UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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James Steintrager
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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

March 4, 2024

KEVIN CONFETTI
ASSOCIATE VICE PRESIDENT & CHIEF RISK OFFICER

Re: Revisions to Presidential Policy BFB-BUS-46 (Use of University Vehicles)

Dear Associate Vice President Confetti,

As requested, I distributed for systemwide Academic Senate review the proposed revisions to Presidential Policy BFB-BUS-46 (Use of University Vehicles). All ten Senate divisions and one systemwide committee (University Committee on Faculty Welfare) submitted comments. These were discussed at the Academic Council's February 28 meeting and are attached for your reference.

The Senate reviewed an earlier version of this policy in winter 2018-19.[1] While we appreciate efforts since then to explain the policy's definitions and provisions, concerns persist about its clarity and scope. Council declines to endorse the policy until the previous concerns, as well as several new concerns from the current review process, are adequately addressed. Below is a summary of the feedback; further detailed suggestions can be found in the enclosed packet.

During the 2018-19 systemwide review, faculty reviewers raised questions about the application of the policy to privately-owned vehicles. The current version explicitly states its applicability to such vehicles when used for "University business." With this knowledge, many faculty reviewers expressed concern about its implications for faculty, graduate students, and others who drive personal vehicles for commuting, research and fieldwork activities, and other UC-related professional duties. Specifically, there are concerns that these routine activities may cause individuals to surpass the threshold for "infrequent drivers" outlined in the policy, thereby subjecting them to new requirements. But also, and as noted in the 2018-19 review, the term "University business" is used throughout the policy without an explicit definition, leaving a fundamental ambiguity about its scope. It is unclear whether personal vehicles become "University vehicles" during their use for "University business." In any case, it would be impractical to subject the aforementioned types of activities to this policy.

[1] https://senate.universityofcalifornia.edu/_files/reports/rm-sc-vehicles-and-driver-policy.pdf

The proposed policy introduces new administrative burdens for faculty, including requiring personal vehicle registration for University business and obtaining Motor Vehicle Reports from the California Department of Motor Vehicles Negligent Operator Treatment System. Apart from administrative challenges, this requirement raises privacy concerns and could potentially restrict faculty members from using private vehicles for University business.

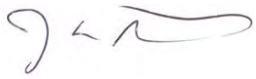
Reviewers also raised questions about the potential for racial bias in the determination of driving offenses for drivers under this policy, given the established links between driving violations and discriminatory racial profiling practices.

Finally, the revised policy does not sufficiently consider sustainability issues. For unspecified reasons, the revision eliminates the definition of alternative/clean fuel vehicles. It also misses an opportunity to promote environmentally friendly options like clean fuel vehicles, ridesharing, and public transit.

In sum, the policy in its current form is overly broad and imprecise, and burdensome on faculty. It appears to be primarily driven by risk management without sufficient consideration of its impact on drivers, especially infrequent ones. We recommend further revisions to provide clear definitions, address concerns about overreach regarding personal vehicle use, and incorporate sustainability principles.

The Council appreciates the opportunity to comment and looks forward to reviewing a revised version of the policy that addresses these concerns. Please do not hesitate to contact me if you have additional questions.

Sincerely,



James Steintrager, Chair
Academic Council

Cc: Academic Council
Executive Director Leonard, General Liability & Property Programs
Vice Provost for Academic Policy and Programs Haynes
Senate Division Executive Directors
Senate Executive Director Lin

Encl:

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

February 20, 2024

JAMES STEINTRAGER
Chair, Academic Council

Subject: Presidential Policy BFB-BUS-46 Use of University Vehicles

Dear Chair Steintrager:

On February 12, 2024, the Council of the Berkeley Division (DIVCO) discussed the proposed revisions to the *Presidential Policy BFB-BUS-46 Use of University Vehicles*, informed by written comments from the Committee on Faculty Welfare (FWEL). DIVCO endorsed the attached comments in full. Please see attached.

DIVCO discussed concerns of how the policy would affect infrequent drivers and believed that the proposed revisions are too broad and driven largely by concerns for risk management, without weighing the costs to some drivers. There is concern for those who drive personal vehicles for research and other professional UC-related duties.

Sincerely,

Maximilian Auffhammer,
Professor of Agricultural & Resource Economics/Political Economy (ARE/PE)
Chair, Berkeley Division of the Academic Senate

Enclosure

cc: Amani Allen, Vice Chair, Berkeley Division of the Academic Senate
Keith Gilless, Co-Chair, Committee on Faculty Welfare
Nancy Wallace, Co-Chair, Committee on Faculty Welfare
Jocelyn Surla Banaria, Executive Director
Patrick Allen, Senate Analyst, Committee on Faculty Welfare

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

February 9, 2024

CHAIR MAXIMILIAN AUFFHAMMER
Academic Senate

Re: Presidential Policy BFB-BUS-46 (Use of University Vehicles)

Dear Chair Auffhammer,

FWEL discussed the proposed revisions to Presidential Policy BFB-BUS-46 (Use of University Vehicles) at its meeting on January 16, 2024. Among our concerns were the new rules for

- Infrequent Drivers: A type of driver who drives for University business for less than 10 hours per month and for whom driving is not an essential job function (see also Frequent Driver and Occupational Driver).
- Infrequent Drivers of University-owned Vehicles must submit a Motor Vehicle Record (MVR) for evaluation by the Executive Officer and receive approval prior to driving a University-owned Vehicle. This process must be repeated annually or the driver must be enrolled in the Department of Motor Vehicles (DMV)'s Employer's Pull Notice (EPN) System.
- Infrequent Drivers must have a valid United States driver license for the class of Vehicle being operated and must have successfully completed any driver training/safety course required by Location or State/Federal law.

