



Kum-Kum Bhavnani
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Vice 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

July 9, 2019

SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL

Re: Proposed new APM Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

Dear Susan,

As requested, the proposed new APM 011 was distributed for systemwide Academic Senate review. All ten Academic Senate divisions and two systemwide committees (UCFW and UCPT) submitted comments. These comments were discussed at Academic Council's June 26, 2019 meeting. They are summarized below and attached for your reference. Chair May, appointed as co-Chair of the Task Force, recused himself for this item. Vice Chair Bhavnani chaired the discussion.

As you know, APM 011 was proposed by a Joint Task Force on Scholarly Obligations and Protections for Non-Faculty Academic Appointees after consulting a wide range of stakeholder groups, including the represented librarians. APM 011 commits the University to recognizing the professional standards and responsibilities of non-faculty academic appointees who contribute to the academic mission of the University, and to ensuring that those standards are respected. The policy also clarifies that the academic freedom protections outlined in APM 010 (Academic Freedom) adhere to faculty who engage in teaching and research and are obligated by the commensurate responsibilities outlined in APM 015 (the Faculty Code of Conduct). Finally, the policy outlines grievance procedures for non-faculty academic appointees who allege violations of APM 011.

The Academic Council applauds the Task Force's efforts to extend academic freedom to librarians and other non-faculty academic appointees, and it enthusiastically supports the proposed policy. However, Council also shares concerns expressed by Senate reviewers about possible unintended consequences. We ask the Task Force to consider these comments and concerns, address problematic provisions to the extent possible, and circulate the policy for a second systemwide review.

First, Senate reviewers note that the extensive list of 61 new job titles to whom academic freedom is extended through APM 011, found in APM-112-4(b), is overly broad. In addition, given that the policy will extend campus Privilege and Tenure Committees' responsibility to an

entirely new population and class of cases, several divisions and local P&Ts have raised concerns about the increased workload associated with the review and adjudication of academic freedom grievances from individuals in those titles. It may be difficult to rely on the Senate to consider thousands of additional individuals within the grievance structure, and Council encourages the Task Force to carefully review the list of titles and consider a more restricted list.

We also recommend that the Task Force investigate the extent to which the new policy is in fact likely to result in a larger case load for P&T committees. As with the recent revisions to Senate Regulation 336, we would then like to secure commitments from the administration concerning funding to cover any additional costs.

Council also encourages the Task Force to consider one Division's recommendation that the norms and values of professional organizations external to the University to are aligned with UC values, before those organizations are recognized by the system.

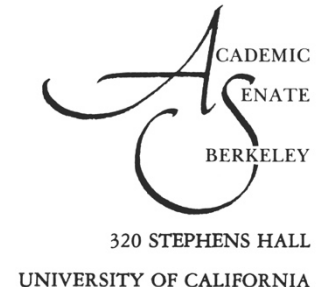
Thank you again for the opportunity to review the policy. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink, reading "Kum-Kum Bhavnani" with a small flourish at the end.

Kum-Kum Bhavnani, Vice Chair
Academic Council

cc: Provost Brown
Academic Council
Senate Directors



May 14, 2019

ROBERT MAY
Chair, Academic Council

Subject: Proposed New Academic Personnel Manual (APM), Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

Dear Robert,

On April 29, 2019, the Divisional Council (DIVCO) of the Berkeley Division discussed the proposal cited in the subject line, informed by commentary of our divisional committees on Academic Freedom, Budget and Interdepartmental Relations, and Library. DIVCO endorsed the proposal. We appreciate the expeditious attention to this matter.

Sincerely,

Barbara Spackman
Chair, Berkeley Division of the Academic Senate
Cecchetti Professor of Italian Studies and Professor of Comparative Literature

Cc: Ty Alper, Chair, Committee on Academic Freedom
Raka Ray, Chair, Committee on Budget and Interdepartmental Relations
Daniel Blanton, Chair, Committee on the Library
Will Lynch, Manager, Committee on Budget and Interdepartmental Relations
Linda Corley, Senate Analyst, liaison to the Committee on Academic Freedom
Sumali Tuchrello, Senate Analyst, liaison to the Committee on the Library



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

June 19, 2019

Robert May
Chair, Academic Council

RE: Proposed APM – 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

Dear Robert:

The proposed APM – 011 was forwarded to all standing committees of the Davis Division of the Academic Senate. Four committees responded: Academic Freedom and Responsibility (CAFR), Academic Personnel Oversight (CAP), Faculty Welfare, and Privilege and Tenure (P&T) Investigative.

Overall, committees support the proposed text. Faculty Welfare suggests including a clause requiring inclusion of a non-faculty academic appointee on panels that hear APM – 011 grievances filed by non-faculty academic appointees. P&T, noting the “reference to APM 112-4b and titles covered within this policy,” suggests clarifying if “the proposed procedures for the grievance process for non-Senate appointees [are] appropriate for student employees” and whether “athletic coaches [are] covered in the new policy.”

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, reading "Kristin H. Lagattuta".

Kristin H. Lagattuta, Ph.D.
Chair, Davis Division of the Academic Senate
Professor, Department of Psychology and Center for Mind and Brain

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

Academic Freedom & Responsibility

May 29, 2019 8:11 AM

The Committee on Academic Freedom and Responsibility discussed proposed APM-011 at its meeting on May 13, 2019. The Committee strongly endorses the proposed policy's recognition of the academic freedom and professional responsibilities of non-faculty academic appointees and unanimously supports adopting APM-011 in its current form.

Faculty Welfare

May 29, 2019 1:14 PM

There are two issues here 1) System wide and 2) UC Davis implementation.

On the first item: The system wide letter before the actual draft APM states "The Regents recognize that faculty participation in the shared governance of the University of California through the agency of the Academic Senate ensures the quality of instruction, research and public service at the University and protects academic freedom" (Bylaw 40.1).

However, this vision of shared governance excludes non-faculty academic appointees in matters pertaining to them. APM-011 has a grievance procedure that follows Senate Bylaw 335. This grievance procedure excludes non-faculty academic appointees because it goes before the the Academic Senate Committee on Privilege and Tenure - a committee that consists entirely of Academic Senate members. It is not until the Committee on Privilege and Tenure has determined that it is not a matter of Academic Freedom that a non-faculty academic appointee can file a grievance under APM-140 alleging violation of professional standards. At this point, a non-faculty academic appointee becomes part of the adjudication process.

The Faculty Welfare Committee believes it is a good idea to insert a clause to the Proposed APM 011 indicating that if a non-faculty academic appointee files a grievance, then a non-faculty academic appointee shall be appointed to any panel that hears the grievance. I.e. in cases where there are violations of Academic Freedom alleged by a non-faculty academic appointee, the adjudication should include a non-faculty academic appointee." Each division will determine how this person is nominated.

On the second item: Academic Federation is unique to UC Davis. As such, the UC Davis implementation would substitute Academic Federation member for non-faculty academic appointee. And in the Davis division, the person appointed will be done so under the By-Laws of the Academic Federation.

To: Kristin Lagattuta, Chair, Davis Division of the Academic Senate

Date: June 04, 2019

Re: Privilege & Tenure Investigative Committee Response to the Request for Consultation: Proposed APM 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

The Privilege & Tenure Investigative Committee reviewed the RFC: Proposed APM 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees and are overall supportive of extending academic freedom rights to non-Senate academic appointees. However, the committee did have two questions regarding this new policy:

1. Based on the reference to APM 112-4b and the titles covered within this policy, are the proposed procedures for the grievance process for non-Senate appointees appropriate for student employees?
2. Are athletic coaches covered in the new policy?

June 7, 2019

Robert May, Chair
Academic Council

**RE: Systemwide Senate Review of Proposed New Academic Personnel Manual Section 011 –
Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty
Academic Appointees**

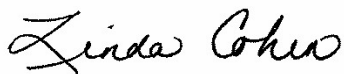
On our campus, the Committee on Privilege and Tenure (CPT), Council on Research, Computing, and Libraries (CORCL), and Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the proposed new section of the Academic Personnel Manual. The Councils' individual responses are attached. While CORCL and CFW supported the proposed new section of the APM, CPT expressed several concerns. The Senate Cabinet discussed the Councils' feedback at its meeting on June 4, 2019.

