

COMMITTEE ON PRIVILEGE AND TENURE
Annual Report 2020-21

To: Academic Senate, Santa Cruz Division

I. Grievances

One grievance was filed with the committee during the 2020-21 academic year, which was resolved without proceeding to a hearing.

II. Charges

No charges were presented by the administration against members of the faculty this year.

III. Divisional and Systemwide Reviews

**A. Proposed Revisions to the Campus Academic Personnel Manual (CAPM) 002.015 -
Faculty Conduct and the Administration of Discipline**

On October 9, 2020 the committee reviewed the proposed changes to section 002.015 of the Campus Academic Personnel Manual (CAPM). The proposed changes mainly involved Section E.4 of the policy, which would give the Campus Provost/Executive Vice Chancellor (CPEVC) expanded discretion with regard to when a faculty member would be informed that a complaint has been made against them.

As proposed, the CPEVC would have discretion not to forward a complaint to the Respondent prior to the report being sent to the Charges committee which would then determine if probable cause exists to charge the Respondent with a violation of the Faculty Code of Conduct. Most P&T members voiced that faculty have a right to know about complaints against them no matter how frivolous they may be and thus objected to the additional language. Members felt that a practice of explanation of the process to the faculty respondent at the time of notification of the complaint might mitigate the concerns that gave rise to the proposed revision.

B. Proposal for an Associate Provost

P&T reviewed the proposal for a newly created position of Associate Provost on November 4, 2020. Most committee members voiced strong objection to the creation of this position at this particular moment of budgetary crisis.

C. Revision to Benefits and Privileges: APM - 700 - Leaves of Absence/General

The Committee on Privilege and Tenure reviewed the proposed revisions to Benefits and Privileges: APM - 700 - Leaves of Absence/General at its meeting of November 18, 2020. The committee recommended a minor edit to the revision.

D. Systemwide Review of Proposed Amendments to Senate Bylaw 336F.8

On December 9, 2020, P&T reviewed the proposed amendment to systemwide Senate bylaw 336.F.8, which, in accordance with new Department of Education regulations, aligns the standard of evidence for faculty with those for students and staff in cases involving the University’s policy on Sexual Harassment and Sexual Violence (SVSH). The committee broadly supported the elimination of a double standard, and accepts that the “preponderance of evidence” standard must be abided, even while recognizing that SVSH-related disciplinary cases that come before P&T often entail other violations of the Faculty Code of Conduct that will continue to be determined according to the “clear and convincing” standard. P&T suggested the inclusion of language that encourages P&T hearing committees to explain their logic in arriving at their decisions under the preponderance standard.

E. Systemwide Review of Faculty Salary Scales Task Force Report (Revision)

The committee reviewed a report of the Faculty Salary Scales Task Force on January 13, 2021. Overall, the committee supported efforts to bring clarity and transparency to the salary administration process, to realign salaries with rank and step, and to eliminate the loyalty penalty. However, the committee was concerned that the report did not address the fundamental question of how merit increases would be implemented with this proposal, or if the intention was to completely flatten salaries for faculty with similar time in ladder track, regardless of performance. Since not all individuals perform exactly equivalently at step, the committee advises against a system that would accentuate disincentives for certain kinds of service, advising and teaching.

F. Proposed Policy on Required Disclosure of Discipline

P&T considered and discussed the proposed policy on the disclosure of discipline on February 10, 2021. Members found the proposed policy to be reasonable but thought it required more language about under what conditions and with whom this information should be shared. To this end, members proposed that additional language be included that would allow the dean discretion regarding whether to disclose to the hiring department/search committee chair information obtained under this policy while requiring the dean to disclose this information to CAPM.

G. Review of the Report, Innovative Learning Technology Initiatives: Recommendations for Future State

On February 10, 2021, P&T discussed the report, Innovative Learning Technology Initiatives: Recommendations for Future State. With an eye toward P&T purview, P&T members expressed concern about the potential abrogation of institutional faculty rights over courses and curricula as enshrined in Standing Orders of the Regents 105.2.b. and APM 015.Part I – Professional Rights of Faculty. P&T members were also concerned about the potential abrogation of individual faculty rights, given the possibility of faculty members being assigned to develop and teach online courses against their will, especially when course pedagogy is a matter core to academic freedom rights. The committee noted that this is not only an academic freedom concern, but also could affect the

merit review process since a professor of record might be evaluated for course content they did not develop.