As an example of the possible excessively restrictive or not well-defined policies put forth in the document, consider a faculty member who visited a Natural Reserve or Observatory once a month or so, necessitating a long drive (e.g., Sagehen Creek or Angelo Field Stations at more than >3 hours one way, and then to visit treatment sites). What would trigger them knowing they needed to submit an MVR or take a driving course? Is this requirement an undue burden for such everyday events?

The discussion concluded that the policy was overly broad in its risk management scope, especially concerning the proposed oversight of the many faculty members who drove personal vehicles for fieldwork activities.

We appreciate the opportunity to weigh in on this important matter.

Regards,

Nancy Wallace, Co-Chair
Committee on Faculty Welfare

J. Keith Gilless, Co-Chair
Committee on Faculty Welfare

NW/JKG/pga

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February 20, 2024

James Steintrager
Chair, Academic Council

RE: Proposed Revisions to Presidential Policy BFB-BUS-46 Use of University Vehicles

The proposed revisions to Presidential Policy BFB-BUS-46 Use of University Vehicles were forwarded to all standing committees of the Davis Division of the Academic Senate. Two committees responded: Faculty Welfare (FWC) and the Faculty Executive Committee of the College of Engineering (COE).

FWC expresses that the distinction between personal and University vehicles is ambiguous. Do personal vehicles become University vehicles when they are used on university business? FWC also requests clarification of the term "university business." Does university business include commuting to campus or traveling between research centers and faculty offices? Finally, FWC questions whether the University is liable for every faculty member's driving.

The Davis Division appreciates the opportunity to comment.

Sincerely,

Ahmet Palazoglu
Chair, Davis Division of the Academic Senate
Distinguished Professor of Chemical Engineering
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

January 31, 2024

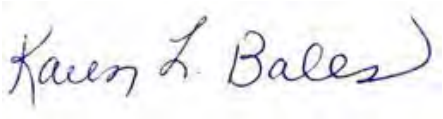
Ahmet Palazoglu
Chair, Davis Division of the Academic Senate

RE: Proposed Revisions to the Presidential Policy BFB-BUS-46, Use of University Vehicles

Dear Ahmet:

The Committee on Faculty Welfare has reviewed the RFC – Proposed Revisions to the Presidential Policy BFB-BUS-46, Use of University Vehicles. The committee questions why a policy concerned with University vehicles applies to the use of personal vehicles. Do personal vehicles become University vehicles when they are used on university business? Does this make the University liable for every faculty member's driving? Committee members also note that "university business" is ambiguous. Does university business include commuting to campus? Traveling between research centers and faculty offices? The distinction between personal and University vehicles and clarification of the term "university business" should occur before this policy comes into effect.

Sincerely,



Karen L. Bales
Chair, Committee on Faculty Welfare

UCI Academic Senate

307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-7685
www.senate.uci.edu

February 21, 2024

Jim Steintrager, Chair
Academic Council

Re: Systemwide Review – Presidential Policy BFB-BUS-46 Use of University Vehicles

Dear Chair Steintrager,

The Irvine Division discussed proposed revisions to Presidential Policy BFB-BUS-46 at its Cabinet meeting on February 20, 2024. The Council on Planning and Budget (CPB) and Council on Research, Computing, and Libraries (CORCL) also reviewed the proposal.

Both councils found the policy reasonable overall but identified several areas where clarification would be helpful. Feedback from both councils is attached for your review.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

Arvind Rajaraman

Arvind Rajaraman, Chair
Academic Senate, Irvine Division

Enclosures: CPB & CORCL memos

Cc: Valerie Jenness, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director

University of California, Irvine

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Council on Research, Computing & Libraries
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February 13, 2024

ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: Proposed Revisions to Presidential Policy BFB-BUS-46 Use Of University Vehicles

At its meeting on January 18, 2024 meeting the Council on Research, Computing, and Libraries (CORCL) discussed the proposed revisions to Presidential Policy BFB-BUS-46 Use of University Vehicles.

While CORCL did not have many substantive concerns, the Council observed that some of the policy provisions may be problematic if interpreted more broadly than intended.

