

UNIVERSITY COMMITTEE ON PRIVILEGE & TENURE

Minutes of Meeting

November 14, 2017

I. Welcome & Introductions, Nancy Lane, UCPT Chair

Member introductions were made.

Role of UCPT, Hilary Baxter, Executive Director

The role of UCPT is primarily two area of duties: (1) Serve as a policy advisor and (2) be a resource for one another for specific cases. In addition to the three meetings scheduled, there may be ad hoc video meetings.

A “Conflict of Interest” bylaw, statement, or guidance may be coming up for the systemwide Academic Senate. It is important for UCPT to weigh in on this topic.

Chair’s Comments/Updates, Nancy Lane, UCPT Chair

It may be good for UCPT to keep tabs on Title IX cases, and that divisional reports of their committees on privilege and tenure can be shared with the UCPT members. Discussion followed:

- With the new procedures, UCPT members may not see those cases (i.e., Title IX) at UCPT.
- Is there variance in the implementation among the divisions? Or is the goal to be standardized?
 - There has been variance until now with the campuses, and each campus is different with the “standardized process.” The documents were inconsistent with internal procedures.
 - At one division, the PT committee can only be involved, if there is no agreement.
 - Campuses handle things differently, and outcomes/paths are the same.
 - At another division, the Chancellor can bypass the Academic Senate.
 - Most Chancellors would ask the Senate.
 - It would be nice to see what paths are taken (i.e., going to Chancellor, etc.). Most important, to be resolved quickly.

II. Update from Senate Leadership, Shane White, Academic Senate Chair & Robert May, Academic Senate Vice Chair

- Assembly Bill (AB) 97 – State Budget Bill. There was a compact by Governor regarding UC’s budget. The other higher education segments received a higher proportion of funding than UC, especially in the pension area. It is requested from the State that \$15million be redirected from OP to fund increased UC undergraduate enrollment. The new Provost would like to instill principles as the budget is being discussed. At the beginning year, Chair White wrote a letter describing that the principles of teaching, research, and service should be put as priority when considering the UCOP budget. If there are any proposed cuts to academic programs, those programs should be reviewed.

- State audits. The recent audits to UCOP have included UC PATH (Summer 2017), purchasing practice, and agreements of sexual violence and sexual harassment (SVSH) victims/complainants/those who initiated the complaints. There have been 12 audits in 8 years. In April 2017, there were allegations that UCOP interfered with state auditor's surveys collected by the campuses. The last audit resulted in changing the UCOP business practices.
- Other current issues include the UC President denouncing the decision to end the Deferred Action for Childhood Arrivals (DACA) program, free speech, and students feeling marginalized/not feeling part of campus, pushback by vice chancellors for research for multicampus research units (MRU) reviews, undergraduate research, student suspension issues, Health Care Task Force Conflict of Interest (i.e., the Vice President for Health Affairs provides the health services), Financial Asset Optimization, and the U.S. President rescinding the tax waiver for graduate student tuition.
- Regents meeting. There will be no state budget ask nor an ask for a tuition increase at the November Regents meeting. UCOP is waiting for the Governor's budget. Another possible Regents item involved changes to the Emeritus Policy; however, it was pulled.
- SB 201– Graduate Student Researchers (GSR) Unionization. *Robert May, Academic Senate Vice Chair*
This will affect those who receive grants. UC is taking an official neutral position. It is important to follow advice and guidance on this. Be factual, and try not to express opinion on pro/con on unionization. If this occurs, a lot will happen on the contract. A question was asked about the verification of individuals. There is another effort to unionize those who are not faculty or graduate students, who have had the right to unionize for a long time. There is the impression at UCSB that they are unionized. Only the UCSB TAs are unionized. Vice Chair May participated in a discussion with University of Washington, which have unionized GSRs. The union will probably be the United Auto Workers (UAW).
- Retiree Health: The issue is that UCOP proposed a reduction of the UC contribution of retiree health over the Summer 2017 of going below the 70% floor. Last year's Senate Chair Jim Chalfant and then Vice Chair Shane White had the item pulled from the July 2017 Regents Agenda. The systemwide University Committee on Faculty Welfare Health Care Task Force (UCFW-HCTF) and Task Force on Investments and Retirement (UCFW-TFIR) worked on a Senate's response. The UC President committed to 4% increase, which will fall below medical inflation. The possibilities to pay for it include (1) higher premiums or (2) pay the same amount and have a cheaper plan. There is a UC President work group, and the charge will probably include a broad policy-based charge. This work group will report directly to the President.