H. Follow-up on Strategic Academic Plan Team-Teaching Barrier Reduction Project

P&T had the opportunity to review the white paper responding to the report of the Strategic Academic Plan (SAP) barrier reduction subgroup on team-teaching on February 24, 2021. The committee was generally supportive of the idea of team teaching, but in light of considerable variation in approaches to team-teaching thought that consideration be given to how team-taught courses are counted in terms of faculty workload.

I. Faculty Remote Work Policy

The committee reviewed a proposal for a remote work policy on March 10, 2021. Although the committee could not find consensus regarding the value of the policy, in general, P&T supports the idea of giving faculty flexibility for remote opportunities, including teaching online to accommodate research and professional development opportunities away from campus. But the committee cautioned that this policy may overly restrict practices that are already working well for faculty. Several members thus felt that remote work arrangements are better left to the discretion of departments given their differential curricular needs, constraints and disciplinary/research norms. Committee members also noted that the policy problematically conflated the provision of leave for research and “exceptional personal needs.” Finally, some members strenuously objected to the requirement of a highly detailed work agreement which would add yet another layer of bureaucracy at a time the campus is clearly understaffed and faculty overstretched.

J. Charter for Online Programs Initiative

P&T reviewed the Charter for Online Programs Initiative submitted to the Senate for review by Vice Provost of Academic Affairs Herbie Lee on March 10, 2021. In light of P&T purview, P&T was most concerned with how faculty rights and privileges were addressed in this planning document, as surely online programs have the potential to abrogate faculty rights. Apparently, such rights were not considered in the drafting of this document, as none of the suggested workgroups focused on faculty welfare and rights. Although beyond P&T purview, members had different views of whether UCSC should proceed with online program development at all. Virtually all committee members rejected that rationale that UCSC should be among the first UC campuses in provision of fully online programs.

K. Senate Bylaw 336.F.3 (SB 336.F.3)

P&T discussed the proposed revision to systemwide Senate Bylaw 336.F.3 (SB 336.F.3) on April 7, 2021. The impetus for this revision is one of the recent changes imposed by the federal Department of Education (DOE), mandating hearings among complainants and respondents in Title IX cases. Developed through a UCPT task force, the objective of the revision was to minimize duplication of the stresses placed upon parties and witnesses during investigations and hearings related to SVSH cases while maintaining the integrity of the distinct character of P&T hearings on

these matters, namely an adjudication between the administration and the respondent on charges related to the Faculty Code of Conduct. The procedure contemplated by the revision is one in which transcripts from the Title IX investigative hearing would be used as evidence in the P&T disciplinary hearing during which only new or different evidence would be heard, at the discretion of the hearing committee.

Members expressed some reservations about the proposed changes. For instance, they were concerned that reliance on written transcripts subverts the ability to observe key witnesses during cross examination, making it difficult to make qualitative assessments of the veracity of testimony. P&T also raised the practical issue of how to manage the pre-hearing process in light of the already strict timeline imposed on divisional P&Ts with regard to disciplinary hearings. However, given the new requirements imposed by the DOE, members agreed that the proposed revision was the best way forward. The committee was especially appreciative of efforts to minimize duplication of faculty and staff time devoted to organizing and holding multi-day hearings. Nevertheless, P&T maintained that the procedures that existed before the DOE intervened were significantly better, and should the DOE requirement be revised, the University should make every effort to return to the previous policies and procedures which served us well for so long.

L. Revisions to Sexual Violence Sexual Harassment (SVSH) Frameworks for Faculty

P&T discussed the proposed Revisions to SVSH Frameworks for Faculty on April 7, 2021. The proposed changes are precipitated by new Department of Education (DOE) requirements for Title IX investigations for “postsecondary institutions.” These specific revisions were designed to exempt complaints and complainants who are not explicitly covered by the new DOE provisions so that the prior procedures could be used when appropriate. Systemwide Title IX had identified specific areas of exemption from the category of “postsecondary institutions” and P&T was generally in favor of a proposed “carve-out” wherever possible. However, members found systemwide’s list to be unnecessarily limited and were able to conceive of several other situations in which prohibited conduct might occur outside of secondary institutions, not least of which are professional conferences. Rather than enumerating all possible situations in which prohibited behavior might occur other than “postsecondary educational institutions” P&T suggested a more capacious terminology be employed.

M. Systemwide Review of Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program

On May 5, 2021 P&T reviewed a proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. The committee was in full support of a policy requiring vaccinations for university faculty, staff, and employees with the understanding that some exceptions will need to be made.

IV. Title IX Training

During the winter quarter P&T members participated in a Title IX training led by Isabel Dees, Title IX Officer for UCSC.

Respectfully submitted;

COMMITTEE ON PRIVILEGE AND TENURE

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