- **III.C.1, Driver Eligibility.** This provision says that people are eligible "to drive on University business subject to fulfilling all driver requirements and receiving approval by the Executive Officer" (which at UCI would be the Chancellor or his designee). Given that III.B.2 allows the use of privately owned vehicles for University business, this eligibility would appear to apply to any faculty member who, e.g., drives a faculty appointments candidate back to the candidate's hotel at the end of a day of on-campus interviews or who, e.g., drives the faculty member's Dean to a local alumni event. The likelihood that every faculty member who does that has formally received approval from the Chancellor seems close to nil. Is the policy intended to forbid such occasional trips without formal driving approval for the faculty member?
- **III.C.2.g, Driver Responsibilities.** Although this section initially refers to "When driving on University business," section g requires that a driver "report[] all moving violations or accidents, regardless of whether the violations or accidents occur while driving on University business, to the Executive Officer within 24 hours." Given that anyone who ever drives even their own vehicle on any University business appears to be defined as an "Infrequent Driver" and is therefore a "driver" subject to this provision, every faculty member would need to report every "accident," which arguably includes every ding of another car in a parking lot at the grocery store, and every moving violation, which presumably includes any ticket for failing to fully stop at a stop sign. It is unclear whether the policy intends to require reporting that broadly. Most faculty members will not understand that this is being required of them, and it is doubtful that the Chancellor's office wants to receive all of those reports.
- **III.B.3, Rented or Leased Vehicles.** The policy says that "Whenever possible travelers are expected to use rental agencies with which the University has" Connexus agreements that include insurance coverage. CORCL assumes the intent is in actuality whenever "practicable." It was noted there are cases where rental costs are much higher from an agency without a Connexus agreement. The Council assumes the policy does not intend to require using the radically more expensive option (even though it is "possible"). Also, CORCL assumes this expectation really means that whenever practicable "travelers on University business are expected to rent Vehicles from" such agencies.
- **III.B.1.f.** It seems odd to say that University Vehicles must be operated "with the utmost regard for their care and cost-efficient and sustainable use" and not to mention the need to operate them with regard for safety.

- **III.B.1.i.** It seems odd for a forward looking policy to say what the University "will" do with respect to 15-passenger vans rather than simply state these items as policy. In addition, it is unclear whether the declaration to "suspend" the purchase of such vans really means to "discontinue" it, or just to suspend it until for some period of time until it is resumed.
- If this policy is to be enforced, appropriate systems such as a ticket reporting mechanism and a car hire approval process should be in place to facilitate them.
- It is unclear what educational measures will be taken to ensure that the university community is appropriately acquainted with any new requirements.
- Further clarification regarding faculty responsibilities when traveling is needed. Some members observed that faculty may find it more convenient to use ride-sharing services like Uber or Lyft even if it becomes enormously expensive.

The Council appreciates the opportunity to comment.

On behalf of the Council,

James Weatherall, Chair

c: Jisoo Kim, Executive Director
Gina Anzivino, Assistant Director
Michelle Chen, CORCL Analyst

University of California, Irvine

Academic Senate
Council on Planning and Budget
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www.senate.uci.edu

February 13, 2024

ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: SYSTEMWIDE REVIEW OF PRESIDENTIAL POLICY BFB-BUS-46 USE OF UNIVERSITY VEHICLES

At its January 25, 2024 meeting, the Council on Planning and Budget (CPB) discussed the proposed revisions to Presidential Policy BFB-BUS-46 Use of University Vehicles.

Overall, CPB found the proposed revisions to be reasonable. The Council offers the following specific comments:

- The policy applies to all drivers who may operate any University vehicle, leased or rented vehicle, or privately owned vehicle while on University business. It is unclear if this includes faculty who are visiting somewhere for a conference or for research. (I. Policy Summary, Page 2)
- CPB observed that the examples listed for "Commercial Vehicle[s]" do not include automobiles or motorcycles. While seemingly obvious, it may be prudent to include them. (II. Definitions, Page 2)
- It is unclear whether there are any legal ramifications of the DMV Employer Pull Notice Program (EPN) rule as it relates to employee privacy. (II. Definitions, Page 2)
- Why is the Executive Officer limited to "Agriculture and Natural Resources or designee?" (II. Definitions, Page 2)
- The policy refers to "essential job function[s]." However, this has not been well defined. (II. Definitions, Page 3)
- The policy is silent on how the Vehicle Collison Review committee is established. Who are the members? Are they appointed or elected? (II. Definitions, Page 4)
- The policy only briefly mentions privately owned vehicles, rented or leased vehicles:

  > *"The use of privately owned vehicles for University business is generally encouraged allowed, and Travel Regulations (BFB-G-28), Business and Finance Bulletin BUS-74/Business Travel Accident Insurance, and Insurance Programs (BFB-BUS-81) should be consulted regarding applicable travel and insurance regulations."*

  These same issues apply if on university business. (III. Policy Statement, B. Vehicle Use, Page 6)
- The policy notes:

  "University insurance programs do not provide coverage for the following: Personal injuries sustained by non-University employees driving University vanpools. Personal injuries sustained by students and non- University employees driving general purpose non-University vehicles."

  It is unclear whether this adequately captures everyone else. Does this apply to the golf carts or other electric powered vehicles that maneuver around campus? (IV. Compliance/Responsibilities, F. Insurance, Page 11)

- There is no mention of alternative fuel vehicles. Are there special considerations regarding these vehicles that should be part of the policy? For example, regarding safety, charging, etc.?

The Council appreciates the opportunity to comment.