CPT expressed concern that the list of titles to which this section would apply (listed in [APM 112.4.b](#)) is overly broad, and suggested that crafting language to apply more narrowly to groups only for which concerns about academic freedom have arisen, including librarians, would be more appropriate. The Cabinet suggests that APM 112.4.b be revised to include an updated list of titles to whom APM 011 would apply.

The Cabinet agreed with CPT's conclusion that it would be problematic to extend academic freedom to appointees with tangential and often temporary relationships to the university, such as Clinical Associates, Clinical Affiliates, and Clinical Professor Volunteers, and trainee or student titles including Postdoctoral Fellows, Graduate Student Researchers, Graduate Student Assistant Researchers, and Readers. The Cabinet strongly supports extending the protections and responsibilities of academic freedom to librarians, but is concerned that the new section of the APM as written includes titles for which extending academic freedom is not appropriate or necessary.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Linda Cohen, Chair
Academic Senate, Irvine Division

Enclosures: CPT memo dated 5/23/19
CORCL memo dated 5/20/19
CFW memo dated 5/22/19

C: James Steintrager, Chair Elect, Academic Senate
Donald Senear, CPT Chair
Jeffrey Barrett, CORCL Chair
Stephen Tucker, CFW Chair
Julie Kennedy, CPT and CFW Analyst
Michelle Chen, CPB and CORCL Analyst
Kate Brigman, Executive Director, Academic Senate



May 23, 2019

**LINDA COHEN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

RE: Proposed New Academic Personnel Manual (APM), Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees (APM- 011)

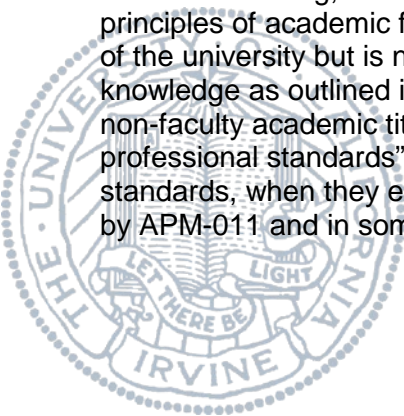
At its meeting on May 23, 2019, the Committee on Privilege and Tenure (CPT) reviewed the proposed new Academic Personnel Manual Section 011 (APM-011), Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees. The proposed new policy is intended to address the academic privileges, rights, obligations, and responsibilities of non-faculty academic appointees.

The Committee would like to submit the following comments and concerns regarding this policy as proposed:

First, the Committee was not uniform in its assessment. Some members find the principle of extending academic freedom to non-faculty academic appointees functioning as academics to be an attractive philosophical position. However, others felt that the policy is overly-broad and vague with a few considering it flawed under any circumstances.

The need to extend academic freedom to some non-faculty academics seems evident, in particular those those charged with building and maintaining collections such as librarians and curators. But the Committee questions why this policy would apply to all appointees with titles listed in APM-112-4(b). In particular the Committee is concerned that some appointees have only tangential and often temporary relationships to the university such as Clinical Associates, Clinical Affiliates and Clinical Professor Volunteers. Appointees in other titles are unlikely to engage in teaching, research and scholarship or public dissemination of knowledge as defined in APM-011 such as Substitute Teacher, Nursery School Teacher, Nursery School Assistant and Faculty Consultant. Still other titles are restricted to students such as Graduate Student Researcher and Reader. Even Postdoctoral Fellows are fundamentally trainees. It is unclear what motivated the establishment of this policy, and which specific issues it aims to alleviate or resolve. It might be better to identify those and target the policy more precisely.

CPT is also concerned about the scope of activities to which APM-011 will apply. The interface between teaching, research and scholarship or public dissemination of knowledge to which principles of academic freedom will apply and other work that supports the fundamental mission of the university but is not teaching, research and scholarship or public dissemination of knowledge as outlined in APM-010 is ill-defined. This is likely to vary widely among the different non-faculty academic titles in accord with very different “applicable, acknowledged, national, professional standards” that will apply to their activities. The Committee notes that these same standards, when they exist, presumably also apply to activities that are intended to be covered by APM-011 and in some cases may actually conflict with the simple concept of academic



freedom. The Committee is disappointed by the lack of guidance in the new policy. Presumably, the expectation is that case law will develop as resulting from adjudication of individual situations. This seems likely to lead to discrepancies over time and between divisions.

The Committee also finds the issue of academic judgment to be unclear in cases of disagreement between non-faculty academic appointees and faculty supervisors. While it notes the statement requiring academic appointees to perform duties and functions mandated as part of their employment, this is an area that is likely to generate much disagreement. This will place a burden on CPT, but of greater concern is the potential effect on external funding sources that often support non-faculty academics, particularly in research laboratory settings, and the ability of supervising faculty to address the terms of those funding sources while cases are being adjudicated.

Finally, the last statement in the policy is unnecessary. While we note that this reflects the language in APM-010, it seems a bit pretentious for the University to presume that it has a role in extending constitutional rights.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Donald Felt Senear". The script is cursive and fluid, with the first name "Donald" being the most prominent.

Donald Senear, Chair
Committee on Privilege and Tenure

C: Kate Brigman, Executive Director, Academic Senate
Julie Kennedy, CPT Analyst

May 20, 2019

LINDA COHEN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: Proposed Revisions to APM-011: Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

At its meeting on April 18, 2019, the Council on Research, Computing, and Libraries (CORCL) discussed the proposed revisions to APM-011: Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees.

The proposed policy affirms the protections and responsibilities under APM-010 (Academic Freedom) and APM-015 (Faculty Code of Conduct) extend to all academic appointees when they are engaged in teaching, research, scholarship, or the public dissemination of knowledge. APM-011 would additionally extend to non-faculty academic appointees protections for work not in these categories, but which nevertheless contributes to and supports the academic mission of the university. The revisions specify procedures for the adjudication of grievances of alleged violations of the protections adumbrated by the policy.

The Council strongly approves of the proposed policy. It addresses a gap in the university's guarantee of academic freedom. The working group constituted to develop the draft policy appears to have performed due diligence in consulting with key stakeholders, including the Council of University Librarians, Vice Chancellors for Research, Librarians Association of the University of California, UC_AFT Librarians, UAW Postdoctoral Scholars and Academic Researchers. We believe that adoption will serve as another instance where the UC is ahead of the curve on a key academic issue.

The Council appreciates the opportunity to comment.

On behalf of the Council,



Jeffrey A. Barrett, Chair

c: Kate Brigman, Executive Director
Michelle Chen, CORCL Analyst



May 22, 2019

**LINDA COHEN, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

**Re: Proposed New Academic Personnel Manual (APM), Section 011,
Academic Freedom, Protection of Professional Standards, and
Responsibilities of Non-Faculty Academic Appointees (APM- 011)**

At its meeting on May 14, 2019, the Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the proposed new Academic Personnel Manual Section 011 (APM-011), Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees. The proposed new policy is intended to address the academic privileges, rights, obligations, and responsibilities of non-faculty academic appointees.

The Council voted unanimously in support of the proposed policy.

Sincerely,



James Danziger, Interim Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

C: Kate Brigman, Executive Director
Academic Senate



June 21, 2019

Robert May
Chair, Academic Council

RE: Systemwide Senate Review: Proposed New Academic Personnel Manual, Section 011

Dear Robert,

The Executive Board of the UCLA Academic Senate discussed the Proposed New Academic Personnel Manual, Section 011, at its meeting on June 6, 2019. The Executive Board solicited comments from standing committees of the Senate, as well as the Faculty Executive Committees, to maximize faculty feedback; the individual responses received are attached.

