



UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE

Minutes of Meeting

November 22, 2024

I. Approval of the Agenda

Action Taken: *The agenda was approved as noticed 8-0-0.*

II. Chair's Welcome and Report

Irene Tucker, Chair

The Chair welcomed members and had them introduce themselves.

Chair Tucker gave a brief overview of the Senate/administrative workgroup that is responding to a call from the Regents to determine if current policies on faculty free expression conform to SB 108, or if they need work in order to do so. The group has developed a draft response and will be engaging with the Regents once it is finalized.

III. Consultation with the Academic Senate Leadership

Steven W. Cheung, Academic Senate Chair

Ahmet Palazoglu, Academic Senate Vice Chair

Senate Chair Cheung informed the group that the University's operating budget was approved by the Regents. There were conversations and reservations about a 9.9 percent non-resident tuition increase to incoming cohorts. Approximately \$1.4B in one-time capital projects was approved as well as a 3.7 percent range adjustment to the salary schedules. The UCRP employer contribution will increase to 15 percent as planned. Retiree health also was discussed; currently the University has pledged about \$430M for UC retirees. There was an update to Regents' Policy 4400 (the UC Diversity Statement) to support disabled members of the UC community. Merideth Turner was approved as permanent SVP for External Relations and Communications. Regent John Pèrez, who has served as chair of the Board, has announced his resignation. He has been one of the most vocal of all of the Regents and there will be a thank you event to honor him. The Senate recently received news that Regent Richard Sherman also has resigned. Governor Newsom has nominated Bob Meyers to Regent Pèrez' position. There is no word yet on who will replace Regent Sherman. The Health Services Committee met and there was a substantial report on community benefits and uncompensated care. UC delivers about \$2B in net community benefits and about \$2.4B in subsidizing Medicare hospitals. Campus climate loomed large with the Regents, with charges of anti-Semitism and Islamophobia. In particular, the Regents expressed dissatisfaction that no students, staff, or faculty had received discipline at UCLA. At the January Board meeting, the discipline process will be reviewed and

explained. Chair Cheung said that he hoped to dispel the assertion that the Senate is the leading disciplinarian and the bottleneck with regard to faculty misconduct. The Investments office had good news: within the past three months, the first-quarter working capital, the endowment, and the pension increased by 4.4 percent.

Council featured an update from APP; the UAW has tentatively agreed to a contract extension through January 2026. There will be no change to the four percent salary range adjustment that will be effective in 2025. The contract extension ratification vote is in early December, and the Senate is hopeful for a positive result. The MOP loan program also was discussed at Council. In the past, offers were accepted at about 30 percent, but that increased to 70 percent in recent years due to high market rates. Those rates also resulted in the MOP loan sales being stagnant and the program being unable to refresh its funds. The Senate has been in contact with CFO Brostrom and his team, and it is expected that \$100M will be added to MOP program in January 2025. This does not require Regental action. A number of senior leadership searches are underway, including the search for a new president. The Regents have voted on the search criteria, which largely mirror what was put forward by the special committee, chaired by Regent Carmen Chu. The prospect pool for the last presidential search was about 400 individuals; this time it is expected to be much smaller due to fatigue among higher education leaders. The search for a new vice provost for academic affairs and programs is ongoing; the position has been given start date of April 2025. The UCSB chancellor search is underway and the UCR chancellor search will be empaneled in the new year.

A number of workgroups have been convened and are working diligently. There has been difficulty with the calendar alignment project. The initial charge raised great discontent among members of Council, and the Provost invited the committee to change the charge. Members have been very clear that there would need to be very compelling reasons why it would consider changing all of the campuses to the semester system. The cost is optimistically estimated to be \$20M per campus if the change were to be put through. The joint Senate/administrative workgroup on APM 015 and 016 has just completed phase one of its work. The workgroup has found that no changes need to be made to APM 015 or 016; there are recommendations to disseminate guidelines that are similar to those for SVSH, but they would need to be modified to reflect protections for freedom of expression and academic freedom as well as to ensure consistency. The report workgroup on the Future of Doctoral Education is making its final rounds.

Members had questions and there was discussion.

IV. Roundtable: Reports from the Divisions

Members reported on P&T related issues taking place on their campuses.

V. California Penal Code 626.4 and Faculty Grievances

Josh Meltzer, UC Legal

Attorney Advisor Meltzer provided an overview of Penal Code 626.6 (applying to University non-affiliates) and Penal Code 626.4 (applying to University affiliates) and answered questions from Committee members.

VI. Consultation with the Attorney Advisor to UCPT

Josh Meltzer, UC Legal

Attorney Advisor Meltzer informed the group that he is now in a new role with UC Legal and that UCOP will be hiring a new attorney to advise UCPT. In the interim (and during the transition) Mr. Meltzer will continue to assist with P&T matters.

Mr. Meltzer explained that the new Title IX regulations were put on hold by the courts. Six UC campuses are prevented from enforcing the new regulations. Also, the feeling is that the incoming administration will issue a rollback on them. There is no change required to the bylaws at this time.

Members had questions for the Attorney Advisor.

