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*Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

June 14, 2012

**SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL**

Re: Proposed revisions to APM 035 and 190, Appendix A-1

Dear Susan:

As you requested, I sent the proposed revisions to APM 035 and 190, Appendix A-1 for systemwide review. Six divisions (UCD, UCI, UCLA, UCR, UCSB, UCSD) and two committees (UCAP, UCFW) either did not object, or supported the revisions, especially the inclusion of gender and gender expression as protected categories under APM 035. The Senate supports these technical changes to these APM sections.

Senate agencies also offered the following comments. UC Davis requested clarification about how APM 190 applies to students hired to provide instruction, given that the APM addresses academic appointees. UCSD expressed some concern “that the inclusion of executive orders of the Governor seemed to broaden the range of ways in which regulations might be changed.” Finally, UCLA’s Faculty Welfare Committee asked if statistics exist indicating that whistle-blowing has been increasing.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Robert M. Anderson, Chair
Academic Council

Cc: Janet Lockwood, Manager, Academic Policy and Compensation
Nancy Tanaka, Executive Director, Academic Personnel
Academic Council
Executive Director Winnacker

Encl.



OFFICE OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
TELEPHONE: (530) 752-2231

June 4, 2012

ROBERT ANDERSON, CHAIR

University of California
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: Systemwide Review: Revisions to APM 035 (Affirmative Action and Nondiscrimination in Employment) and APM 190 Appendix A-1 Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy.)

The proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees within the schools and colleges for comment. Detailed responses were received from the Committees on Affirmative Action and Diversity and Faculty Welfare as well as Graduate Council.

The Davis Division of the Academic Senate is supportive of the changes proposed to APM 035. The Committee on Affirmative Action and Diversity stated: "We applaud the addition of "gender, gender expression" in the revision of the nondiscrimination clause of APM 035."

Although the Davis Division of the Academic Senate is supportive of the language change proposed for APM 190, the Division would like the University to clarify in what ways this policy also applies to students hired by the University to provide instruction. It is unclear why 'including communication based on, or when carrying out, job duties' is being singled out as 'good faith communication' when the APM is specifically addresses academic personnel positions.

Sincerely,

A handwritten signature in cursive script that reads "Linda F. Bisson".

Linda F. Bisson, Chair
Davis Division of the Academic Senate
Professor: Viticulture and Enology



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

June 11, 2012

Robert Anderson, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: SYSTEMWIDE REVIEW OF APM 035, 190, APPENDIX A-1

At its meeting of June 5, 2012, the Irvine Division Academic Senate reviewed the Proposed Technical Revisions to Academic Personnel Policies (APM) sections 035 and 190, Appendix A-1, which aim to ensure consistency with existing federal and state law. The following comments were presented by the Council on Academic Personnel (CAP), and the Council on Faculty Welfare, Diversity and Academic Freedom (CFW).

Council on Academic Personnel (CAP)

The Council on Academic Personnel reviewed the proposed changes to APM-035, Affirmative Action and Nondiscrimination in Employment, and APM-190, Appendix A-1, Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy). The Council found the revisions, which have been proposed to be consistent with existing federal and state laws, to be non-controversial.

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

APM-035. Affirmative Action and Nondiscrimination in Employment:

The proposed revisions were technical and not substantive. Two new categories, gender and gender expression, were added to the list of those protected from discrimination. Also, the phrase "...as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994." was deleted.

APM-190. Appendix A-1. Policy on Reporting & Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy)

The technical revisions to this APM were written to bring UC policies into conformance with recent California governmental code changes.

The Council did not identify any concerns or objections and the discussion concluded with a vote of approval for the proposed revisions.

The Irvine Division appreciates the opportunity to comment.

A handwritten signature in blue ink, appearing to read "Craig Martens", enclosed in a thin black rectangular border.