On behalf of the Council,

Georges Van Den Abbeele, Chair
Council on Planning and Budget

CC: Jisoo Kim, Executive Director, Academic Senate
Gina Anzivino, Associate Director, Academic Senate
Michelle Chen, CPB Analyst
Stephanie Makhlouf, Cabinet Analyst

UCLA Academic Senate
Executive Board

February 21, 2024

James Steintrager
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Presidential Policy BFB-BUS-46 Use of University Vehicles

Dear Chair Steintrager,

The divisional Executive Board (EB) appreciated the opportunity to review the proposed changes to Presidential Policy BFB-BUS-46 on the use of university vehicles. EB reviewed the proposal and divisional committee and council responses at its meeting on February 15, 2024.

Members voted unanimously in favor of a motion to endorse conditionally the proposed changes, contingent upon addressing concerns from the previous review about the lack of clarity in the definitions of university business and potential overreach regarding the use of personal vehicles.

Members observed that the terms used for university business are not well defined, and urged Administration to address the comments from the Merced division of the Academic Senate from 2019. For example, the definition of "Infrequent Driver: A type of driver who drives for University business for less than 10 hours per month and for whom driving is not an essential job function" may lead to an unintended interpretation where commuting in a personal car to the airport to attend a conference, to another university to give a seminar, taking a job candidate to a lunch, driving to a field research site, or visiting a community-engaged research location would, by default, makes someone an infrequent driver. The result would capture any employee who uses a personal car under the policy, which members presumed would be an unintended outcome. Members indicated that the policy revision needs to adequately address the research mission of the university and its faculty.

Sincerely,

Andrea M Kasko

Andrea Kasko
Chair
UCLA Academic Senate

Cc: Kathleen Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate

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OFFICE OF THE ACADEMIC SENATE
MATTHEW HIBBING, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

February 20, 2024

To: James A. Steintrager, Chair, Academic Council

From: UCM Divisional Council (DivCo)

Re: Systemwide Review of Proposed Presidential Policy BFB-BUS-46 Use of University Vehicles

The proposed revisions to Presidential Policy BFB-BUS-46 Use of University Vehicles were distributed for comment to the Merced Division Senate Committees and School Executive Committees. The Committee on Rules and Elections (CRE) offered comments for consideration. CRE's comments are appended to this memo.

DivCo reviewed CRE's comments and supports its various points and suggestions.

The Merced Division thanks you for the opportunity to comment on these proposed policy revisions.

CC: Divisional Council
Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RULES AND ELECTIONS (CRE)

UNIVERSITY OF CALIFORNIA, MERCED

December 14, 2023

To: Patti LiWang, Chair, Divisional Council

From: Christopher Viney, Chair, Committee on Rules and Elections (CRE)

Re: Presidential Policy BFB-BUS-46 Use of Vehicles & Driver Authorization

The Committee on Rules and Elections evaluated the Presidential Policy BFB-BUS-46 Use of Vehicles & Driver Authorization and offers the following comments.

III.C.2.h (pg.7) Ensuring the cleanliness of University Vehicles both inside and out.
This item "Ensuring the cleanliness of University Vehicles both inside and out" appears in a list of driver responsibilities that is followed by the admonition "Failure to comply with any of these responsibilities could result in disciplinary action, up to and including termination."

According to the letter of this text, a driver could be fired for returning a vehicle that does not meet some arbitrary criterion of cleanliness. It trivializes and adds uncertainty to what is otherwise a list of significant responsibilities.

III.C.3. (pg.7) - Driver Requirements: The following driver requirements will be enforced by the Executive Official. Driver requirements vary by type of driver.
The term "Executive Official" is used instead of the term "Executive Officer" that occurs throughout the rest of the document.

III.G.1. (pg.11) - Traffic/Parking Citations
The restriction "Traffic/parking citations shall not be paid from any source of University funds" could be interpreted to preclude a donor (a source of University funds) from paying for a traffic/parking citation incurred while driving a University Vehicle. The presumed intent of the restriction is to preclude the use of funds controlled by the university, in which case the following re-statement offers better clarity: "Traffic/parking citations shall not be paid from University funds, regardless of the funding source."

V.A.1. (top of pg.16) – Fleet Operations, second sentence:
"The Fleet Operations may delegate these responsibilities..." should read "The Fleet Operations Unit may delegate these responsibilities..."

We thank you for the opportunity to review and comment.

CC: CRE Members
Senate Office

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CHAIR, ACADEMIC SENATE
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February 21, 2024

James A. Steintrager, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review: Revisions to Presidential Policy BFB-BUS-46 (Use of University Vehicles)

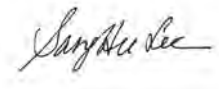
Dear Jim,

The Riverside Executive Council discussed the subject proposed policy revisions during their February 12, 2024 meeting. Members, similar to the comments of responding committees, highlighted concerns about privacy issues, potential data breaches, and lack of clarity around the application of the policy to personal vehicles used to get to research areas (e.g., field work).

While some local standing committees had no comments on the revisions, others, as detailed in the attached had significant concerns including that the policy is too broad and restrictive. There are questions and concerns regarding the necessity of the policy as written, implementation going "too far," as well as questions about the potential of bias and racism in the determination of driving offenses for drivers under this policy. Finally, another committee pointed out the potential for strain on staff time in executing the policy.

