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January 13, 2023

**ACADEMIC SENATE DIVISION CHAIRS**  
**UC FACULTY**

**Re: Guidance on University Service and Compensation for Faculty**

Dear Colleagues,

Vice Provost Douglas Haynes and Associate Vice President of Employee and Labor Relations Melissa Matella today sent systemwide guidance to the campuses for upcoming pay periods regarding how striking workers are to document their service during the strike period between November 14, 2022 and December 23, 2022. This action is required by the University to facilitate compliance with Regental policy and federal and governmental regulations authorizing payment of wages for services rendered to the institution. Of note to Senate faculty is the request that faculty who struck in support of the strike also submit forms to self-attest to services rendered or not rendered during this period.

The procedures by which these forms will be distributed and the deadline for their submission will be detailed in guidance from your local campus administration. We encourage divisional Senate leaders to work with their administration counterparts in crafting a simple process for faculty to follow.

As with all employees not contractually bound otherwise and as we affirmed in our Senate leadership guidance of November 23,<sup>1</sup> faculty have a protected right to strike and to withhold their labor during a strike. Withholding of assigned duties might include, for example, refusal to file grades for a course where the faculty is the instructor of record, cancellation of classes that faculty would normally teach, or failure to hold office hours. As we also remarked in our previous guidance, faculty who strike “do so with the understanding that [their] employer has a right to withhold pay for the period of striking.” Withholding of pay is codified under [Regents Policy 7303](#): “No compensation shall be paid to any employee of the University unless actively engaged in the service of the University” (Regents Policy 7303.A).

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<sup>1</sup> [https://senate.universityofcalifornia.edu/\\_files/reports/sc-js-division-chairs-faculty-strike-guidance-2.pdf](https://senate.universityofcalifornia.edu/_files/reports/sc-js-division-chairs-faculty-strike-guidance-2.pdf)

Under current practices, faculty submit formal requests for leave (e.g., for sabbatical release) and are expected to notify their department chairs when they are going to take (or have taken) leave for any reason. While we understand that the strike situation is unusual, the current self-attestation request fits broadly under the same rubric as requests for leave and is in keeping with the intent of Regents Policy 7303. Faculty who exercised their right to strike by withholding labor should submit an attestation form for the dates encompassing the strike period. According to the VP-AVP letter, this withheld labor is to be treated as “leave without pay.” Faculty who did not withhold labor need not and should not submit attestation forms.

Many faculty participated in activities that supported the strike. For instance, they may have spent time on the picket line or held their classes in alternate venues to avoid crossing the picket line. Such support activities are not considered withholding of labor and do not require submission of self-attestation forms. For some, there may still be questions about how or whether to complete the faculty attestation form or what precisely constitutes being “actively engaged in the service of the University” or fulfilling “assigned duties.” For example, we would not consider refusal to take on the struck work of teaching assistants running discussion sections, adjusting course expectations accordingly, and fair and reasonable modifications to course requirements as struck faculty labor requiring attestation. However, where possible we encourage divisional Senate leadership to work with their administrations to produce more specific guidance. Where questions remain, we encourage faculty to talk to their department chair or unit head.

Senate leadership continues to communicate and elucidate faculty concerns and interests at the highest levels of the University. We have lobbied aggressively to protect faculty rights and to bring concerns of the faculty to the forefront of discussions at the Office of the President. Like you, we looked forward to a speedy resolution to the recent labor disagreements between our student and postdoctoral employees and the administration. We also hope that in the coming months the University will be able to remedy the negative repercussions of the strike and find ways to thoughtfully address the consequences of the new agreements. To these ends, we and all of the Senate leadership are committed to continuing these efforts as the year unfolds.

Sincerely,



Susan Cochran, Chair  
Academic Council



James Steintrager, Vice Chair  
Academic Council

cc: Provost & Executive Vice President Newman  
Vice Provost Haynes  
Associate Vice President Matella  
Academic Council  
Senate Division Executive Directors  
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