Several areas were identified that need clarification or, where supportive, expressed concerns regarding implementation. The Executive Board discussed the issues raised by the College Faculty Executive Committee and the Faculty Welfare Committee, specifically, concern about the possible infringement of the contract on Unit 18 and the need to protect the judicial committees from too many additional burdens if further academic freedom claims were forthcoming. It was noted, however, that the concern over Unit 18 may be a misunderstanding since this applies to “non-faculty” academic employees. There seems to be some confusion of the involvement and purview over Unit 18 and clarification is recommended; the Senate’s purview is unclear.

The Executive Board was visited by Vice Chancellor Academic Personnel who reported that, although the Academic Personnel may handle Unit 18 issues, such as termination, the final decision is usually made by Legal Counsel or CHR.

The Executive Board appreciates the opportunity to opine. Please feel free to contact me should have any questions.

Sincerely,



Joseph Bristow
Chair, UCLA Academic Senate

cc: Hilary Baxter, Executive Director, Systemwide Academic Senate
Sandra Graham, Immediate Past Chair, UCLA Academic Senate
Michael Meranze, Vice Chair/Chair-Elect, UCLA Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate

May 29, 2019

Professor Joseph Bristow
Chair, UCLA Academic Senate

Re: Proposed Addition to the APM: APM 011 “Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees”

Dear Chair Bristow,

We would like to thank you for the opportunity to respond to the proposal to add a new section to the Academic Personnel Manual (APM) meant to address academic freedom concerns of non-faculty academic appointees. The Privilege & Tenure Committee members have reviewed the proposal and have one very important concern.

The proposal’s description of grievances is quite confusing. The proposal states: “The Academic Senate has authority to adjudicate violations of academic freedom as defined in APM-010. Grievances concerning academic freedom shall be adjudicated according to the privilege and tenure procedures specified by Senate Bylaw 335.” This APM will cover the 61 academic titles in APM 112. The Privilege and Tenure Committee has absolutely no capacity to review even 1 more academic title—let alone 61. This is untenable. If this is poorly worded and not the intention of the proposed policy, even the provision that the Academic Senate is responsible for determining whether a grievance falls under protections “guaranteed under APM 010” (unclear why this refers to 010 and not 011) is not workable under the current capacity of the possibly relevant committees.

The Privilege and Tenure Committee does not agree that this policy should go into effect without a more deliberative review of how it is to be interpreted and enforced.

Sincerely,


Sheryl Kataoka

On behalf of the members of the Privilege & Tenure Committee: Avaniidhar Subhrmanyam, Norweeta Milburn; Vilma Ortiz; Patricia Johnson; Barry O’Neill; Sherod Thaxton

cc: Linda Mohr, CAO, Academic Senate
Marian Olivas, Committee Analyst, Committee on Academic Freedom

June 5, 2019

Professor Joseph Bristow
Chair, UCLA Academic Senate

Re: Proposed Addition to the APM: APM 011 “Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees”

Dear Chair Bristow,

We would like to thank you for the opportunity to respond to the proposal to add a new section to the Academic Personnel Manual (APM) meant to address academic freedom concerns of non-faculty academic appointees. The Academic Freedom Committee reviewed the proposal at its meeting on May 10, 2019. The Committee had the following concerns:

Because the idea of creating a separate APM policy specifically for non-faculty academic appointees seems to have arisen chiefly out of a concern for the academic freedom of librarians, the Committee discussed the proposed APM with librarians in mind. However, some of the comments would apply to other non-faculty academic titles as well. Where non-faculty academics are engaged in independent scholarship such as lectures, presentations, and their own research and writing, academic freedom certainly applies. The Committee did express concerns, however, as to whether librarians or other non-faculty academics working in the service of the faculty should have the freedom to exercise independent academic freedom in all aspects of their duties. For example, a Senate member (including the University Librarian) might make a research or acquisition request for controversial material. Should a librarian have independent academic freedom to refuse such a request based on their own academic freedom? In the opinion of the Committee, librarians should have no independent right to claim academic freedom in order to veto collection development or research requests. The same concern could be applied to other non-faculty titles under the authority of Senate faculty.

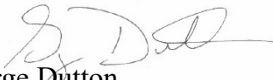
The Committee also has serious concerns about the extremely broad list of non-faculty titles this purports to cover. The draft applies to “academic titles listed in APM 112-4 (b),” This is a list of sixty-one distinct titles, each with differing levels of responsibilities and reporting hierarchies. APM-010 already stipulates that its assertion of academic freedom for faculty is not meant to “diminish the rights and responsibilities enjoyed by other academic appointees.” The proposed APM 011 attempts to “address how these concepts apply or do not apply to non-academic appointees.” However, it makes no attempt to explain when they may not apply. There is also no statement parallel to that in APM 010 that rights asserted in APM 011 are not meant to diminish the academic freedom of faculty.

Lastly, the proposed APM is quite unclear as to exactly how these 61 titles are to pursue complaints that academic freedom has been violated. Some of the titles involved have union contracts, which already address academic freedom. There are references to an “Academic Senate” review of

academic freedom complaints, but our Committee has no such process in place to review individual academic freedom grievances, nor would we have the capacity to review that many titles if we did.

In sum, our Committee is opposed to the proposed APM 011 as currently written. While the intent is good, the proposed APM 011 has the potential to create situations that might encroach on the academic freedoms of faculty, while also creating considerable problems with respect to enforcement. It seems most reasonable to keep the protection already provided in APM 010 and let the individual academic titles and their own representative bodies create provisions that would allow for review of complaints.

Sincerely,



George Dutton
Chair, Committee on Academic Freedom

cc: Members of the Committee on Academic Freedom
Linda Mohr, CAO, Academic Senate
Marian Olivas, Committee Analyst, Committee on Academic Freedom

Academic Senate Executive Office
Los Angeles Division
3125 Murphy Hall
140801

Date: May 30, 2019

To: Joseph Bristow, Chair
UCLA Academic Senate

From: Ann Carlson, Chair
Council on Academic Personnel

Re: CAP Response to Proposed New Academic Personnel Manual - Section 011

CAP reviewed the proposed new Academic Personnel Manual Section 011. Members had no comments on the new section.

We thank you for the opportunity to review and provide comment.

Sincerely,

Ann Carlson, Chair 2018-19
Council on Academic Personnel

cc: Joe Bristow, Senate Chair, Academic Senate
Susan Cochran, Senate Immediate Past Senate Chair, Academic Senate
Michael Meranze, Vice Chair/Chair-Elect, Academic Senate
Linda Mohr, Chief Administrative Officer, Academic Senate
Eric Malmquist, CAP Committee Analyst, Academic Senate
Members of the Council on Academic Personnel

May 29, 2019

Professor Joseph Bristow
Chair, UCLA Academic Senate

Re: Response to APM Section -011

Dear Chair Bristow,

The Faculty Welfare Committee reviewed the System wide Review of Proposed New Academic Personnel Manual (APM), Section 011 at its May 7th meeting. We support the intent of APM Section 011 for all non-faculty academic appointees with the titles listed in APM Section 211-4 (b); however, we have concerns about the details of its implementation. In APM Section 11, grievances concerning academic freedom shall be adjudicated according to the privilege and tenure procedures specified by Senate Bylaw 335. We question if the Committee on Privilege and Tenure or the Committee on Academic Freedom will have the capacity to manage all of the academic freedom issues that may arise from the many new titles that are now protected by APM Section 11. With the current path for grievances in place, we wonder if handling academic grievances for non-faculty academic appointees is even within the purview of the Academic Senate or if these grievances should be heard by a separate, non-Senate committee. Lastly, we are concerned about the unique issues that will arise surrounding the protection of instructors at UCLA Schools, given that teachers also will be covered under APM Section 011. We thus recommend that APM Section 11 clarify how the new policy will protect graduate and undergraduate students and teachers in the UCLA K-12 climates.

We thank you for the opportunity to respond to the proposed APM Section 11.