I encourage a full reading of the comments and the links provided herewith.

Sincerely yours,



Sang-Hee Lee
Professor of Anthropology and Chair of the Riverside Division

CC: Monica Lin, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

UC RIVERSIDE

College of Humanities, Arts, and Social Sciences
EXECUTIVE COMMITTEE

February 01, 2024

TO: Sang-Hee Lee, Chair
Riverside Division of the Academic Senate

FROM: Wesley Leonard, Chair
CHASS Executive Committee

RE: Systemwide Review of Proposed Presidential Policy BFB-BUS-46 Use of University Vehicles

---

The CHASS Executive Committee (EC) at the University of California at Riverside has reviewed the proposed revisions to Presidential Policy BFB-BUS-46 Use of University Vehicles and would like to provide the following comments:

1. CHASS EC members expressed serious concerns regarding the established links between driving violations and discriminatory racial profiling practices. Research has shown that Black people, especially, have been and continue to be disproportionately targeted for routine traffic stops (see, e.g., https://sc.edu/uofsc/posts/2020/06/racial_disparities_traffic_stops.php). This raises questions about the potential of bias and racism in the determination of driving offenses for University drivers that fall under this policy.

   We advocate the adoption of the California DMV point system, where a letter of warning is sent out for the accumulation of 2 points within 12 months, 4 points within 24 months, and 6 points within 36 months; a notice of intent to suspend the license if a person receive 3 points within 12 months, 5 points within 24 months, and 7 points within 36 months; and suspension of ability to use vehicles and driver authorization for University business when a person receives 4 points within 12 months, 6 points within 24 months, and 8 points within 36 months. See: https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence/negligent-operator-actions/ for reference (last accessed 1/22/2024).

2. Re: “The BUS 46 Policy applies to the use of any UC vehicle (owned or leased) and personal vehicles used in the course of University business”

CHASS EC members raised questions about types of vehicles, and where they can be driven, that are covered by this policy. For example, does the BUS 46 Policy also apply to electric vehicles used on campus sidewalks, roads, and pathways for University purposes, such as golf carts and e-assist bicycles, among others? Research has shown that golf carts, in particular, have been involved in a high number of campus accidents: https://www.ue.org/risk-management/transportation-safety/golf-carts-on-campus/

To address these questions, we suggest inclusion and explicit mention of which vehicles are covered under this policy and a clear definition of what constitutes "highway," as well as inclusion within the text of any additional UC or UCR-specific policies that cover non-highway driven vehicles and where they are able to be used.

3. Aligning with "Sustainability for climate action and environmental justice" as the 5th pillar in UCR's 2030 strategic plan, CHASS EC members believe sustainability should play a more central role in Presidential Policy BFB-BUS-46. Although the idea of supporting sustainability already exists in the current proposal, we call attention to how the associated responsibilities are framed in Section V ("Required Procedures") only as things that *may* happen (e.g., "To ensure growth in ridesharing programs and use of public transit, specific incentives **may be** developed"). This contrasts to the other points in the same section where the actions are required (e.g., "Each Location **will establish** procedures to …", "... **must maintain** records").

UC RIVERSIDE Academic Senate

FACULTY WELFARE

February 1, 2024

To: Sang-Hee Lee, Chair
Riverside Division

From: Abhijit Ghosh, Chair
Committee on Faculty Welfare

RE: [Systemwide Review] Proposal: Revisions to *Presidential Policy BFB-BUS-46 (Use of University Vehicles)*

At our meeting on January 9, 2024, the Committee on Faculty Welfare (CFW) reviewed the proposed revisions to *Presidential Policy BFB-BUS-46 (Use of University Vehicles)*. CFW does not see many significant changes from the previous version of this policy to address our concerns expressed in a previous review and thus retains a majority of the same concerns as those voiced by UCR's then-CFW Chair to UCR's then-Senate Chair in the memorandum dated October 22, 2018.

CFW believes this document is still too broadly written and overly restrictive. Particular questions about the policy that remain include:

1) What is the motivation for this policy? Why is this policy needed?

2) Does the policy apply to a faculty driving their own car to the airport or anywhere else on University business? If so, why?

3) How are the points accrued by the NOTS system used to mete out punishment? If the policy applies to the questions raised in #2 above, would the policy allow the University to suspend the faculty from driving their own car somewhere when trying to get to an academic meeting, field-related classes, etc.? Is this really the intent of the policy? Shouldn't this type of punishment be left up to the police and the DMV?

Furthermore, CFW is concerned that the title of this policy now has "University" removed, changing from "Use of University Vehicles" to "Use of Vehicles and Driver Authorization." This substantiates our belief that the policy is overly restrictive and allows university overreach, as now the policy's title itself suggests the University will police and infringe on the use of our personal vehicles and related driving privileges.

CFW stresses once again that it should be made clear why this policy is needed, especially considering the notably large amount of work that this would add to the plate of staff members who would inevitably have to monitor adherence to and enforcement of this policy.

