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ACADEMIC SENATE DIVISION CHAIRS UC FACULTY

Re: Guidance on evaluating academic progress in the current term

Dear Colleagues,

We are nearing the end of the term and our current labor dispute continues. All of us had hoped that the negotiations would be resolved quickly to both parties' satisfaction. Unfortunately, this has not happened. Since the strike began, we have heard from faculty about the need for guidance. In this letter, we focus on how best to meet our responsibilities for the academic progress of our students, both undergraduate and graduate.

Faculty at the University of California enjoy considerable latitude to exercise their professional judgment as both classroom instructors and research mentors. In the Faculty Code of Conduct in the Academic Personnel Manual (APM – 015) “unacceptable conduct” for Senate faculty is specified as “significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled.” That is the negative way to spell out the positive duties we have regarding instruction and the ethical commitments we obtain as faculty. For those respecting the picket line and for all whose instruction has been impacted by the strike, meeting these duties and commitments has become more difficult. The language of the APM foresees the possible complexities of our obligations and gives faculty space to exercise our professional judgment. Although regulations exist as guardrails for the execution of our responsibilities, the underlying assumption is that faculty have the missions of the institution at heart and will work both individually and collectively, through the Academic Senate and in collaboration with the Administration, to address any complexities we might encounter. Yes, we have rules. Yes, we must act in ways that are consistent with the Faculty Code of Conduct or risk discipline. Still, the underlying, if tacit, principles are clear: we will strive to provide the best educational experience for our students, we will treat them fairly, and we will assess them appropriately for their academic achievements.

Undergraduate Coursework Evaluation and Grading

Many faculty began the term with one or more teaching assistants to support the course for which the instructor of record is ultimately responsible. Those who now face the end of the term without such support might be asking: “*How am I expected to do this?*” and more broadly, “*What would be acceptable faculty conduct regarding the submission of grades?*” The Faculty Code of Conduct states that we must evaluate student work without “undue and unexcused delay.”

Because of the current circumstances, including the need to take on evaluating responsibilities that would have otherwise been done by teaching assistants, there may well be unavoidable and understandable delays in grading this term. On some campuses, the Registrar has already extended grade submission deadlines. This information should have been widely disseminated at those campuses where such a change has been enacted. Your divisional Academic Senate can and should be updating you on where grade submission deadlines stand for your campus. Further, hiring of temporary readers is permissible while the strike is underway—we acknowledge practicalities may make this solution difficult. Faculty should alert their department chair to anticipated difficulties in completing evaluations on time.

Many faculty looking at the disruption to their classes, their own workload concerns, and their sentiments regarding the strike have asked: “*Would cancelling final examinations be acceptable?*” Beyond the APM, other rules have been formulated to articulate our responsibilities to our students. For example, the systemwide Regulations of the Academic Senate—the rules of the faculty that we have formulated for ourselves—include the requirement of final examinations (with certain exceptions and carve outs for, e.g., laboratory classes; see Senate Regulation 772). Divisional Senate regulations generally mirror systemwide regulations in this regard. This and similar stipulations are meant to protect students from arbitrary evaluation of their academic work. We must make sure that when we contemplate relaxing our rules under extraordinary circumstances that our best intentions do not have unintentionally harmful consequences. Cancellation of a final exam, for example, may deprive a student of the chance to raise their grade. Making a final exam optional might not. Typically, to vouchsafe fairness, assignments and grading standards need to be spelled out in the course syllabus so that students can plan. In this instance, with the strike coming after distribution of the syllabus, that may present difficulties. When determining how or whether to offer forms of flexibility to students under atypical circumstance, faculty ought to employ the following principles: Do I have enough information to evaluate a student’s performance fairly? Have I provided opportunities to the student to demonstrate that they have learned? At the end of this term, it is entirely possible and even likely that some students will not have had the full experience of a class as it would be taught under normal circumstances. For example, discussion sections run by teaching assistants may have been cancelled and you, the instructor of record, could not or chose not to take on the struck work. This does not necessarily mean that instruction has been *insufficient* for the purpose of evaluating academic progress and fairly assigning a grade. When in doubt, discuss your plans with your department chair at a minimum.