Sincerely,



Julie Bower
Chair, Committee on Faculty Welfare

cc: Members of the Committee on Faculty Welfare
Linda Mohr, CAO, Academic Senate
Valeria Dimas, Executive Assistant
Annie Speights, Committee Analyst, Committee on Faculty Welfare

To: Joseph Bristow, Chair
Academic Senate

From: Derjung “Mimi” Tarn, Chair
Committee on Library and Scholarly Communication

Date: May 8, 2019

Re: **Systemwide Review: Proposed New Academic Personnel Manual, Section 011**

The Committee on Library and Scholarly Communication discussed the Proposed New Academic Personnel Manual section 011 during its meeting on April 15, 2019. The new section to the APM directly address the concerns the committee raised to Senate Leadership in the letter dated November 13, 2018, asking, “ Do University Librarians have Academic Freedom?” The committee is in full agreement with the proposed APM, section 011 and believes the section extends academic freedom to librarians.

Also, the committee discussed whether the Academic Senate should be the deciding body on issues related to research and teaching when it comes to the adjudication of grievances for some of the “newly” added title codes to the section. If the work responsibilities fall outside senate oversight, then the grievance should be pushed to an *ad-hoc* committee with relevant professional expertise. This work would be straightforward for librarians, who have the Librarians Association of the University of California (LAUC), and for those with other national professional organizations with codified professional standards. But the committee noted that there may be other groups covered by the new APM section 011 for whom it might be more difficult to determine a rubric for evaluating grievances.

The Committee on Library and Scholarly Communication appreciates the opportunity to comment on the proposed new APM section 011.

cc: Michael Meranze, Vice- Chair/Chair-Elect, Academic Senate
Sandra Graham, Immediate Past Chair, Academic Senate
Linda Mohr, CAO, Academic Senate
George Dutton, Committee on Academic Freedom, Chair
Marian Olivas, Committee on Academic Freedom, Analyst
Members of the Committee on Library and Scholarly Communication

May 6, 2019

To: Joseph Bristow, Chair
Academic Senate

From: Willeke Wendrich, Chair
Graduate Council

Re: Systemwide Review of Proposed New Academic Personnel Manual, Section 011

At its meeting on May 3, 2019, the Graduate Council reviewed and discussed the Proposed New Academic Personnel Manual, Section 011. Members endorsed the proposed policy and offered no additional comments.

Thank you for the opportunity to review and comment.

UCLA MEMORANDUM

FACULTY EXECUTIVE COMMITTEE
College of Letters and Science

A265 Murphy Hall
Box 951571
Los Angeles, California 90095

To: Joseph Bristow, Chair, Academic Senate

Fr: Aaron Tornell, Chair, College Faculty Executive Committee

Date: May 30, 2019

Re: **College FEC response to Systemwide Review of Proposed New Academic Personnel Manual Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees**

The College FEC appreciates the opportunity to comment on the proposed new Academic Personnel Manual Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees. We reviewed the proposed section at our meeting on May 17, 2019. We were joined by Assistant Dean Lauren Na to highlight the key components of the document.

Our committee values the professional contributions of non-faculty academic employees and agrees that they, too, should be entitled to the protections of the academic freedom that are currently offered to faculty. However, since this proposed policy will apply to all appointees listed in APM 112-4(b), which includes Lecturers, we wanted to point out a few areas that may need further clarification as they may conflict with the Unit 18 MOU. Specifically, there are areas of the grievance policy in APM 140 that contradict the grievance procedures articulated in Article 32 of the Unit 18 MOU. Additionally, the Q&A document spoke of how grievance processes for appointees “not affiliated with a campus” will be submitted to the systemwide Academic Senate. However, here again, this may conflict with the practices articulated in the Unit 18 MOU, where the grievant has the option to go through the union to file a grievance, even though they are no longer affiliated with the campus. As noted in Article 37 of the Unit 18 MOU, when the University proposes a policy that is systemwide in nature and has an impact on the terms and conditions of the MOU, the University and the Union will meet to discuss the impact on the members of the unit. We are hopeful that during the current renegotiations of their contract, these issues can be resolved. We also understand that the implementation of the proposed policy will not be delayed for other employees during this negotiation period and hope these changes can be enacted to the benefit all of our colleagues.

One other area of APM 011 that may need further clarification is the regarding the modification of APM140-32 to include one academic appointee in the same job title series and “with similar professional responsibilities as the grievant.” Will the individual that they identify need to come from the same series and level or simply within the same series?

As always, our membership appreciates the consultative process and welcomes the opportunity to participate in the discussion of important matters like this. You are welcome to contact me at

tornell@econ.ucla.edu with questions. Mitsue Yokota, Academic Administrator, is also available to assist you and she can be reached at (310) 794-5665 or myokota@college.ucla.edu.

cc: Lucy Blackmar, Assistant Vice Provost, Undergraduate Education Initiatives
Linda Mohr, Chief Administrative Officer, Academic Senate
Lauren Na, Assistant Dean, Academic and Staff Personnel



OFFICE OF THE ACADEMIC SENATE
KURT SCHNIER, CHAIR
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-7954

MAY 30, 2019

ROBERT MAY, CHAIR, ACADEMIC COUNCIL

RE: PROPOSED NEW APM 011

Dear Robert:

The proposed new APM section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees, was distributed for comment to the standing committees and school executive committees of the Merced Division of the Academic Senate. All eight of the committees that elected to comment endorsed or otherwise supported the proposal. These are the Committee for Diversity and Equity, the Committee on Faculty Welfare and Academic Freedom, the Committee on Privilege and Tenure, the Committee on Research, the Committee on Rules and Elections, the Library and Scholarly Communications Committee, Undergraduate Council, and the School of Engineering Executive Committee. The remaining committees appreciated the opportunity to opine but declined to comment.

At its May 13, 2019 meeting, Divisional Council unanimously endorsed the proposed new APM section. It also recommended forwarding for Academic Council's consideration the Committee on Research's recommendation that the policy be clarified or revised to expect that the norms of professional organizations external to the university be vetted for congruence with UC values before they are recognized by the system as a standard. As currently written, the policy seems to suggest that such professional norms be recognized regardless of their alignment with UC values.¹

The Merced Division thanks you for the opportunity to opine.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kurt Schnier".

Kurt Schnier
Chair, Divisional Council

¹ "When non-faculty academic appointees with titles listed in APM - 112-4(b) perform work that contributes to or supports the fundamental mission of the University, but that is not teaching, research, scholarship, or the public dissemination of knowledge, they must be free to pursue this work according to applicable, acknowledged, national, professional standards, if such standards exist, and are obligated by the responsibilities established by these standards. Such professional standards may be set by recognized professional organizations external to the University, or by other suitable sources of professional norms. The University recognizes such professional standards where they exist and is responsible for ensuring that they are respected. The UC Systemwide Provost shall have final authority to determine the existence of applicable national professional standards."

CC: Divisional Council
Hilary Baxter, Executive Director, Systemwide Academic Senate
Laura Martin, Executive Director, Merced Senate Office

Encl (3)

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RESEARCH
MICHAEL SCHEIBNER, CHAIR
mscheibner@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-4369

May 6, 2019

To: Kurt Schnier, Chair, Division Council

From: Michael Scheibner, Chair, Committee on Research (COR)

A handwritten signature in blue ink, appearing to read "Michael Scheibner", is written over the "From:" line.

Re: Proposed APM 011 – Academic Freedom for Non-Faculty Academic Appointees

CoR reviewed the proposed, new APM 011 pertaining to academic freedom for non-faculty academic appointees.

CoR supports a policy that addresses academic freedom for non-faculty academic appointees as it is certainly needed.

However, we do raise one concern. The second paragraph of the draft policy on "...work that supports the fundamental mission of the University but that is not teaching, research, scholarship, or the public dissemination of knowledge,..." seems to suggest that the University has to recognize norms set by university external professional organizations, as soon as they exist regardless of whether these norms are in agreement with UC values or not. At the very least, these aspects require clarification if not a revision that states that such norms are vetted by the University against its values.

