

UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE

Minutes of Meeting

Friday, November 18, 2022

I. Welcome/Chair's Comments/Consent Calendar*Julia Simon, Chair***Action Taken: The agenda was approved as noticed. 6-0-0.**

The Chair asked members to introduce themselves.

II. Consultation with the Systemwide Title IX Deputy Director*Isabel Dees, Systemwide Title IX Deputy Director and Interim Director*

The Deputy Director introduced herself and said that she would like to establish regular rapport with UCPT. She observed that UCPT serves a critical role in cases where SVSH is alleged against a senate member. Currently, Title IX is supposed to train P&T committees on SVSH issues and she asked that the campuses reach out to her office for such training. It is important that P&T members have support around processing vicarious trauma and access to adequate support resources. Cases that develop a public profile create additional hardship for faculty, and it is important that they are supported through the process. The Chair and members voiced surprise that such training and support were available and were very much in favor of it taking place on the campuses. The committee discussed the issue of training and support extensively with the Deputy Director and it was agreed that she and Attorney Adviser Meltzer would work together to determine how training could be provided and what it would entail.

III. Consultation with the Academic Senate Leadership*Susan Cochran, Academic Senate Chair**James Steintrager, Academic Senate Vice Chair*

The Senate Chair said that there had recently been a Regents' meeting and a Regents' retreat.

Senate leadership has been meeting with UC Legal about the interface between Title IX offices on the campuses and medical staff boards in UC Health. Typically, in hospitals, medical staff boards provide permission to physicians to practice in the hospital. They also investigate complaints against positions. Oftentimes, they use Title IX resources to help them with investigations. The Regents are quite adamant that they want to have just one procedure in hospitals and view any extra faculty rights suspiciously. They feel that it contributes to the unfairness in how physicians are treated in the hospitals when there's an SVSH complaint. In addition, the Title IX campus offices have very little experience with what goes on in medical settings. In medical settings, there can be nudity and bodily contact. Further complicating the issue is HIPPA and the fact that patients may not want to come forth with their medical records. Senate leadership has been trying to share with the Regents that there are three tracks in medical settings: academic faculty, employees, and trainees who are covered under the dean of students. The leadership has offered a suggestion to the Regents that does not involve changing Bylaw 336 and they are determining if they can move forward with that.

Chair Cochran said that labor issues are front and center now. OP continues to negotiate with the UAW every day. Faculty are in a very complicated position in this negotiation between the administration and students. Faculty agree that students should have as much financial support as possible, but there is no “magic pot of money.” Many of the campuses are in the red. Any additional funding for TAs will come out of the academic budget. More money for TAs means fewer ladder faculty hires. A balance needs to be found. The money for GSRs and post-docs typically comes from grant funds, and grants have limits on the amount of salary that can be paid from them. There are also items being negotiated that are not recoverable and it is not clear where the funding for these other matters will be found. Historically, there have been at least three workgroups at UCOP that have tried to address the matter of graduate funding models. Going forward, the University is going to have to determine what is labor and what is academic work, and it is going to have to develop some policies accordingly.

Members had questions and there was discussion.

IV. Consultation with Academic Personnel and Programs

Douglas Haynes, Vice Provost, Academic Personnel and Programs

Vice Provost Haynes told the committee that his office had just received the final comments from the Senate relative to the new abusive conduct policy. It has been about two years in development, and there were two rounds of reviews. There were around 100 questions from the divisions that were taken under active consideration. The new policy is scheduled to go into effect in January. One of the components of the implementation is the development of a new training process through the learning management system and also engagement with the relevant officers on the campuses in terms of implementing the policy.

The Vice Provost remarked upon UCPT’s proposed change in the bylaws in order to have a type of pause in those cases where there is a misconduct investigation during an ongoing personnel evaluation. This will involve a policy change within APM or a communication from the Provost. The Vice Provost suggested that the committee consider submitting a proposal for a bylaw change.

The Vice Provost informed the group that the Provost is actively in the process of identifying a workgroup or task force regarding Achievement Relative to Opportunity (ARO). The President was asked for ways to incorporate some of the principles of ARO. One of the animating factors of this workgroup will be to determine in what ways the University can start incorporating best practices. His office has been engaging with Senate Chair Cochran and will be looking for representation from the Senate to serve on this workgroup.

Committee members had questions for the Vice Provost.

V. Roundtable: Reports from the Divisions

Members reported on P&T matters within their divisions.

VI. Update: Simultaneous Misconduct Charges and Merit and Promotion Considerations

Julia Simon, Chair

The Chair informed the committee that UCPT had made the Senate aware that it was considering the issue of simultaneous misconduct charges and merit/promotion considerations. The committee drafted possible bylaw and APM language to address these concerns. Council said UCPT should not be writing language. Chair Simon wrote Council a letter with recommendations, and Council advised that the Senate seek guidance from the Provost (which would be a temporary fix). While that guidance is in place, the Senate could work on either APM or bylaw language. Chair Simon was advised to consult with UCAP and UCAF on the issue. Once that consultation is complete, UCPT can come back to the Council with any feedback from those committees.

The committee discussed the issue.

VII. Consultation with the Attorney Adviser to UCPT

Josh Meltzer, UC Legal

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

VIII. UCM Item for Discussion

Susan Amussen, UC Merced

Professor Amussen spoke to the committee regarding an issue that had arisen on her campus related to conflicts of interest and finding sufficient faculty to serve on P&T committees.

IX. Items for Systemwide Review

- A. Draft Presidential Policy on Anti-Discrimination, Harassment, and Retaliation

The committee discussed the issue and the Chair asked that comments be submitted to her by November 28 so that she can respond to Council.

- B. Proposed Policy on Vaccination Programs

This item was pulled due to action at UCOP. A new version of the proposed vaccination policy will be released.

X. Other Topics/ New Business

There was no new business.

The committee adjourned at 2:15 p.m.