

UNIVERSITY COMMITTEE ON PRIVILEGE & TENURE (UCPT)

Minutes of Meeting

April 19, 2019

I. Chair's Comments/Updates*Nicolas Webster, UCPT Vice Chair*

UCPT members introduced themselves.

II. Consent Calendar

Approval of February 25, 2019 UCPT meeting minutes and today's agenda.

III. Discipline in Clinical Practice

Vice Chair Webster stated that he will participate in a conference call on Wednesday, May 24, 2019 with Academic Council Chair Robert May, Council Vice Chair Kum-Kum Bhavnani, University Committee on Faculty Welfare (UCFW) Health Care Task Force (HCTF) Chair Lori Lubin, UCSF Divisional Chair David Teitel, and the Office of General Counsel in the Health Affairs areas. Vice Chair Webster asked UCPT members if they could talk to the appropriate administrative staff about this topic.

Vice Chair Webster spoke to the Medical Staff Executive Committee. He described how threats to patients and to practitioners are processed in a various ways. What may be involved include substance-abuse issues, mental health issues, and sexual violence & sexual harassment. Depending on the sanctions applied, behaviors/cases must be reported to the State Board; some are reported to County Departments of Public Health. There is no formal process for such instances to go to divisional Privilege and Tenure (PT) Committees.

A committee member reported a similar understanding and briefly explained the patient advocacy reporting system (PARS) used on their home campus. Patients may file complaints regarding physicians; an algorithm calculates the appropriate phase of intervention, including speaking directly with the physician named. Evaluation data collected indicate physician behavior improves 70% of the time following an intervention.

IV. Training Program At Berkeley*Sharon Inkelas, UCB Special Faculty Advisor to the Chancellor on Sexual Violence/Sexual Harassment; Professor, Department of Linguistics*

Special Advisor Inkelas presented an adjudicator training program conducted at UC Berkeley. She explained that according the UC Policy on Sexual Violence and Sexual Harassment (SVSH) that each location must provide on a regular basis comprehensive training with a trauma-informed perspective for individuals responsible for responding to reports of prohibited conduct. These include staff in Advocacy and Respondent services, Alternative Resolution and Formal Investigation processes, and the hearing, remedy, discipline and appeal processes." Berkeley developed training that covers "SVSH

Fundamentals for campus adjudicators.” Created by two campus staff persons knowledgeable about the impact of trauma, the training was attended by fifteen different groups and well-received. Other information presented included training objectives, background on pervasiveness of harassment, manipulation & exploitation involved, impacts of SVSH, individuals’ memory of such events, barriers to reporting, interviewing and interacting with persons involved, procedural accommodations, and trauma informed methods. Special Advisor Inkelas stated that she is happy to share the training with other campuses.

V. Consultation with Academic Personnel

Susan Carlson, Vice Provost – Academic Personnel & Programs

Pamela Peterson, Executive Director & Deputy to the Vice Provost – Academic Personnel & Programs

Vice Provost Carlson and Executive Director Peterson provided information and updates on academic personnel issues.

New draft APM 011

Currently, the systemwide review of Proposed New Academic Personnel Manual (APM), Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees (APM- 011) is being conducted. Comments due June 19. Robert Post of Yale Law assisted with the revision. He formerly was at the Berkeley Law School, and was the author of APM 010, Academic Freedom.

APM 700 series – Leave Policies

What is out for review for this APM series are technical changes that reflect changes in the law. APM 700 requires updates and draft revisions will follow.

Copyright Policy – Draft

There are substantial changes involved and the proposed revisions will go out for systemwide review. A question followed about Open Access (OA) issues. This policy does not directly cover Open Access; there is a separate policy called, “Open Access Electronic Thesis and Dissertations.” The copyright policy is not an OA policy.

Elsevier

The negotiations broke down end of January 2019, and UC walked away. Elsevier has not “pulled the plug.” Elsevier has been “courting” individuals at UC and UCOP.

Faculty diversity initiatives

There are new monies from President for faculty diversity initiatives. Vice Provost Carlson visited all ten campuses to receive input. The prominent thread is the concern about service work (i.e., “invisible work” that falls to women and faculty of color). Perhaps there could be APM changes. Discussion followed with ideas that included rewards for mentoring; rearranging committee assignments; changing the culture; contributions to diversity during the entire career (not just at the time of hire); and faculty mentoring programs.