We appreciate the opportunity to opine.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RULES AND ELECTIONS (CRE)
MERCED, CA 95343

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
(209) 228-7930

May 6, 2019

To: Senate Chair Schnier

From: CRE Chair Viney

Re: [APM -011](#)

At its April 30, 2019 meeting, the Committee on Rules and Elections discussed the proposed new section of the Academic Personnel Manual (APM), Section 011: Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees (APM- 011). APM- 011 goes beyond APM - 010 in establishing protections for non-faculty academic appointees when they are engaged in other academic activities that contribute to the mission of the University, subject to applicable acknowledged, national, professional standards.

Members support the proposed addition to the Academic Personnel Manual and note one suggestion for edit, on page 8: "FAQ" should be plural.

Members of CRE thank you and appreciate the opportunity to opine on this systemwide review item.

Copy: CRE Members
AD Paul



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

DYLAN RODRÍGUEZ
PROFESSOR OF MEDIA & CULTURAL STUDIES
RIVERSIDE, CA 92521-0217
TEL: (951) 827-6193
EMAIL: DYLAN.RODRIGUEZ@UCR.EDU

May 15, 2019

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

RE: [Systemwide Senate Review] New APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

Dear Robert:

I write to convey the Riverside Division's consultative response to the review of APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees.

The reviewing committees provided mixed feedback, with several committees supporting the policy with no additional comment. Others, however, raise substantial questions and hold significant reservations about the current draft of the policy. Among these questions and concerns, the Committee on Academic Freedom expressed that the policy lacks clarity and specificity to such an extent that it is difficult for their members to understand it. Thus, the committee cannot offer an informed position on recommendation or non-recommendation. The Committee on Diversity, Equity, and Inclusion raises three concerns, one of which entails a specific question over whether the change in policy might create a concentration of power in the hands of the systemwide Provost. Another serious concern entails the escalation process at the systemwide level, at which point it seems control of the process is transferred from the Senate to the Administration. It is unclear how or why the Academic Senate is removed from the process at this point. The Committee on Faculty Welfare raises questions for clarification along similar lines, and suggests that if the motivation of this policy is to protect the academic freedom of Librarians, it be drafted in a manner that is more explicit on this point.

Executive Council discussed this policy at its regular meeting of May 13, 2019, and did not provide additional comment, choosing instead to review and affirm the feedback of the standing committees. The Riverside Division appreciates the opportunity to provide feedback on this issue.

Peace
dylan

A handwritten signature in dark ink, appearing to read "Dylan Rodríguez", written over the typed name.

Dylan Rodríguez
Professor of Media & Cultural Studies and Chair of the Riverside Division

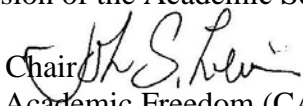
CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

The logo for the University of California, Riverside Academic Senate. It features the text "UC RIVERSIDE" in large, bold, blue letters, with "UNIVERSITY OF CALIFORNIA" in smaller blue letters above "RIVERSIDE". To the right of "RIVERSIDE" is a vertical orange bar, followed by the words "Academic Senate" in blue. Below this, the text "COMMITTEE ON ACADEMIC FREEDOM" is written in bold, black, uppercase letters.

COMMITTEE ON ACADEMIC FREEDOM

May 1, 2019

To: Dylan Rodriguez, Chair
Riverside Division of the Academic Senate

From: John S. Levin, Chair 
Committee on Academic Freedom (CAF)

Re: New APM: APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

The Committee on Academic Freedom reviewed “New APM: APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees,” but briefly and with some confusion and diversity of opinions. Although one member viewed the policy language as clear, others did not. One member noted that if the intention was to include librarians as covered by UC academic freedom policy, then the policy should be more specific. But this same member noted that librarians do conduct research, and thus the need for the policy was dubious. Another member questioned why those who do not teach or conduct research should be protected by academic freedom policies (“When non-faculty academic appointees with titles listed in APM - 112-4(b) perform work that contributes to or supports the fundamental mission of the University, but that is not teaching, research, scholarship, or the public dissemination of knowledge, they must be free to pursue this work according to applicable, acknowledged, national, professional standards, if such standards exist, and are obligated by the responsibilities established by these standards”). Finally, one comment conceded that the policy is broad enough to cover all potential threats to academic freedom for as many UC employees as could be considered.

In short, the policy lacks general clarity and specificity so that a group of Senate committee members (Academic Freedom committee) could understand the policy, initially, and then determine whether or not to recommend it.



COMMITTEE ON ACADEMIC PERSONNEL

April 23, 2019

To: Dylan Rodriguez
Riverside Division Academic Senate

From: Rajiv Gupta, Chair
Committee on Academic Personnel

A handwritten signature in blue ink, appearing to read "Rajiv Gupta", is written over the printed name and title.

Re: Systemwide Review. Proposed New APM-011

The Committee on Academic Personnel considered the proposed new APM-011 (Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees). The Committee has no objections to the proposed APM. However, it notes the need for clarification on the modification to include at least one academic appointee in the same job title series as a reviewer. It is unclear whether this person will serve as an individual reviewer or be part of review panel.

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EXECUTIVE COMMITTEE:
COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

RIVERSIDE, CALIFORNIA 92521-0132

May 3, 2019

TO: Dylan Rodriguez, Chair
Academic Senate

FROM: Johannes Endres, Chair
CHASS Executive Committee

RE: 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)

The CHASS Executive Committee discussed 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) at the regular meeting on April 24, 2019. There were no objections and our committee approved the proposed changes.

Johannes Endres, Chair

CHASS Executive Committee



April 24, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Louis Santiago, Chair, Executive Committee
College of Natural and Agricultural Science

A handwritten signature in black ink, reading "Louis Santiago".

Re: Comments on New APM – 011 *Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees*

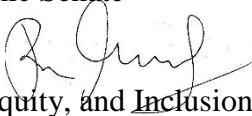
The CNAS Executive Committee discussed the new APM – 011. We are in agreement with the policy and have no further comments.



COMMITTEE ON DIVERSITY, EQUITY, AND INCLUSION

May 3, 2019

To: Dylan Rodriguez
Riverside Division Academic Senate

From: Boris Maciejovsky, Chair 
Committee on Diversity, Equity, and Inclusion

Re: Systemwide Review. New APM: APM – 011, Academic freedom,
protection of professional standards, and responsibilities of non-faculty
academic appointees

CoDEI would like to request additional information and clarification regarding several aspects of the change in APM policy.

First, for the last two questions (regarding “outside of norms relevant to APM – 010” and “for a grievance under APM – 140-32”), does this imply that the issue(s) is(are) beyond the purview of the Academic Senate? This change leads to a power concentration for the systemwide provost, and thus might be susceptible to biasedness.

Second, it seems that for an escalation process at the campus level, the Academic Senate is in control, but control transfers to the administration at the systemwide level. It is unclear how or why the Academic Senate is removed from the process at this point. CoDEI would like to request some clarification about this transfer of control.


Third, to have confidence in the unbiasedness of the process with regards to DEI issues, CoDEI would like to know more about how the Committee on Committees considers DEI issues when staffing the Committee on Privilege and Tenure.



COMMITTEE ON FACULTY WELFARE

May 1, 2019

To: Dylan Rodriguez
Riverside Division Academic Senate

From: Daniel Jeske, Chair 
Committee on Faculty Welfare

Re: New APM: APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

The Committee on Faculty Welfare (CFW) met on April 16, 2019 to discuss the new APM-011. We have the following comments that are aimed toward seeking clarification of the relationship of the new APM and APM-010.

1. Why does the new APM mention it applies to job titles such as professor series which are already covered in APM-010? Specifically, the new APM points to APM - 112-4(b).
2. If TAs are protected by the new APM, does it cause potential for conflict with the protection professors have from APM-010? For example, could a TA object to the way in which a subject is taught and cite the new APM for their right to do so?

Our comments suggest the relationship between the new APM and APM-010 has some ambiguity. It was suggested by some on our committee that the motivation for the new APM is to protect the academic freedom of Librarians. If that is true, perhaps the scope of the new APM could be more focused in that direction.