Craig Martens, Senate Chair

C: Martha Kendall Winnacker, Executive Director, Academic Senate

June 4, 2012

Robert Anderson
Chair, Academic Council

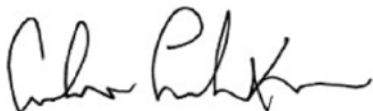
Re: Proposed Revisions to APM 035 and 190

Dear Bob,

Thank you for the opportunity to review and opine on the proposed revisions to APM 035 and 190. Upon receipt of your review request, I distributed the proposal to all Academic Senate committees, with the specific request that the Faculty Welfare Committee, Privilege and Tenure, Charges, the Committee on Diversity and Equal Opportunity, and all FECs respond. I am attaching their comments for your information. The Executive Board, which speaks for the division on such matters, reviewed all responses in addition to the proposed revisions. The UCLA Academic Senate raises no objections to the proposed revisions.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Andrew Leuchter
Chair, Academic Senate

Cc: Martha Kendall Winnacker, Executive Director, Academic Senate
Jaime R. Balboa, Chief Administrative Officer, UCLA Academic Senate

UCLA *Academic Senate*

May 25, 2012

To: Andrew Leuchter
Academic Senate, Chair

From: Joel D. Aberbach
Faculty Welfare Committee Chair

Re: Senate Review of Proposed Revisions to APM 035 and 190

The Faculty Welfare Committee reviewed the Senate Review of Proposed Revisions to APM 035 and 190 Tuesday, April 10, 2012. There were no comments on the items. However, the committee had some questions about whistle-blowing: Are there any available statistics on whistle-blowing at UCLA? Is there evidence to indicate that whistle-blowing has been increasing and, if so, to what extent?

Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Dottie Ayer, Assistant to Chief Administrative Officer, Academic Senate
Brandie Henderson, Policy Analyst, Academic Senate

From: Leary, John
Sent: Tuesday, May 29, 2012 9:00 AM
To: Ayer, Dorothy
Subject: FW: Senate Item for Review--APM 035 and 190 Appendix 1
Importance: High

Hello Dottie,

I truly apologize for the delay here, and I hope we haven't burdened you too much. Per the email below, the P&T Committee endorsed the proposal as written.

Thanks so much,
John

From: Waschek, James [<mailto:jwaschek@mednet.ucla.edu>]
Sent: Tuesday, May 29, 2012 8:35 AM
To: Leary, John
Subject: RE: Senate Item for Review--APM 035 and 190 Appendix 1

Hi John,

You can advise Dr. Balboa that what we endorsed the proposal as written.

Thanks,

Jim

-----Original Message-----

From: Leary, John

Sent: Tuesday, May 29, 2012 9:13 AM

To: Ayer, Dorothy

Subject: FW: Senate Item for Review--APM 035 and 190 Appendix 1

Importance: High

Hello Dottie,

As I'm catching up, I come across this--the email below from the Chair of the Charges Committee, Dr. C. Philip Larson. As he indicates, the Charges Committee endorses the proposal as written.

Please let me know if you need anything else and once again apologies for the delay.

Thanks a lot,
John

-----Original Message-----

From: plarson@ucla.edu [mailto:plarson@ucla.edu]

Sent: Monday, May 28, 2012 3:21 PM

To: Leary, John

Subject: RE: Senate Item for Review--APM 035 and 190 Appendix 1

John: I did not receive any comments from the committee members.
Endorse the proposal as written. Phil L

UCLA *Academic Senate*

May 25, 2012

To: Andrew Leuchter
Academic Senate, Chair

From: Francisco Ramos-Gomez
Committee on Diversity and Equal Opportunity, Chair

Re: Proposed Revisions to APM 035 and 190

The Committee on Diversity and Equal Opportunity reviewed Proposed Revisions to APM 035 and 190. The committee has no objections to the proposed revisions.


Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Dottie Ayer, Assistant to Chief Administrative Officer, Academic Senate
Brandie Henderson, Policy Analyst, Academic Senate

UCLA MEMORANDUM

College Faculty Executive Committee
A265 Murphy Hall

May 14, 2012

To: Andrew Leuchter, Chair
Academic Senate

From: Michael Meranze, Chair 
UCLA College Faculty Executive Committee

Re: Proposed changes to APM 035 (Affirmative Action and Nondiscrimination in Employment) and APM 190 (Whistleblower Policy)

The FEC would like to thank you for the opportunity to opine on the proposed changes to APM 035 and 190 (Appendix A-1). We appreciate the consultative process, however, at this time we decline to take any formal position concerning the revisions.