Graduate Student Grading and Evaluation of Academic Progress

An additional question we have been asked is: “*How do I distinguish between academic work for which a graduate student is seeking credit and work for which the student is being paid and might be striking?*” For graduate classes where there is a syllabus, the syllabus can be the guide. For other graduate enrollments such as individual research or preparation units, faculty should

feel comfortable asking for a progress update in order to arrive at an evaluation for grade submission. While some materials circulating on the campuses assert that academic work is labor and can be struck, the distinction between academic obligations and work for pay can likely be determined in many situations. If not, the faculty member can seek guidance for the individual matter from their chair or local office of graduate education.

A frequent follow-up question is: “*Am I allowed to speak to my graduate student about their academic progress for courses they are enrolled in this term?*” Yes, professors can speak about academic matters to their graduate students. Clearly one wants to do so while simultaneously respecting the student employee’s right to strike. It is possible that a student might express concerns about this conversation to the union as a possible unfair labor practice. Campuses each have labor relations offices that can be of assistance should that occur. Not all complaints elevate to the level of unfair labor practices and both the union and the university’s labor relations team are equipped to manage whatever issues arise. The general rule is that students have a right to strike for work that is employment-based and for which they are being paid but are expected to complete their academic course work in order to receive course credit. Here the same principle of *sufficiency* for consideration of the academic work should be in effect when assigning grades for graduate student work, including when grades of satisfactory/unsatisfactory are being assigned in conjunction with course work of graduate student researchers or teaching assistants.

Alternate Grading Options

At the outset of the Covid-19 pandemic, divisional Senates made temporary exceptions to grading policies that allowed for greater flexibility regarding passing/not passing options. We emphasize that these were options *for the student*. When such flexibility was extended nationally there was a common understanding that many transcripts would bear the mark of unusual times. Whether the current labor situation necessitates similar accommodations is less clear. Divisions may choose to explore places where more flexible grading options can be implemented without unintentionally creating harm. Above all, students will need to be informed that there might be impact from choosing P/NP on their GPA and that for some graduate programs letter grades in certain preparatory undergraduate courses may be required. The principle has not changed: options, if offered, should be offered *for the student*.

Strike Protections for the Faculty

Finally, some have asked us: “*What are the possible consequences for withholding my labor in sympathy with the strike?*” Faculty have a right to strike and do so with the understanding that your employer has a right to withhold your pay for the period of striking. This is not considered discipline. While faculty striking (that is, withholding all of their labor) in sympathy with the UAW may be protected under the labor law, there are activities that are not protected. For example, serious misconduct in the course of a strike is not protected. Partial withholding of labor or intermittent striking is not protected. For faculty, the latter issue might arise, for example, if instructional duties are not met but research or service duties are. The rules here are complicated and as neither of us are attorneys, we encourage those contemplating actions that might be deemed consistent with partial strikes be aware of this and seek better advice than we can give here. To be clear, however, we do not have a sense that there is any appetite at any level

of this institution to look toward anything other than a speedy and equitable close to the labor negotiations.

Further Senate Guidance

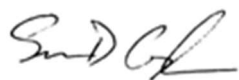
On many campuses, divisional Academic Senates have posted their own guidance and others will do so shortly. We share what we currently have in hand below with the hope that pooling advice across the system might prove useful:

- At UCSD: <https://senate.ucsd.edu/current-affairs/news-announcements/uaw-strike-update/>)
- At UCLA: <https://senate.ucla.edu/news/updates-related-uaw-strike> , <https://senate.ucla.edu/news/uaw-strike-and-graduate-education-funding>
- At Berkeley: <https://calmessages.berkeley.edu/archives/message/104484>
- At UC Merced: <https://academicpersonnel.ucmerced.edu/strike-related-announcements>

As each campus forges a somewhat different path, it will be important to check with your local Senate as to specific options on your campus. We encourage everyone to learn from each other as we move forward.

In closing, we share the disappointment that labor issues embroiling the campuses have not been speedily resolved. Coming after several years of pandemic-related challenges for the faculty and for the university community as a whole, we recognize the exceptional strain of the current situation. Our strength as a faculty has always been our commitment to the mission of the University of California, to our students, to our work, and to each other.

Sincerely,



Susan Cochran, Chair
Academic Council



James Steintrager, Vice Chair
Academic Council

Cc: Provost & EVP Brown
Academic Council
Campus Senate Executive Directors
Executive Director Lin