UC RIVERSIDE Academic Senate

PLANNING AND BUDGET

January 26, 2024

To: Sang-Hee Lee, Chair
Riverside Division

From: Reza Abbaschian, Chair
Committee on Planning and Budget

RE: [Systemwide Review] Proposal: Revisions to Presidential Policy BFB-BUS-46 (Use of University Vehicles)

At our meeting on January 9, 2024, the Committee on Planning and Budget (CPB) reviewed the proposed revisions to *Presidential Policy BFB-BUS-46: Use of University Vehicles*. CPB raised the following questions/concerns:

- Why is the University of California (UC) suspending the purchase of additional 15-passenger vans? Why is the UC initiating a plan to phase out existing fleets of 15-passenger vans?

- What are the proposed revisions' implications for professors taking students to field research? How does this policy impact a professor using a university vehicle (or a personal vehicle) for doing field research with their staff/students?

- How does this policy impact a professor renting a car to drive to meet with their students?

- How does this policy apply to visits to conferences, companies, other universities, etc.?

UC RIVERSIDE | School of Medicine

February 12, 2024

TO: Sang-Hee Lee, Ph.D., Chair, Academic Senate, UCR Division

FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

SUBJECT: Response to [Systemwide Review] Proposal: Revisions to Presidential Policy BFB-BUS-46 (Use of University Vehicles)

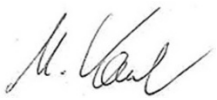
Dear Sang-Hee,

The SOM Faculty Executive Committee has reviewed the proposed Revised Policy: Presidential Policy BFB-BUS-46 Use of University Vehicles and identified several points that need clarification and discussion.

The Committee identified the following challenges with the policy:

- The committee would like to bring your attention to a fact that they (Office of Risk Services (OPRS) partnered with the systemwide UC Driver Vehicle Safety Workgroup (comprised of Risk Management, Environment Health and Safety and Fleet Management staff) revised the policy to include besides the university-owned vehicle fleet also faculty private vehicles. That means that they will request a report from DMV for your driving record and if you have a red-light ticket, etc they will not allow you to use your own vehicle for business. For example, driving to attend a meeting (will not re-imburse). This will not only create extra work for staff but is a problem with the faculty privacy. Every car owner has to have their own car insurance. Therefore, private cars and driver records are not the university's or its committee's purview.
- Overall, members of the FEC considered any request for your DMV record as firstly inappropriate and secondly not practical.
- For occasional drivers (as policy states), which most faculty would fit, some of the requirements are not reasonable.
- Pulling a driver record from the DMV for people who don't drive university-operated vehicles or don't operate vehicles on behalf of the university beyond their own work-related driving seems highly problematic and inappropriate in terms of privacy, also because there is no guideline of how the records will be kept safe, confidential, and who gets to see the information.
- It's also unclear what the required qualifications are for people on the committee(s), such as the Vehicle Collision Review Committee (VCRC).
- Another comment: Under the pretense of safety, this proposed policy seems to have taken things a bit too far. In private industry, its common practice for an employer to monitor those that have commercial licenses and whose primary role is to drive on behalf of the operation. Neither of that applies here for faculty. The proposed procedure also places an unreasonable amount of bureaucratic effort on staff and reduces the ability of faculty to perform their duties. … What will likely be the outcome if this is implemented is that faculty will be using more expensive forms of transportation, or not seek reimbursement for business travel. The university will also need to hire additional personnel to run what appears to be a shadow system of what the DMV already does (investigating collisions, evaluating driver quality, etc). Globally, this will just lead to more expense and less faculty productivity without any material impact on safety.

Yours sincerely,



Marcus Kaul, Ph.D.
Chair, Faculty Executive Committee School of Medicine

UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD

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February 21, 2024

Professor James Steintrager
Chair, Academic Senate
University of California
VIA EMAIL

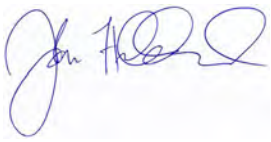
Re: Divisional Review of Proposed Presidential Policy BFB-BUS-46 Use of University Vehicles

Dear Chair Steintrager,

The proposed Presidential Policy BFB-BUS-46 Use of University Vehicles was distributed to San Diego Divisional Senate standing committees and discussed at the February 12, 2024 Divisional Senate Council meeting. Senate Council opposed the proposal because the draft policy lacks clarity and the ambiguities in the policy are problematic. Council noted that as drafted, the policy might introduce administrative burdens for faculty and recommended that the draft be revised further to clarify what is expected of faculty when using private vehicles for university business. It was also noted that a cost is associated with Motor Vehicle Report (MVR) requests, and it is unclear if the driver is expected to incur this cost.

The response from the Divisional Committee on Faculty Welfare is attached.