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margaret.nash@ucr.edu
Website gsoe.ucr.edu

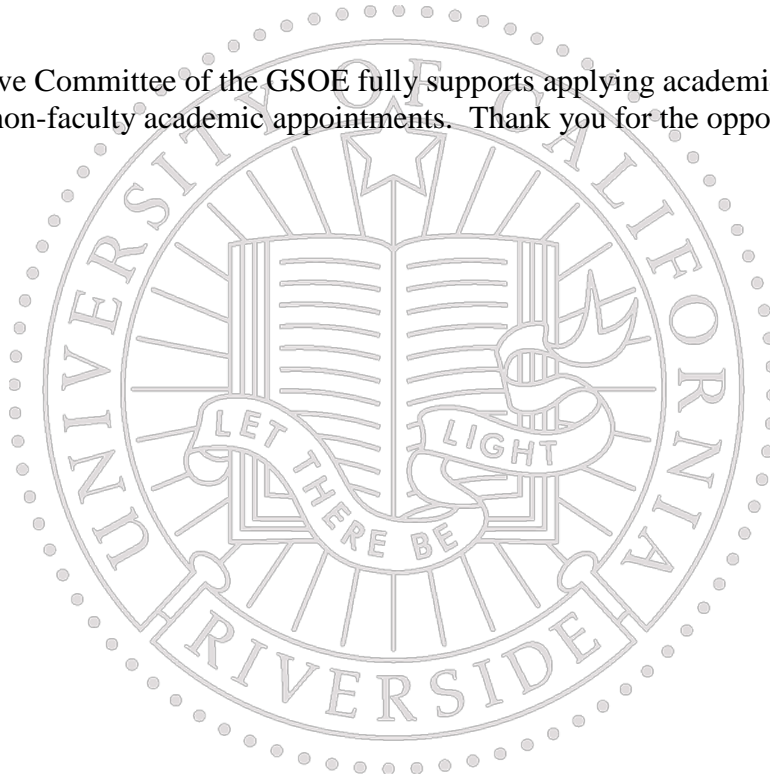
TO: Dylan Rodriguez, Chair
UCR Academic Senate

FROM: Margaret A. Nash, Chair
GSOE Executive Committee

DATE: October 15, 2018

SUBJ: APM-011, Academic Freedom

The Executive Committee of the GSOE fully supports applying academic freedom to non-faculty academic appointments. Thank you for the opportunity to respond.





April 22, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Jiayu Liao
Committee on Library and Information Technology

A handwritten signature in black ink, appearing to read "Jiayu Liao".

Re: Systemwide Review: APM-011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees.

The Committee on Library and Information Technology reviewed APM-011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees at their April 18, 2019 meeting and note that all ten of the UC University Librarians support this clarification of the academic freedom rights of the librarians. The committee support the APM-11 to Non-Faculty Academic Appointees in general with the suggestion that the committee wants to ensure all non-academic appointees follow the university professional conduct standards.



May 3, 2019

To: Dylan Rodriguez
Chair, Riverside Division Academic Senate

Fr: Michael Adams 
Chair, Committee on Privilege and Tenure

Re: Systemwide Review of Proposed New APM-011

The Committee on Privilege and Tenure reviewed the proposed new APM-011 (Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees). The Committee is in support of the revisions with no further recommendations.

May 1, 2019

TO: Dylan Rodriguez, Chair
Riverside Division

FR: Steven Brint, Chair
SPP Executive Committee

RE: Systemwide Review of Proposed New Academic Personnel Manual (APM),
Section 011, Academic Freedom, Protection of Professional Standards, and
Responsibilities of NonFaculty Academic Appointees (APM- 011)

The SPP Executive Committee reviewed the proposed new academic personnel manual, section 011. The Committee supports the new section, as drafted.

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

(805) 893-4511
<http://www.senate.ucsb.edu>
Henning Bohn, Chair

June 18, 2019

To: Robert May, Chair
Academic Council

From: Henning Bohn, Chair
Santa Barbara Division

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

Re: Proposed New Academic Personnel Manual (APM), Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees (APM- 011)

The Santa Barbara Division invited comments on proposed new APM section 011 from its Committee on Academic Personnel and Graduate Council. The proposal was distributed more broadly as an information item.

Although the Committee on Academic Personnel chose not to opine, Graduate Council (GC) responded in support of the new APM section. However, GC also expressed its concern that the impact on graduate students has not been well explained. While APM 011 codifies graduate student teaching appointments, graduate students seem unsure of how this will affect them. GC therefore suggested that further clarification be provided as to how APM 011 affects graduate students when they are appointed into one of these non-faculty academic appointments.



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

1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

June 17, 2019

Robert May, Chair
Academic Council

Re: 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)

Dear Robert,

The Santa Cruz Division has reviewed and discussed the proposed new APM section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees. The Committees on Academic Freedom (CAF), Affirmative Action and Diversity (CAAD), Academic Personnel (CAP), and Privilege and Tenure (P&T) have responded.

The reviewing committees unanimously appreciate and support the policy to expand the protection of academic freedom and professional standards for non-faculty academics.

Two primary concerns arose during the review: CAAD finds the language of this new policy to be unnecessarily cumbersome and, thus, inaccessible. They also recommend providing more examples of what is not covered by the protections of academic freedom. P&T raised concerns about how the reliance on the Academic Senate in the grievance process will affect P&T's workload, especially if the new policy extends P&T's responsibility to cover an entirely new population and new class of cases.

As always, the Santa Cruz Division appreciates the opportunity to comment on this proposed APM section.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Lau".

Kimberly Lau, Chair
Academic Senate, Santa Cruz Division

Encl. Hershatter to Lau, 5/29/19, Re: APM-011
 Westerkamp to Lau, 4/11/19, Re: APM-011
 Abrams to Lau, 5/30/19, Re: APM-011
 Hankamer to Lau, 6/7/19, Re: APM-011

cc: Gail Hershatter, Chair, Committee on Academic Freedom
 Elizabeth Abrams, Chair, Committee on Affirmative Action and Diversity
 Lynn Westerkamp, Chair, Committee on Academic Personnel
 Jorge Hankamer, Chair, Committee on Privilege and Tenure

May 29, 2019


Kimberly Lau, Chair
Academic Senate

Re: APM-011 Academic Freedom, Protection of Professional Standards and Responsibilities of Non-Faculty Academic Appointees

Dear Kim,

Thank you for the opportunity to review the draft of APM-011, which affirms the academic freedom, protection of professional standards, and responsibilities of non-faculty academic employees. We are pleased to see this policy, which provides protection of academic freedom and professional standards for a crucial set of University of California employees. We support its adoption and inclusion in the Academic Personnel Manual.

With all best wishes,

A handwritten signature in cursive script, reading "Gail Hershatter".

Gail Hershatter, Chair
Committee on Academic Freedom

cc: Elizabeth Abrams, Chair, Committee on Affirmative Action and Diversity
Lynn Westerkamp, Chair, Committee on Academic Personnel
Jorge Hankamer, Chair, Committee on Privilege and Tenure
Ken Pedrotti, Chair, Committee on Rules, Jurisdiction and Elections

April 11, 2019

Kim Lau, Chair
Academic Senate

**Re: 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)**

Dear Kim,

During its meeting of April 11, 2019, the Committee on Academic Personnel (CAP) discussed the proposed new policy supporting academic freedom for non-faculty academic appointees. CAP members endorse the extension of this policy to all academics, including non-faculty appointees, and CAP supports this addition to the Academic Personnel Manual.

As always, CAP appreciates the opportunity to speak to policy issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn Westerkamp', with a stylized, cursive script.

Lynn Westerkamp, Chair
Committee on Academic Personnel

cc: Gail Hershatter, Chair, CAF
Elizabeth Abrams, Chair, CAAD
Jason Nielsen, Chair, RJE
Jorge Hankamer, Chair, P&T

May 30, 2019

Kimberly Lau, Chair
Academic Senate

Re: (Systemwide Review) New APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

Dear Kim,

During its meeting of May 20, 2019, the Committee on Affirmative Action and Diversity (CAAD) reviewed the New APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees, intended to address the academic privileges, rights, obligations, and responsibilities of non-faculty academic appointees.

