



Mary Gilly
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Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

October 31, 2014

**SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL**

**Re: Final Review: Proposed revisions to Whistleblower Protection Policy and APM 190 –
Appendix A-2**

Dear Susan,

Two Academic Senate divisions (UCI and UCR) submitted comments in response to the second round of revisions to the [UC Whistleblower Protection Policy and APM 190 – Appendix A-2](#) released for systemwide review by your office in late September.

Thank you for making additional changes to the policy in response to the specific and [substantive concerns expressed by Senate reviewers](#) in June.

In their letters, UCR and UCI raise mostly minor issues related to the consistency and clarity of language in the policy. Both divisions recommend additional changes to clarify the definition of “days” in the context of the deadline for filing a complaint. UCR is also concerned that the policy potentially allows chancellors to postpone a response to the Complainant indefinitely, and may not include sufficient privacy protections for individuals accused of violating the policy.

The UCI and UCR letters are attached for your reference. Thank you for the opportunity to review and comment.

Sincerely,

A handwritten signature in cursive script that reads 'Mary C. Gilly'.

Mary Gilly, Chair
Academic Council

Encl. (2)

Cc: Academic Council
Executive Director Baxter
Policy Manager Lockwood
Senate Executive Directors



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

JOSE WUDKA
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October 30, 2014

Mary Gilly, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Final Review of Proposed Changes to APM 190 Appendix A-2

Dear Mary,

During its October 27, 2014 meeting the UCR Executive Council reviewed the final version of proposed changes to Appendix A-2 of section 190 of the Academic Personnel Manual. Though many of the division's committees were asked to opine, the time constraints allowed but one committee to submit a report. Below I provide a summary of all comments provided:

- Section D.1.a: There is a 15 day hard deadline replacing 'reasonable timeframe', yet a few lines below 'reasonable timeframe' reappears. Also, this 15-day deadline does not specify whether the 15 day period refers to calendar or business days;
- Sections I, III.F.3: The new language in principle allows chancellors to delay action indefinitely;
- The LDO acronym should be defined before its used;
- The policy appears inconsistent when detailing the types of report the alleged violators receive: sometimes it is a summary, sometimes a full report.
- When there are multiple people who allegedly violated the policy, what assurances are there that the reports provided to each of them respect the privacy of the others

The Division appreciates the opportunity to opine.

Sincerely yours,

Jose Wudka
Professor of Physics & Astronomy and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cynthia Palmer, Director of UCR Academic Senate office



Office of the Academic Senate
307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-2215 FAX

October 24, 2014

Mary Gilly, Chair, Academic Council
1111 Franklin Street, 12th Floor
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RE: Systemwide Final Review of Proposed Revision to UC Policy on Protection of Whistleblowers from Retaliation and Procedures for Reviewing Retaliation Complaints, and APM Section APM-190, Appendix A

At its meeting of October 24, 2014, the Irvine Divisional Academic Senate reviewed the proposed revisions to APM- 190, Appendix A. The Council on Faculty Welfare commented on the proposal and suggested a minor clarification. The Committee on Privilege & Tenure reviewed the proposal but did not suggest additional comments.

Council on Faculty Welfare, Diversity, and Academic Freedom (CFW)

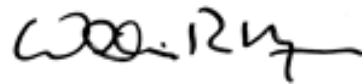
The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the proposed revisions and suggested the following:

The draft for the final review is in response to the feedback offered during the initial two Systemwide reviews during the 2012-13AY. The overall intention of the revisions is to have a Presidential policy that would be available in one place (on the Presidential policy Website) and to avoid duplications within the APM.

The draft language is meant to implement policy requirements mandated by an amendment to the California Whistleblower Protection Act that became effective January 1, 2011, with the intention to ensure that complaints filed under the Whistleblower Protection Policy are addressed within 18 months and to provide a clearer explanation of the whistleblower retaliation complaint process.

The Council discussed the draft policy and felt there was insufficient time for an in-depth review. A cursory review identified no issues of major concern. The changes from the earlier draft appear to be primarily clarifications and the replacement of such language as "reasonable time" with specific time periods. However, what is meant by days is not consistently defined. The Council recommends defining days in terms of calendar, academic calendar or business days.

The Irvine Division appreciates the opportunity to comment.

A handwritten signature in black ink, appearing to read "W. Molzon", written on a white background with a vertical line to its right.

William Molzon, Senate Chair

C: Hilary Baxter, Executive Director, Academic Senate



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SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

November 9, 2014

Mary Gilly, Chair
Academic Council

Re: Systemwide Review of APM 190 – Whistleblower Protection

Dear Mary,

The UC Santa Cruz Division has conducted its part of the final review of proposed revisions to APM 190 – Protection of Whistleblowers. Our P&T provided the majority of our input, noting that some of the proposed new language appears vague and that deadlines for the Locally Designated Official (LDO) should be noted in the policy.

Attachment B, Part II, under “Illegal Order” refers to circumstances that would “unreasonably threaten” the health or safety of an employee. While it may be hard to define “unreasonable” to cover all circumstances, examples of what would be considered unreasonable would enhance the quality of the revision.

Further clarity on the standard for what “promptly” means in reference to sending the Complainant written acknowledgment of complaint receipt under III – Policy Text, Part D – Processing a Complaint would be helpful. There are clear timing deadlines given for the Complainant’s role, but not for the Locally Designated Official’s (LDO) role. This is one example among several where deadlines should be provided for the LDO’s actions as well as the Complainant’s.

Sincerely,

A handwritten signature in cursive script that reads "Don Brenneis".

Don Brenneis, Chair
Academic Senate
Santa Cruz Division

Enclosure

cc: Pamela Peterson, Associate Vice Chancellor
Judith Habicht-Mauche, Chair, Committee on Research
Paul Roth, Chair, Committee on Privilege and Tenure