Sincerely,



John A. Hildebrand
Chair
San Diego Divisional Academic Senate

Attachments

cc: Olivia A. Graeve, Vice Chair, San Diego Divisional Academic Senate
Lori Hullings, Executive Director, San Diego Divisional Academic Senate
Monica Lin, Executive Director, UC Systemwide Academic Senate

February 2, 2024

JOHN HILDEBRAND, CHAIR
Academic Senate, San Diego Division

SUBJECT: Proposed Presidential Policy BFB-BUS-46

The Committee on Faculty Welfare discussed the proposed Presidential Policy BFB-BUS-46 Use of University Vehicles at its January meeting. We recognize the importance of correctly managing risks and liabilities, particularly given the sheer size of the University of California. We were confused, nonetheless, about the nature of this policy.

At one level, the policy seems to be underspecified. In addition to university-owned vehicles, the policy applies to vehicles used by employees in the conduct of university business. Would this include, for example, using a private vehicle to attend a work-related event in Southern California? If one were to be in an accident in such situation, would we be covered by the University of California's insurance? Links to the additional policies are equally unclear and provide neither information about who can make claims and how they should be made. These kinds of ambiguities in the policy are problematic.

At another level, this policy might introduce additional administrative burdens for faculty. As far as we understood, employees who use vehicles for university business must register these and documents such as driving licenses with campus. How this is done is unclear. Should we provide our MSOs with copies of our licenses? Or our Chairs? This policy is unclear and may introduce a burden for faculty, at least on paper. A revised policy, with greater clarity as to what is expected of faculty when using private vehicles for university business, and that does not add unnecessarily to our workloads, would be welcome.

Sincerely,

Juan Pablo Pardo-Guerra, Chair
Committee on Faculty Welfare

cc: O. Graeve

UCSF Academic Senate

http://senate.ucsf.edu

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Steve Hetts, MD, Chair
Errol Lobo, MD, PhD, Vice Chair
Thomas Chi, MD, Secretary
Kathy Yang, PharmD, MPH, Parliamentarian

February 21, 2024

James Steintrager
Chair, Academic Council
Systemwide Academic Senate
University of California Office of the President
1111 Franklin St., 12th Floor
Oakland, CA 94607-5200

Re: Systemwide Review of Proposed Presidential Policy BFB-BUS-46 Use of University Vehicles

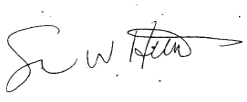
Dear Chair Steintrager:

The San Francisco Division of the Academic Senate is pleased to provide its comments on the Systemwide Review of the proposed *Presidential Policy BFB-BUS-46 Use of University Vehicles*. UCSF appreciates the proposed revisions to this policy, especially its emphasis on vehicular safety and ts application to all drivers on University business, not only UC employees. Our Committee on Sustainability (SUST) has formally submitted comments, and while we support the revised policy on the whole, our Division feels that it could be better focused on sustainability in terms of both its guidance on vehicle types, as well as commuting modes and/or terminology.

With this in mind, SUST noted that the definition of alternative/clean fuel vehicles was removed from the revised policy. While such guidance may have found a place in the *Presidential Policy on Sustainable Practices or the Policy on Purchases of Goods and Services*, SUST advises that appropriate University policies must continue to emphasize the use of clean fuel vehicles, which is even more relevant given the fact that California has banned sales of new gasoline-powered cars by 2035.

Also, SUST suggests clarifying the policy by replacing “ridesharing programs” with terms like “shared transportation” or “ride pooling” to better capture the intent of promoting environmentally sustainable transport options, thereby avoiding confusion with services like Uber and Lyft that may not align with this goal, and in many cases, are not any more sustainable than driving alone.

Thank you for the opportunity to opine on the revisions to this important policy. If you have any questions, please let me know.



Steven Hetts, MD, 2023-25 Chair
UCSF Academic Senate

Enclosures (1)
Cc: The Committee on Sustainability (SUST)

UCSF Academic Senate

http://senate.ucsf.edu

Communication from the Committee on Sustainability

Marya Zlatnik, MD, Chair

February 14, 2024

TO: Steven Hetts, Chair of the UCSF Division of the Academic Senate

FROM: Marya Zlatnik, Chair, UCSF Committee on Sustainability

CC: Todd Giedt, Executive Director of the UCSF Academic Senate Office

RE: Systemwide Review of Proposed Presidential Policy BFB-BUS-46 Use of Vehicles and Driver Authorization

Dear Chair Hetts:

The Academic Senate Committee on Sustainability (SUST) writes to comment on the Systemwide Review of Proposed Presidential Policy BFB-BUS-46 on the Use of Vehicles and Driver Authorization. SUST is generally supportive of the policy but would like to provide two comments related to our charge to promote environmental sustainability.

First, SUST noted that the definition of alternative/clean fuel vehicles was removed from the revised policy, and the policy provides no guidance to campuses regarding recommended or preferred vehicle types. SUST is a strong advocate for the use of clean fuel vehicles, and particularly electric vehicles, to reduce the University's carbon footprint. Creating a future in which zero emission commutes predominate, followed by very low emission commutes, is necessary to promote the health and safety of all Californians. Furthermore, California has banned sales of new gasoline-powered cars by 2035, and university policies should support a quick transition to adapt to the new landscape and likely infrastructure changes.

SUST acknowledges that guidance regarding vehicle procurement may be more appropriately placed in the Presidential Policy on Sustainable Practices or the Policy on Purchases of Goods and Services. However, SUST advises that the appropriate University policies must continue to emphasize the use of clean fuel vehicles, especially because alternative/clean fuel vehicles are no longer defined or discussed in this policy.