CAAD supports the *spirit* of the new APM--that is, we support extending academic freedom protections to non-faculty academic appointees. Our concern is with the *letter*, as noted below:

1. **The language of the policy is inaccessible at key points.** The policy concerns “non-faculty academic appointees with titles listed in APM - 112-4(b),” a central term that is not otherwise defined in the policy itself. Further, the language is unnecessarily abstract and dense: brevity in the policy may be a hindrance when a one-page policy requires a four-page FAQ. A few examples, with appropriate caveats (“including, but not exclusive to...”) would considerably clarify the policy.
2. **The circumstances under which these protections are *not* extended is unclear.** The FAQ states, “APM - 011 clarifies that the existing protections established under APM - 010 are applicable to non-faculty academic appointees, and that protections extend to certain academic pursuits not covered under APM - 010.” The policy and accompanying materials do not provide examples of what might be included in the category of as-yet unprotected work.

CAAD recommends revisiting the language used in the new policy to ensure the policy itself is more accessible and the gaps regarding what is and what is not covered by the protections of academic freedom are clear.

Sincerely,

/s/

Elizabeth Abrams, Chair
Committee on Affirmative Action and Diversity

cc: Gail Hershatter, Chair, Committee on Academic Freedom
Lynn Westerkamp, Chair, Committee on Academic Personnel
Jorge Hankamer, Chair, Committee on Privilege and Tenure

SANTA CRUZ: OFFICE OF THE ACADEMIC SENATE

Ken Pedrotti, Chair, Committee on Rules, Jurisdictions, & Elections

Matthew Mednick, Director, Academic Senate

June 7, 2019

Kimberly Lau, Chair
Academic Senate, Santa Cruz Division

Re: P&T Response to APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees Revisions

Dear Kim,

The Committee on Privilege and Tenure discussed the proposed new APM section 011 at its meeting on June 5, 2019.

We understand the need for a clarification of the academic freedom rights and responsibilities of non-faculty academic appointees, and believe that the proposed language does a good job of making that clarification.

We are concerned, however, about the proposal regarding grievances under the policy: “Grievances concerning academic freedom shall be adjudicated according to the privilege and tenure procedures specified by Senate Bylaw 335”. On the one hand, we see the reasoning that the Academic Senate is the natural arbiter of what counts as a violation of academic freedom, and consequently the natural auditor of a grievance concerning such a violation; on the other hand, we worry about the extension of P&T's responsibility into an entirely new range of potential cases.

It may turn out that there is nothing to worry about, because the number of grievances brought under the new policy turns out to be small; but we think it should be recognized that acceptance of this provision makes P&T responsible for an entirely new class of cases and an entirely new population of potential grievants. In any case, we believe that the proposed new policy, if adopted, should be reviewed after about three years, especially with regard to its effect on P&T committees.

Sincerely yours,

lsl

Jorge Hankamer, Chair
Committee on Privilege and Tenure

cc: Gail Hershatter, Chair, Committee on Academic Freedom
Elizabeth Abrams, Chair, Committee on Affirmative Action, and Diversity
Lynn Westerkamp, Chair, Committee on Academic Personnel
Ken Pedrotti, Chair, Committee on Rules, Jurisdiction, and Elections



OFFICE OF THE ACADEMIC SENATE
9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-364
FAX: (858) 534-4528

June 17, 2019

Professor Robert May
Chair, Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, CA 94607

**Re: Systemwide Review of Proposed New Academic Personnel Manual (APM), Section 011,
Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty
Academic Appointees**

Dear Professor May:

The proposed new Academic Personnel Manual Section – 011 (APM – 011) was circulated to standing Senate committees for review, and responses were received by the Divisional committees on Academic Freedom, Academic Personnel, Library, and Research, and discussed at the Divisional Senate Council meeting on June 10, 2019. Senate Council endorsed the proposed new APM – 011.

Sincerely,

A handwritten signature in cursive script, reading "Robert Horwitz".

Robert Horwitz, Chair
Academic Senate, San Diego Division

cc: Maripat Corr, Vice Chair, San Diego Divisional Academic Senate
Ray Rodriguez, Director, San Diego Divisional Academic Senate

Office of the Academic Senate

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academic.senate@ucsf.edu
<https://senate.ucsf.edu>

David Teitel, MD, Chair
Sharmila Majumdar, PhD, Vice Chair
Vineeta Singh, MD, Secretary
Jae Woo Lee, MD, Parliamentarian

June 19, 2019

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

Re: Proposed New Academic Personnel Manual (APM), Section 011,
Academic Freedom, Protection of Professional Standards, and
Responsibilities of Non-Faculty Academic Appointees

Dear Robert:

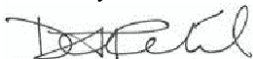
Upholding principles of academic freedom is essential to UC's fundamental missions of teaching, research, and public service. While APM – 010 indicates that “academic freedom is conferred in the University of California by virtue of faculty membership,” we recognize and appreciate that non-faculty academic appointees also engage in university activities that warrant academic freedom protections. However, after reviewing proposed new APM – 011, we have reservations that prevent us from fully supporting the draft policy as written.

First, the APM – 011 FAQs provide that “all academic appointees who have academic titles listed in APM – 112-4(b) but are not faculty as defined by APM-110-4(15) are *non-faculty academic appointees*.” UCSF Committee on Academic Personnel (CAP) notes that several academic titles meeting that criterion are not classified as non-faculty academic appointees within UCSF.

Second, the new proposed APM – 011 would grant non-faculty academic appointees the right to request a hearing before the Academic Senate Committee on Privilege and Tenure (P&T) in cases of alleged violations of academic freedom. UCSF P&T notes that opening the P&T hearing process to non-faculty academic appointees could significantly increase the administrative case load for P&T.

Enclosed please find comment letters from UCSF CAP, P&T, and the Committee on Library and Scholarly Communications.

Sincerely,



David Teitel, MD, 2018-19 Chair
UCSF Academic Senate

Encl. (3)

Communication from the Committee on Academic Personnel

David Lovett, MD, Chair

June 13, 2019

TO: David Teitel, Chair of the UCSF Division of the Academic Senate

FROM: David Lovett, Chair of the Committee on Academic Personnel

CC: Todd Giedt, Executive Director of the UCSF Academic Senate Office; Kenneth Laslavic, Senior Analyst of the UCSF Academic Senate Office

RE: Academic Personnel Manual Section 011 (APM – 011): *Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees*

Dear Chair Teitel:

The Committee on Academic Personnel (CAP) has reviewed the new APM-011: *Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees*.

While in theory, CAP is supportive of academic freedom being extended to non-faculty academic appointees, members found that the proposed APM, as currently authored, presented some contradictions and confusion which we would encourage be clarified before being implemented. Broadly speaking these are:

1. Grievance procedures are governed by bylaw 335, and academic freedom matters by bylaw 140. At present, these bylaws have no language identifying them as being applicable to non-faculty academics (NFA). A pathway to access should be created for NFAs such that if an academic freedom infringement happens while they are conducting teaching, research, scholarship or public dissemination of knowledge--within the professional standards of the profession as defined by the faculty--the procedures are clear.
2. The implications and ultimate impact of extending something codified within the Academic Personnel Manual Section 015 (APM – 015): *The Faculty Code of Conduct as Approved by the Assembly of the Academic Senate*, as being one component of “the source of the professional responsibilities of faculty members,” to NFA appointees. If the intention is that NFAs are subject to the *Faculty Code of Conduct*, then it needs to be clarified that they are only for violations of APM – 010/011. If that is not the intention, then this also should be made clear.
3. The extensive list of job titles to whom academic freedom is being extended is problematic. While very few of the included titles exist at UCSF, some that do are not classified as NFAs by the UCSF Division. This includes: Volunteer Clinical Professors (APM – 279), Visiting Faculty (attached to a faculty title and governed by APM – 230-80), University Professors (APM – 260), plus Deans (APM – 240) and Chairs (APM – 245). What are the implications of labeling this group of appointees as NFAs? Additional information on this topic should be included to clarify if a division classifies a systemwide NFA as a non-NFA at the divisional level, which APM do they fall under for academic freedom issues?
 - a. Finally if the NFA appointment is coupled with a dual Senate faculty appointment—as is the case with many Deans and Chairs--, but the infringement falls under activities performed while serving in their NFA-capacity, under which bylaw are they governed?