VI. Executive session

VII. Update from Senate Leadership

Kum-Kum Bhavnani, Academic Council Vice Chair

Governor's Budget

UC requested asked for \$440 million, and received \$240 million. About is allocated for \$138 million for deferred maintenance. The request for permanent monies is for increased enrollment and faculty pay increases. In the past, UC received block grants. For this budget, there are line items, which is worrisome. The May revised Governor's budget will be out in time for the May Regents meeting. The General Obligation (GO) Assemblymen Glazer and Medina. This GO Bond is a request for \$8billion, which ½ would go to CSU and ½ to UC.

Senate Bylaw 336

The proposed revisions was passed by the Academic Senate Assembly and is on track to be implemented in accordance with the California State Auditor's requested timeline. A guidelines document and checklist will be drafted. Discussion followed on the topic of early resolution, good cause, and formal mediation. Topics such as a 2-3 year review period, metrics, summer summit with PT analysts, possible mechanism for a clearinghouse, and the violation of due process were brought up. The letter from UCPT Chair to Council Chair requesting additional resources necessary to support P&T committees' ability to meet the new timelines will be sent to the President.

College Admissions Scandal

For UC, there is one known case at UCLA, and the soccer coach is no longer there. The State Auditor stated that they want to audit the UC admissions process, which includes about 250,000 applications. The President will narrow the scope, and have the UCOP Compliance and Audit team conduct several investigations.

Dignity Health affiliation with UCSF

There was a UC Regents Health Services Committee on April 9 when the topic of a possible affiliation between UCSF and Dignity Health was discussed. UCSF needs more hospital beds. Dignity Health has empty beds in a number of hospitals it operates (St. Francis and St. Mary's in San Francisco). These hospitals are guided by the Ethical and Religious Directives (ERDs) of the Catholic Church which restrict access to a range of services critical services related to women's health and for the LGBTQ community. Notwithstanding this concern, UCSF leaders emphasize that the affiliation will allow expanded access to care to underserved populations. In mid-June the Regents Health Services Committee will make a decision on the proposal and it will go to the full Board for a final decision in July. Discussion followed about the values of the UC brand, UCSF needing beds, Dignity hospitals have a 30-50% bed occupancy, non-discrimination values, possibility of purchasing the hospitals, and fundraising for the rebuilding of UCSF's Parnassus site.

Fossil Fuel Memorial

The process is underway for the Academic Senate to vote and perhaps issue a "Memorial to the Regents" for UC divest funds from fossil fuel companies. This memorial was passed at UCSF; it is pending at other campuses.

VIII. Senate Bylaw 336

Members expressed an interest in proposing an amendment to Bylaw 336 to enable divisional P&T committees to compel campus administrations to provide hearing panels with information given to the administration's attorneys. Discussion focused on how to encourage/ensure campus leaders around the system respond favorably. It was proposed that a letter be drafted to address issues of fairness in setting this expectation.

IX. Systemwide Review Item

- Proposed New Academic Personnel Manual (APM) Section 011 (Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees) (Comments due June 19, 2019)

Discussion followed that included lines of authority for non-Senate members, cases that do not fit under APM 010, treatment of those non-Senate faculty who perform the same duties as Senate faculty, and the inability of non-Senate faculty to have a P&T grievance hearing.

Do cases that fall under APM 011, also go to P&T? Members discussed and felt the answer is "no"; there should be separate procedures set up. Grievances for non-Senate faculty should not go to P&T but a parallel way to adjudicate those cases is desired.

- UC Center Sacramento Current State Assessment Report, February 15, 2019 (Senate Review and Feedback. Comments due June 19, 2019)

UCPT members discussed that the assessment report of the UC Center Sacramento had nothing related to UCPT, and will not submit comments.

- Proposed Revision to Senate Regulation 636.E (Senate Review. Comments due May 15, 2019)

The proposed revision is not in the purview of this committee.

X. Roundtable Reports from the Divisions

Members reported on P&T matters within their divisions.