

UNIVERSITY COMMITTEE ON PRIVILEGE & TENURE

Minutes of Meeting

May, 4, 2018

I. Welcome & Introductions

Chair's Comments/Updates

Nancy Lane, UCPT Chair

Chair Nance Lane thanked everyone for coming to the meeting today, and welcomed the members to the meeting.

II. Consent Calendar

A. February 16, 2018 minutes. Edits will be sent to Analyst Banaria.

B. Approval of today's agenda.

III. Roundtable: Reports from the Divisions

Members reported on P&T matters within their divisions.

Berkeley: All cases were resolved, except for two cases. Whether the two cases go to a hearing will be decided in a late Spring or early Fall semester meeting.

Davis: No UCPT Davis representative present.

Irvine: One case involves a sexual violence/sexual harassment (SVSH) complaint that was supposed to be an expedited hearing. The faculty member was placed on involuntary leave. Discussion followed on the definition of an "expedited hearing." This particular expedited hearing took months. The faculty member grieved again, and is now going to the Superior Court.

The second case involves research misconduct with an associate professor filing a grievance against respondent, who is a Chancellor professor, appropriating his research. Grievant took it to the Office of Research on research misconduct. Then, consulted with the Vice Provost office, which advised to take it to Committee on Privilege and Tenure (P&T). Many individuals are in conflict. P&T recommended that the faculty member make a formal complaint to the Office of Research and Vice Provost.

UCLA: P&T is very busy; there are 10 cases on the agenda at one time. Five going into hearing; some of the cases come from medical/nursing schools. Two hearings are against the respondent. One led to emotion and other led to dismissal. One case has been settled. Another hearing involves a student objecting to grade based on non-academic reasons. In three main cases, individuals feel discriminated by their department.

San Francisco: Finished through huge rush of cases.

Riverside: Last year, it was quiet. There is more activity this year. One case involves APM 245-20, which states, “A department chairs serves at the discretion of the Chancellor. The Chancellor may terminate the appointment at any time, with or without cause.” A Dean requested that action be taken, and the Provost wrote the dismissal letter, which is a duty delegated by Chancellor. Riverside’s P&T has a local version of APM 245, which states the action only be taken by the Chancellor.

Two other actions were taken by administration; both involved dismissals that violated rules. (1) Mathematics professor violated APM 015, The Faculty Code of Conduct, and involved discrimination of a student based on ethnic/racial background. A grade was assigned not based on performance. (2) Faculty member in a different department became involved with an undergraduate student in his class, which resulted in a sexual relationship. The charges involved sexual relationship, exam to student, and providing prescription drugs to the student. The Title IX investigation found no evidence, and found consent. Riverside administration would like to dismiss the faculty member.

San Diego: One ongoing case, which is in the disciplinary stage. There were three charges hearing.

Santa Barbara: There are two cases. One case involves an allegation to retaliation of allegation of sexual harassment. This was resolved with the administration and the accused (i.e., administrative resolution). The other case involved that the person was recused.

Merced (Tom Joo, UCD): No actions. It was questioned if Merced can have Merced faculty members represent UCPT.

IV. Consultation with Academic Personnel

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

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

Kimberly Grant, Academic Policy & Compensation Director – APP

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

Negotiated Salary Trial Program, which is an additional compensation program. It was at trial at Irvine, UCLA, and San Diego; it has been approved for a four-year extension (possibly 5 years). The working group is to come up with metrics. Nominations were received and the working group is being assembled. Riverside decided to join the trial program, and possibly three campuses a year from now.

Sexual Violence/Sexual Harassment. Working with the UC Systemwide Title IX Office on the Presidential Policy Revisions on a short timeframe. There was a request for preliminary advice on what needs to be change, based on the Office of Civil Rights recommendations for the Berkeley campus. This summer, a UCOP group will make changes. In Fall 2018, there will be a full review. Currently, not anticipating any APM changes.

There was confusion between the President's letter and the request for preliminary advice. The President's letter focuses on three issues, while the request for preliminary advice covers the entire policy. The timeline includes circulating a draft for informal review in July; it would be great to have some UCPT members review the July draft. The formal 90-day review will start September 2018.

Discipline Emeritus status. This case came to the President, and she agreed to it, but she doesn't need to approve it. Faculty agreed to remove Emeritus status.

V. [Systemwide Review items](#)

Action requested: Decide if UCPT will opine, and if so, what the comments shall be. [Proposed Presidential Policy on Disclosure of Financial Interests and Management of COI in Private Sponsors of Research and Revised APM-028](#)
UCPT discussed the policy and is aware of it; however, it doesn't affect UCPT.

VI. UC Policy on UC Policy on Sexual Violence and Sexual Harassment (SVSH)

The materials discussed included the following: [Berkeley Resolution Agreement](#) and President Napolitano's request regarding the Office of Civil Rights (OCR) [letter](#) that identifies potential problem areas in the new [systemwide SVSH Policy](#).

Discussion followed on the following:

- Not easy to schedule pre-hearing conference, who is needed at the pre-hearing conference, and if it's possible to discuss with different individuals at different times for it to count as a pre-hearing conference.
- Although there is a timeline, there are no penalties if didn't meet the timelines.
- Current timeframes include pre-hearing conferences are to be scheduled within 30 days and conferences are to be scheduled within 90 days. One suggestion includes inserting "held" vs. "scheduled."
- Include a clause about summer.
- Composition of hearing committees.
- Standard of Evidence – staff members are under one standard and faculty are under another standard.

VII. Consultation with Title IX

Suzanne Taylor, Interim Systemwide Title IX Coordinator

Revision for the SVSH policy is her priority. At last week's Academic Council meeting, there were many questions on the revision process of the policy. The materials that have been circulated include:

- (1) Resolution Agreement between UC Berkeley and the Office of Civil Rights (OCR) dated February 20, 2018.
- (2) OCR Letter of Findings from OCR to UC Berkeley dated February 26, 2018.
- (3) Request from Systemwide Title IX Office (dated March 14, 2018) and Vice Provost Susan Carlson (dated April 3, 2018) for input on possible revisions to the Policy on Sexual Violence and Sexual Harassment (SVSH). Initial feedback due May 4, 2018.
- (4) Letter from the UC President to the Academic Council dated April 16, 2018.

There was a request for a clear list of what is needed and when it's due.

VIII. Consultation with Attorney Advisor to UCPT

Cynthia Vroom, Office of General Counsel

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