- New SVSH policies. Implementation at the campuses have started, there are expectations to be wrinkles. Three campuses have had policy difficulties. According to the Systemwide Title IX Coordinator, nothing from the Senate has been taken away. Two campuses (i.e., Berkeley and Santa Barbara) feel that things have been taken away. There is a fairly aggressive review at UCLA.

III. Travel, Mona Hsieh, Executive Assistant – Academic Senate

<http://senate.universityofcalifornia.edu/resources/index.html>

When submitting the travel reimbursement form, that receipts are not needed if expenses are under \$75. The Southwest airline itinerary is needed. If you would like to be reimbursed before the winter break, please submit the form by December 1, 2017, otherwise submission needs to be within 45 days of travel.

IV. Consent Calendar

- A. Approval of the Agenda
- B. 2016-17 UCPT Annual Report

Action: UCPT approved the consent calendar.

V. Systemwide Review items

1. Proposed Revisions to Senate Regulations 424.A.3 (area “d”) Requirement

Action: UCPT will not opine.

2. Report on Negotiated Salary Trial Program

A report on the Negotiated Salary Trial Program (NSTP) from the task force is currently under systemwide review. The five-year NSTP has been in effect since 2013 at UCI, UCLA, and UCSD. The report is largely positive about the NSTP; it recommends renewing the pilot for another term and expanding it to other campuses where there is interest.

There was discussion on being sure how it's been working, and that 70% are men who received the negotiated salary. UCPT member Donald Senear (UCI) is on the task force and described some of its background, such as the Humanities and Social Sciences do participate, but not at the rate of Engineering and the Sciences. Discussion also included that no one has collected data, and it is a wonderful recruiting and retention tool.

UCPT two main comments:

- (1) Continue, under careful supervision and
- (2) Data reported in terms of diversity. Information by gender and racial diversity to be kept track of, and to be analyzed from a demographics standpoint, and what it effects, its outcomes.

Action: A letter summarizing UCPT’s two main comments will be drafted and circulated to the committee for approval, then submitted to the Academic Senate Chair by the deadline of November 22, 2017.

VI. Executive Session

No minutes recorded during Executive Session.

VII. Roundtable: Reports from the Divisions

Members reported on P&T matters within their divisions. Below is a summary of the topics of the current and last year's hearings.

Berkeley: Last year, there were five cases with three grievances. Currently, there are five cases. One case involves academic freedom, specifically someone's research and a poor merit evaluation and not getting promoted.

Davis: There was discussion about if there are discipline standards in general.

Irvine: There was discussion about the sexual violence sexual harassment complainant always in the dark during the process.

UCLA: Workload has increased. There were three discipline cases from last year, and eight new ones for this year. Among the active grievance cases, one involves discrimination from a staff member. Other cases include department gender discrimination, improper action by senior member, and a grading complaint.

Riverside: There were and are two grievances and 12 additional cases. One grievance involved a medical school faculty member requesting if her performance evaluation could be expunged from her records. Another case involves a newly appointed chair inheriting a pre-arranged move to accommodate a new faculty member. The "moved" faculty blamed new chair and filed a grievance.

San Diego: There has been a long-standing teaching grievance, a voting issue, and medicine cases.

San Francisco: The topics of hearings include academic freedom, research misconduct, using funds in unethical way, sexual harassment, and affiliation with an institute and a department.

Santa Barbara: There are two cases that have been carried over from last year.

Santa Cruz: There has been a surge of disciplinary cases. Topics include patent amendment form and a faculty member who resigned last year, then claimed harassment into resignation and wants to be reinstated.