VII. Consultation with Systemwide Academic Personnel and Faculty Affairs and Academic Programs

Amy K. Lee, Deputy Provost, Academic Personnel

Douglas Haynes, Interim Vice Provost, Faculty Affairs and Academic Programs

Interim Vice Provost Haynes shared a brief update on the progress of the workgroup on APM 015 and 016. He explained that the workgroup's first charge is to review existing policies relative to community safety and free expression. The second charge has to do with possibly revising APM 016 to include language regarding placing a pause on some academic personnel review actions. The deadline for the first charge is today; the workgroup will be submitting its answers to the three questions asked by the Provost in her first charge. In short, the workgroup concluded that the existing policies are sufficiently comprehensive to meet the state legislature's requirements. However, it will be making recommendations to enhance aspects of them to improve consistency. The second charge will be taken up in 2025 and will be reported back in March. The Interim Vice Provost thanked Chair Tucker for her contributions to the workgroup and added that the findings of the workgroup will be part of a Regents' item in January. Deputy Provost Lee added that her office would appreciate any information that UCPT might have related to the number of cases P&T hears in a year and how many are sustained or not sustained and the typical length of investigations.

VIII. Request from UCFW: Improper Suspensions: Whistleblower Reports

Chair Tucker explained that UCPT was asked to put this topic on the agenda by UCFW. The question relates to how whistleblower reports function at the campuses. It is generally understood that a whistleblower is not directly affected by the mistreatment, but is an observer of the mistreatment. UCPT has been asked to reflect on and communicate the degree to which whistleblowers seem to be subject to retaliation for their reporting. The committee also has been asked to discuss possibilities for introducing more Senate involvement in the complaint process and to think about more granular record keeping so that retaliatory actions would not be able to go unnoticed.

Members expressed that the whistleblower process and the P&T process are unrelated and should remain so. It was put forward that UCPT write a letter to UCFW clarifying this

separation and suggesting that UCFW communicate directly with the whistleblower offices on the campuses.

IX. Consultation with the Systemwide Title IX Office

Isabel Alvarado, Deputy Director, Title IX Office

Deputy Director Alvarado explained that Director Catherine Spear (who could not be present) is also the interim Title IX Director. She said that she would be taking any questions or concerns back to Director Spear so that they jointly can give a more complete update when they next join UCPT. She noted that she had several general updates. The first had to do with the current status of UC's implementation of compliance with the new Title IX regulations. She said that several states are enjoined from implementing the 2024 regulations; California is not one of those states. However, there is a specific case brought forward from three groups which has resulted in eight of the 10 UC campuses being incorporated into the enjoinderment. As a result, UCOP is pausing the 2024 implementation to ensure that the same standard of conduct and protections applies to everyone at the UC. It is also important that individuals understand what their process will be; it is not trauma-informed to change the process on them. Furthermore, one presidential candidate said he would reverse the 2024 rules if elected; that brought uncertainty to implementation. For the time being, UC will be using the policies and procedures it has been using to-date.

In terms of the election results, it is not clear whether the rules that went through the administrative process can be rescinded, and what processes might be involved. There are murmurs about defunding, but it is unclear if that is possible. At the state level, Deputy Dees' office has had some interest from the Assembly on Higher Education. It is very interested in ensuring the protections for students, faculty, and staff in California.

Deputy Director Dees told the group that there was recently a block of legislation passed in California related to Title IX and there are at least three systemwide workgroups - which include representation from the Academic Personnel Office - that are working on getting into compliance with the legislation. She said she would have a more thorough update at the next UCPT meeting. Finally, the cadence of SVSH training has changed from every two years to every year, and UCOP is working to update the trainings accordingly.

Members had questions for Deputy Director Dees and there was discussion.

X. Systemwide Information and Items Under Review

A. Report on the State of Shared Governance at the University of California 2023-24

Chair Tucker said that she found this letter, which discussed the quality of the relationship between the Senate and the Regents, to be interesting in its detail. In some sense it is about the competing jurisdictions between Senate and Regents. She noted that this issue is likely to be more present in the year to come. She asked members if they had a sense of what would be a more generative model for interaction between the Senate and the Regents.

Members largely agreed that the Regents should operate at a “high level” and should not be involved in the day-to-day workings of the faculty. The Regents should serve as a non-intrusive advisory body.

Separately, the committee revisited the issue of APM 016. Chair Tucker observed that currently there is no provision for someone who is up for tenure when there is an investigation taking place. UCPT advocated for a pause; if the person was found not guilty of charges, then the promotion would proceed, and it would be retroactive. However, this received considerable pushback from Council. The committee discussed the issue.

B. Senate Chair Cheung’s Remarks to the Board of Regents

C. Proposed Revisions to Senate Regulation 479 (CalGETC)

Members did not feel that this was a UCPT matter.

D. Proposed Senate Regulation 627 (Posthumous Awarding of Degrees)

Professor VandeVoort spoke in favor of making the proposed policy as inclusive as possible.

XI. New Business

Chair Tucker introduced the following items of new business:

1. The question was raised about making clearer provisions regarding what counts as campus space and what is private space for free expression. Is a department event held at a private home, financed by the department, public or private?

This item will be placed on the April agenda.

2. The processes for cross-campus grievances, and who has jurisdiction.

This item will be placed on the April agenda.

3. There was a question of an “involuntary audience” with respect to TPM.

Members felt like this was an issue for UCAF.

XII. Executive Session

No minutes are taken during Executive Session.

The committee adjourned at 2:58 p.m.

Minutes prepared by Fredye Harms, Committee Analyst
Attest: Irene Tucker, Committee Chair