If you have any questions, you are welcome to contact me at meranze@history.ucla.edu with questions. Kyle Stewart McJunkin, Academic Administrator, is also available to assist you and he can be reached at (310) 825-3223 or kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Lucy Blackmar, Interim Associate Dean, College of Letters and Science



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

MARY GAUVAIN
PROFESSOR OF PSYCHOLOGY
RIVERSIDE, CA 92521-0217
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SENATE@UCR.EDU

June 14, 2012

Robert Anderson
Professor of Economics and Mathematics
UC Systemwide Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Dear Bob,

RE: PROPOSED TECHNICAL REVISIONS TO APM 035 AND 190 – APPENDIX A-1

Five standing Senate committees on our campus, Academic Personnel, Charges, Faculty Welfare, Privilege and Tenure and Diversity and Equal Opportunity reviewed the proposed technical revisions to APM sections 035 and 190, Appendix A-1 which aim to ensure consistency with existing federal and state laws. All the committees had no substantive comments to make and they approve the changes as recommended.

Sincerely yours,

Mary Gauvain
Professor of Psychology and Chair of the Riverside Division

CC: Martha Kendall Winnacker, Executive Director of the Academic Senate
Sellyna Ehlers, Director of UCR Academic Senate office



ACADEMIC SENATE
Santa Barbara Division
1233 Girvetz Hall
Santa Barbara, CA 93106-3050

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(805) 893-2885
<http://www.senate.ucsb.edu>

Henning Bohn, Chair
Deborah Karoff, Executive Director

June 7, 2012

Robert Anderson, Chair
Academic Council

RE: Proposed Revisions to APM 035 and 190-Appendix A-1

Dear Bob,

In the UCSB Division, the Committee on Academic Personnel (CAP), the Council on Faculty Issues and Awards (CFIA) and the Committee on Diversity and Equity (CDE) reviewed the proposed revisions to APM 035 and 190-Appendix A-1. CAP had no formal comment and CFIA and CDE both endorsed the revisions as proposed. CDE also noted that it was useful to have the terms "gender identity" and "gender expression" be presented as separate terms.

Thank you for the opportunity to comment.

Regards,

A handwritten signature in cursive script that reads "Henning Bohn".

Henning Bohn, Chair
Santa Barbara Division



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
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June 4, 2012

Professor Robert Anderson
Chair, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

Subject: Proposed Revisions:

- APM 035 – Affirmative Action and Nondiscrimination in Employment
- APM 190, Appendix A-1 – Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy)

Dear Bob,

The proposed revisions to APM 035 and APM 190, Appendix A-1 were sent to the appropriate Divisional committees for review and comment. With regard to the changes to APM 190, there was some concern that the inclusion of executive orders of the Governor seemed to broaden the range of ways in which regulations might be changed. Overall, reviewers were supportive of the proposed changes.

Sincerely,

A handwritten signature in cursive script that reads "Joel Sobel".

Joel Sobel, Chair
Academic Senate, San Diego Divisioncc: Divisional Vice Chair Masters
Executive Director Winnacker



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
Katja Lindenberg, Chair
klindenberg@ucsd.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

April 26, 2012

BOB ANDERSON, CHAIR
ACADEMIC COUNCIL

RE: APM 035 and 190 APPENXIX 1

Dear Bob,

I have reviewed the proposed revisions to APMs 035 and 190 Appendix 1 and do not object to any of the changes.

Sincerely,

A handwritten signature in cursive script that reads "Katja Lindenberg".

Katja Lindenberg, Chair
UCAP



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
William Parker, Chair
william.parker@uci.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

May 4, 2011

**ROBERT ANDERSON, CHAIR
ACADEMIC COUNCIL**

RE: Proposed Technical Changes to APMs 035 and 190

Dear Bob,

The University Committee on Faculty Welfare has discussed the proposed technical changes to APM 035 (Affirmative Action and Nondiscrimination in Employment) and APM 190 (Whistleblower), and finds no objections to them.

Sincerely,

A handwritten signature in blue ink that reads "William Parker".

William Parker, UCFW Chair

Copy: UCFW
Martha Winnacker, Executive Director, Academic Senate