VIII. Consultation with Academic Personnel

Susan Carlson, Vice Provost – Academic Personnel & Programs (APP)

Pamela Peterson, Executive Director & Deputy to the Vice Provost – APP

Vice Provost for Academic Policy and Programs Susan Carlson provided information and updates on academic personnel issues.

- APM 015/016. There was an agreement made with the Academic Senate if changes could be made that the President was seeking with the SVSH policy. Senate was going to take the first next steps to move through a review process. The University Committee on Affirmative Action and Equity (UCAADE) had quite a few comments. Executive Director Baxter can circulate the list of concerns and committees by committees and divisions.
- Policy. APP putting together APM A285 on LSOEs, and hoping to go out in December 2017. The LSOE title was one of the big issues. Should the title be changed to “Professor of Teaching XXX” or “Teaching Professor.” In Summer 2017, the Academic Council was willing to stay with the title of LSOE. Other topics of concerns include having a current definition of teaching, “professional and scholarly achievement” section, and accruing sabbatical. Discussion followed:
 - Several campuses (i.e., UCSC, UCI, UCLA, and UCSD) are already using other working titles.
 - UC PATH is aware of this.
 - In the next policy draft, possibility of a working title and having a LSOE series will be included.
 - Unit 18 vs. LSOE.
- APM section on Leave Policy. APP started work on this. It will be circulated for comments in late spring or early fall.
- Negotiated Salary Trial Program . Discussion included if new campuses have to develop new implementation plans. Vice Provost Carlson explained that major steps would have to happen. A template is given to the campuses, which is approved by the Provost.
- Advancing Faculty Diversity. In its second year, \$2 million is funded from the State to improve faculty diversity for one year. There was a competition for the funds, and three campuses were awarded. The campuses are Davis (School of Agriculture and Environmental Sciences), Riverside (Engineering), and San Diego (Engineering). The process of hiring was altered in real ways. At Riverside, the “Contribution to Diversity” statements were used. In the 28-page Report to the State Legislature, it was reported that the candidate pools were more diverse, underrepresented ethnic minorities (UREMs) was the focus, and gender and ethnicity were positively affected. In Year 2, another \$2 million was funded by the State, and there was a similar type of competition for the funds. Four campuses were awarded – Berkeley (Engineering), Santa Barbara (Economics), Irvine (four schools with STEM departments), and San Francisco (Biomedical faculty to the ladder rank across all schools of health sciences).

Discussion followed:

- What did they do to get a diverse pool of applicants? In the three first cases, ads were crafted with language (i.e., diversity, value of equity and inclusion), which sent signals to possible applicants. Also, there was a mandate that each candidate submit a “contribution to diversity” statement. There were also interventions at the recruitment stage.

- Where does the \$2million go?
 - Riverside – Bring Engineering faculty earlier in their careers. Post docs at Riverside result from a national search.
 - San Diego – Partner accommodations.
 - Davis – advertising.

Vice Provost Carlson will send UCPT the report.

- Possible unionization.
 - GSR (AB 201). Now, allowed to unionized. United Auto Workers (UAW) started to recruit graduate students. With unionization, it will be different with a bargaining unit and the terms and conditions of employment will be affected.
 - Academic Researchers. For decades, they have had the ability to have a bargaining unit. This group includes the professional researchers, project scientists, junior specialists, agronomists.
 - There was discussion that very few research assistants are unionized across the nation.

IX. Consultation with Attorney Advisor to UCPT

Cynthia Vroom, Office of General Counsel

Julia Friedlander, Office of General Counsel

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

X. Other topics

Action items:

- UCPT members go back to their divisions and ask what happens with involuntary leave?
 - Definition of “Leave”. What are the guidelines for placing someone on leave?
- UCPT members to find out what other types personnel files exist for faculty members.
- Chair Lane and Executive Director Baxter will talk about left-overs UCPT items from last year.
- December 19, 2017 UCPT meeting canceled. Next meeting will be via teleconference.

Meeting adjourned at 3:46pm