Second, SUST is supportive of the policy encouraging campuses to develop sustainable transportation programs and would support even stronger language (e.g., requiring campuses to create sustainable transportation programs by a certain date), if any such revisions are under consideration. However, SUST feels that the term "ridesharing programs" is confusing in this context, as "ridesharing" can also refer to the services offered by companies like Uber and Lyft, which are not necessarily more sustainable than self-driving. Alternative terms to describe carpooling, vanpooling, and so forth that may be clearer include "shared transportation," "commute sharing," or "ride pooling." SUST recommends identifying an alternative term to use throughout the document to avoid confusion.

Thank you for the opportunity to comment on this systemwide review. Please contact me or Academic Senate Analyst Liz Greenwood (liz.greenwood@ucsf.edu) if you have any questions on these comments.

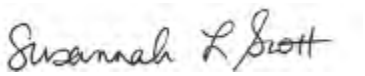
UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
http://www.senate.ucsb.edu

February 21, 2024

To: Jim Steintrager, Chair
Academic Senate

From: Susannah Scott, Chair
Santa Barbara Division 

Re: Systemwide Review of Proposed Presidential Policy BFB-BUS-46 Use of University Vehicles

The Santa Barbara Division does not wish to opine on the revisions to the Proposed Presidential Policy BFB-BUS-46 Use of University Vehicles.

We thank you for the opportunity to comment.

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(831) 459 - 2086

February 20, 2024

JAMES STEINTRAGER
Chair, Academic Council

Re: **Systemwide Review of Proposed Presidential Policy BFB-BUS-46 Use of University Vehicles**

Dear James,

The Santa Cruz Division of the Academic Senate has completed its review of the proposed Presidential Policy BFB-BUS-46 Use of University Vehicles, the Committee on Research (COR) providing comment. Overall, the committee found the proposed policy to be reasonable but overbroad with regard to special circumstances that arise in the course of research projects. Specifically, COR noted that further refinement in key areas of the proposed policy is needed, and offered the following observations:

- A definition for the term "University Business" should be provided in Section II since it is used extensively throughout the document. It is not clear what categories of activities this term is meant to cover.
- Of particular concern is section III.C.3 on "Infrequent Drivers", which could be read to apply very broadly. For example, do these requirements apply to university employees driving (on extramural-grant-funded travel) to the airport or field locations in their private vehicles? What about independent contractors who are paid by the university to help on a research project for a short period of time, and need to drive equipment or personnel? Do the same requirements apply to drivers of rental vehicles?
- What effect will classification of university personnel as "infrequent drivers" (or other classifications) have on individual liability while driving on university business?

On behalf of the Santa Cruz Division, I thank you for the opportunity to comment on this proposed policy.

Sincerely,

P. Gallagher

Patty Gallagher, Chair
Academic Senate, Santa Cruz Division

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UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
John Heraty, Chair
heraty@ucr.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

February 21, 2024

JAMES STEINTRAGER, CHAIR
ACADEMIC COUNCIL

RE: Proposed Revised Presidential Policy BFB-BUS-46 Use of Vehicles and Driver Authorization

Dear Jim,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed Revised Presidential Policy BFB-BUS-46 Use of Vehicles and Driver Authorization, and we have several concerns which prevent us from supporting the revisions at this time.

Our primary concern focuses on the addition of personal vehicles in the policy and the unclear definition of "university business". Members raised the examples of field research or even field trips, and whether fleet vehicles would be appropriate for those uses in potentially remote areas, where personal vehicles might be of more utility. Others raised the example of intra-campus commutes to go from class to a lab or to a clinic – is that use of a personal vehicle for university business? Are all commutes university business?

The limitations of the policy were also noted. Coverage of accidents suffered in personal vehicles while on university business is limited to medical expenses, not mechanical expenses, for example. If personal vehicles are covered, depending on notified usage, what accompanying compliance is involved: will proof of vehicle inspection be required, and who bears that cost? Additionally, we assume training will be required, adding to the administrative burden faculty already face. There are also rules that enforce whether someone can drive a university vehicle that would not affect use of a personal vehicle. Is there coverage still available?

A lack of support for the policy and the proposed revisions was lacking. Relevant state laws were not indicated, and feedback on previous revisions to the policy seem to have been largely overlooked[1].

UCFW strongly support the removal of any reference to personal vehicles in this document and the return of it to the original policy for use of a "university vehicle". We also propose the development of a separate policy for "personal vehicle use" on university business that can better focus on the unique issues associated with this aspect and how it can better protect employees conducting valid university business.

We might also note what many consider a disturbing trend in several recent UC decisions: A focus on institutional liability rather than individual well-being.

Thank you for your attention to this important matter.

[1] https://senate.universityofcalifornia.edu/_files/reports/rm-sc-vehicles-and-driver-policy.pdf

Sincerely,

John Heraty, UCFW Chair

Copy: UCFW
Monica Lin, Executive Director, Academic Senate
Steven W. Cheung, Academic Council Vice Chair