CAP looks forward to seeing a second revision of APM-011 providing clarification on the raised issues. If you have any questions about CAP's comments, please contact me, or Academic Senate Associate Director Alison Cleaver (alison.cleaver@ucsf.edu).

Communication from the Privilege and Tenure Committee

Roland Henry, PhD, Chair

June 19, 2019

TO: David Teitel, Chair of the UCSF Division of the Academic Senate

FROM: Roland Henry, Chair of the Privilege and Tenure Committee

CC: Todd Giedt, Executive Director of the UCSF Academic Senate Office; Kenneth Laslavic, Senior Analyst of the UCSF Academic Senate Office

RE: Academic Personnel Manual Section 011 (APM – 011): *Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees*

Dear Chair Teitel:

The Privilege and Tenure Committee has reviewed the proposed new APM – 011: *Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees*.

While we appreciate that APM – 010 *Academic Freedom* “requires that the Academic Senate be given primary responsibility for applying academic standards,” P&T is concerned about implications the proposed new APM – 011 would have on the established system of shared governance between the Administration and the Academic Senate.

APM – 015 *The Faculty Code of Conduct* and APM – 016 *University Policy on Faculty Conduct and the Administration of Discipline* establish the right of faculty to have either a grievance, disciplinary, or early termination case heard before the divisional Privilege and Tenure Committee (P&T). At present, the P&T hearing process is available exclusively to faculty.

The proposed new APM – 011 would establish a right for non-faculty academic appointees that does not currently exist by granting access to the P&T hearing process in cases where a non-faculty academic appointee alleges violations of academic freedom as defined in APM – 010. This raises several issues.

First, the foundation of the P&T hearing process is peer judgement. P&T is comprised entirely of faculty appointees. Granting authority to the Academic Senate to adjudicate alleged violations of academic freedom in cases involving non-faculty academic appointees would deny non-faculty academic appointees of a peer review process.

Second, creating a new right for non-faculty academic appointees to request a grievance hearing before P&T could significantly increase the workload for P&T.

We do not support the proposed new APM – 011 as currently drafted. We would advise the Working Group on Privileges and Responsibilities for Non-Faculty Academic Appointees hold additional meetings with a greater number of stakeholders before presenting a revised proposed new APM – 011.



Committee on Library and Scholarly Communication
Diana J. Laird, PhD, Chair

May 8, 2019

TO: David Teitel MD, Chair, UCSF Academic Senate

FROM: Diana Laird, PhD, Chair, Committee on Library and Scholarly Communication (COLASC)

CC: Todd Giedt, Executive Director, UCSF Academic Senate

RE: Systemwide Review of Proposed New Academic Personnel Manual (APM) 011, Academic Freedom, Protections of Professional Standards, and Responsibilities on Non-Faculty Academic Appointees

Dear Chair Teitel,

At its April 18 meeting, the Committee on Library and Scholarly Communication (COLASC) discussed the Proposed New Academic Personnel Manual (APM) 011. In reviewing the APM's draft language, COLASC agrees that the language is drafted in a thoughtful and inclusive manner, and that extending academic freedoms, protections of professional standards, and responsibilities to the University's non-faculty appointees is well justified.

The Committee fully supports protecting and extending the milieu under which the core tenets of academic freedom can flourish: *freedom of inquiry and research, freedom of teaching, and freedom of expression and publication.*¹

Thank you for the opportunity to comment on the proposed APM. We look forward to working with UCOLASC and the Academic Senate's leadership on local implementation.

Sincerely,

A handwritten signature in cursive script, reading "Diana J. Laird".

Diana J. Laird, PhD
Chair, 2018-2019

¹ 1940 *Statement on Principles of Academic Freedom and Tenure*, American Association of University Professors



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Sean Malloy, Chair
smalloy@ucmerced.edu

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

June 21, 2019

**ROBERT MAY, CHAIR
ACADEMIC COUNCIL**

RE: Proposed New APM Section 011 (Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees)

Dear Robert,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed new APM Section 011 (Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees). The committee is generally supportive of the new APM which clearly addresses a real need for clarifications and protections with regards to academic freedom for non-faculty appointees. The committee was somewhat concerned, however, that new groups will now fall under the provisions of APM 015 without necessarily having a full background or understanding of the Faculty Code of Conduct and how it might apply in their specific case/role. While not necessarily something that needs to be addressed in APM 011, a primer, process map, or other on-boarding process would seem advisable for any groups that may find themselves under APM 015 as a result of this new APM.

Sincerely,

Sean Malloy, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate

UCPT has been asked to comment on the proposed Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees (APM- 011) policy.

Background. Originally APM – 010 defined academic freedom as it pertains to faculty. The revision to APM - 010 in 2003 clarified the policy in reference to student scholarly activity, and defined the freedom of scholarly inquiry for students as deriving from the faculty’s academic freedom. These principles of academic freedom protect freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. The policy gives the Academic Senate responsibility for applying academic standards, and the Academic Senate is required to exercise its responsibility in full compliance with applicable standards of professional care. The duties are set forth in the Faculty Code of Conduct (APM – 015).

The proposed APM – 011 extends the protections and responsibilities under APM - 010 to all faculty and non-faculty academic appointees:

APM - 011 affirms that the protections and responsibilities under these policies extend to all academic appointees when they are engaged in teaching, research, scholarship, or the public dissemination of knowledge. APM - 011 additionally extends to non-faculty academic appointees protections for work not in these categories, but which nevertheless contributes to and supports the academic mission of the University.

UCPT members support the extension of protections to non-faculty academics.

Additionally, APM – 011 specifies procedures for adjudication of grievances of alleged violations of the protections adumbrated by the policy. APM – 010 does not specify such procedures but refers to the Faculty Code of Conduct (APM – 015).

Part I of the Faculty Code of Conduct (APM – 015) defines the professional rights of the faculty including academic freedom; Part II defines professional responsibilities, ethical principles and unacceptable faculty conduct; and Part III defines enforcement and sanctions. This last section describes Committee on Privilege and Tenure disciplinary procedures in the event of faculty misconduct, but does not define grievance procedures should faculty feel their academic freedom has been restrained or hindered. Thus neither APM – 010 nor APM – 015 define specific procedures for adjudication of grievances. This is corrected in APM – 011 that states:

The Academic Senate has authority to adjudicate violations of academic freedom as defined in APM - 010. Grievances concerning academic freedom shall be adjudicated according to the privilege and tenure procedures specified by Senate Bylaw 335.

Thus grievances for all faculty and non-faculty academics, whether Academic Senate members or not, concerning academic freedoms covered by APM – 010 are to be handled

as defined in Senate Bylaw 335. These protections include freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. Academic Senate Bylaw 335 governs procedures for grievance cases handled by the Divisional P&T committees but the ability to bring a grievance to the P&T committee is limited to members of the Academic Senate (SBL335.A.1). UCPT is concerned that the proposed APM – 011 is mandating that grievances by non-Academic Senate members be handled by the Divisional P&T committees. This would entail non-Academic Senate members having the ability to file a grievance with P&T for academic freedom issues, but not for other issues. Non-Academic Senate faculty have different disciplinary and grievance procedures as outlined in APM – 140.

The proposed APM – 011 also states that grievances concerning violation of professional standards but that is not research, teaching, scholarship or dissemination of knowledge are to be adjudicated under APM – 140. UCPT members feel that all grievances involving non-Academic Senate appointees, whether covered by APM – 010 or APM – 011, should be handled under APM – 140 and not handled by the Divisional P&T committees.