

## UNIVERSITY COMMITTEE ON PRIVILEGE &amp; TENURE

Minutes of Meeting

Friday October 28, 2016

---

**I. Introductions and Announcements**

Member introductions were made.

**II. Action: Approve agenda**

**Action Taken:** *The agenda items and priority were approved as noticed.*

**III. Joint Committee of the Administration and the Academic Senate**

Proposed revisions to APM 015 & 016 as well as Senate Bylaw 336 are now out for review. The Chair asked members to share what was being discussed on their campuses and any questions or issues that may have arisen locally.

Members discussed the topic at length, particularly the question of “expedited review.” Some of the main concerns were the following:

- Will it be out of synch with the academic schedule?
- Does it rely on involuntary leave schedule or time-dependent grievance procedures?
- Will faculty rights be significantly abridged by these recommendations?
- Claiming “expedited” review and then having the dates not work could be grounds for a lawsuit.
- If a hearing is part of the handling of a case, it could take a long time to get a hearing.

In addition to concerns about expedited review, members voiced concerns about the paid part of the leave, the criteria for withholding pay, the issue of campus safety vs. punishment, and perhaps the “softening” of some of the language (e.g., “it is desirable” as opposed to “it shall”).

The committee agreed to discuss the matter further with the OGC consultant when she joined the meeting.

**IV. Revisiting Disciplinary Outcomes**

The Committee discussed the draft letter regarding concerns over pressure to bring a second disciplinary action under APM 016 and Senate Bylaw 336 against a faculty member for the same conduct for which the faculty member has been sanctioned.

Members asked if the procedures can be clearly defined as two separate actions. Should comments be focused less on the consecutive disciplines and more on the concept that two investigations of the same event are inappropriate. Caution, however, has to be taken to ensure that faculty are not trying to interfere with administrative procedures. An individual can be removed from the dean position and then be disciplined as a faculty member.

**V. Consultation with Attorney Advisor to UCPT**

*Cynthia Vroom, OGC*

Minutes are not taken during consultation with the Office of General Counsel.

**VI. Consultation with Senate Leadership**

*Jim Chalfant, Academic Council Chair*

The Chair noted that many significant actions have taken place since the last UCPT meeting. The Regents have restructured their committees and considerable revisions to Regents' policy have been proposed. January is the planned timeline for finalizing the budget and there will likely be a "tuition adjustment" at that time. The tradition used to be to settle to whole budget in December. However, the November Regents meeting will have an extended discussion on income assumptions for UCRP. November is also the month when the Regents receive annual valuation reports for UCRP and the retiree health liability.

The Senate Chair commented on the proposed changes to Bylaw 182 and also to APM 015 and 016, which are out for review.

A couple of public records act requests have been submitted. The University is trying to balance the public's right to know with the individual's expectation of privacy. The same action could be taken an administrator vs. a staff member; however, the administrator's information is more likely to be subject to public records request.

The Berkeley and Davis chancellor searches continue; in addition, the news has somewhat prominently highlighted a Regent and some comments he made outside of the University context.

The Regents continue to voice concern about non-resident admissions and the "compare favorably" clause. Letters of recommendation for freshman applicants are also an area of contention.

**VII. Consultation with Academic Personnel**

*Vice Provost Susan Carlson*

Vice Provost for Academic Policy and Programs Susan Carlson provided information and updates on academic personnel issues, including proposed revisions to APM 015 and corresponding amendments to Bylaw 336. The Vice Provost noted that she had a robust conversation on 015 and 016 earlier in the day. Her office took the proposed revisions to academic administrators, and there was general support expressed. In addition to the Faculty Joint Committee, there was a subsequent committee that looked into all personnel and staff and how the changes would affect them. The relationship to this policy is that there was a concern with how long it took to adjudicate issues. The resolution will probably not happen this year. Her office is still working on producing something that will be accepted by faculty and administration.

**VIII. Reports from Members**

Berkeley: Four cases before P&T. Two are grievances and two are disciplinary.

Davis: One case adjudicated already. Removal from the campus with pay.

Los Angeles: About seven cases on its books at the moment. There is some concern to the extent that people on P&T are legally covered by the University - can people come after members on a private basis?

Merced: No cases now but a case that might come forward. Can tenure be revoked for bad performance and bad service?

Riverside: One grievance that has to do with merit advance. Since the faculty member never filed a formal grievance, the decision was to write asking if conditions had improved and her expectations had been met.

San Diego: The campus has not had a hearing in 19-20 years. We had a grievance from the School of Medicine where an offer letter was not clear.

San Francisco: Four hearings are scheduled and the termination of Professor in Residence.

Santa Barbara: The campus has had very few cases; it meets as needed. It had one hearing last year that took eight months to resolve start to finish.

#### **IX. Formal Recusal Policy for UC P&T Committees**

This item was tabled.