):

Discussion followed on the following topics:

- How should hearings and hearing dates be scheduled? Perhaps ask for available dates of divisional Privilege and Tenure (PT) members at the start of their terms. For example, at Santa Cruz, members are asked for dates on which they are available for an entire day, and dates are held for when three or more members are free on the same days. The consensus was that the Chair of P&T should offer the parties a choice of available dates rather than schedule the hearing by initially asking the parties about their availability.
- How should the prehearing issues be addressed? There was a discussion of whether the current prehearing conference should be replaced by a prehearing letter. The Committee felt that there should be an option of holding a prehearing conference if necessary, in addition to sending out a prehearing letter. There was also some discussion of how the issues to be decided at a hearing should be determined. The consensus of the Committee was that an initial determination of the the issues to be decided at a hearing should be made by the Chair of the Hearing Committee, and then the parties should be offered an opportunity to suggest modifications. The final determination of the issues to be decided should be made by the Chair. Members of the Committee stressed the importance of the hearing process being controlled by the Chair of the Hearing Committee rather than the lawyers representing the parties.
- How should the accused be notified of charges? The Committee was of the opinion that the most efficient way to notify the accused of charges would be for the Administration to deliver a copy of the charges to the accused, preferably in person, at the same time that charges are filed with P&T. It might be necessary to consult the OGC in order to determine whether the Senate has the authority to write a bylaw rthat binds the Administration in this way.
- Should the proposed revisions to SBL 336 apply to all disciplinary cases, or only those cases involving SVSH? The CSA recommendations pertain only to disciplinary

cases involving SVSH, and, in principle, need not cover all disciplinary cases. A majority of the Committee felt it important that there be a uniform procedure for handling all alleged violations of the faculty code of conduct, irrespective of the nature of the violation in question. They also felt that there would be difficulties involved in administering two different sets of procedures. Two members of the Committee were of the opinion that, because of the sweeping nature of the proposed changes, it would be unwise to apply the proposed revisions to all cases. After some discussion, the Committee decided that the proposed revisions to SBL 336 should be applied to all disciplinary cases.

- UCPT members discussed how Hearing Committees might be appointed and structured in order to accommodate the new and shorter time-frame. An expanded pool of P&T members and past members who could serve on Hearing Committees was suggested. Another suggestion was to increase the membership of divisional PT committees.
- There was some discussion of an informal guidance document to suggest suitable practices that might be helpful in implementing the revised procedures. There was also discussion of an internal checklist to be used by divisional P&T Committees to document the steps carried out in handling each disciplinary case.
- UCPT members discussed the issue of additional resources needed in order to meet the new and reduced timelines. These resources include FTE, space for hearing meetings, stipends for those with 9-month appointments, and resources for hearings held in the summer.
 - Chair Agboola will draft a letter regarding resource needs. The memo will be addressed to Council Chair Robert May, and will be separate from the bylaw changes. Chair May will then write the UC President a letter regarding resources.

Next steps: Based on the discussion today, Chair Agboola and Cynthia Vroom, Senior Counsel assigned to UCPT, will work on revising Senate Bylaw 336. The proposed revisions will be circulated to the UCPT members, and voted on by email. Then, the proposed revisions will be forwarded to the University Committee on Rules and Jurisdiction (UCRJ).

IV. Update from Senate Leadership, Robert May, Academic Senate Chair & Kum-Kum Bhavnani, Academic Senate Vice Chair
Chair Robert May stated the importance and urgency of revising Senate Bylaw 336.