

Meeting Minutes
COMMITTEE ON FACULTY WELFARE
Meeting of May 10, 2018

Present: Hiroshi Fukurai, Tesla Jeltema, Grant McGuire, Stefano Profumo (Chair), Su-hua Wang, Yiman Wang, Barry Bowman (*ex officio*), Vilashini Cooppan, Jaden Silva-Espinoza (ASO), Ólöf Einarsdóttir (Senate Chair – attended consultation only)

Absent with Notice: Nico Orlandi

Chair Announcements

Chair Profumo shared that he was contacted by a faculty member in Psychology who raised concerns about renovations needed in a lab and was informed by their dean that the renovations would not be paid by the division, and that it was up to the faculty member to raise the money to renovate. The faculty member had asked for CFW's take on the matter. Members noted that there is a similar situation with a lack of lab space for new faculty. Members agreed that having to come up with the funds to renovate lab space or use start up funds for the renovation is a common practice on campus. Chair Profumo suggested that incoming faculty should be advised to negotiate start up funds in order to cover such expenses. Chair Profumo will reply to the faculty member via email.

SAP – Themed Academic Working Group Proposals

The Senate has been invited to provide feedback on the 28 themed academic working group (TAWG) proposals that were submitted for consideration as potential academic priority areas in the campus's Strategic Academic Plan (SAP). Associate Vice Provost for Academic Affairs (AVPAA) Berger provided a suggested rubric for evaluation, which was included in the enclosures. In addition, the Senate has been invited to provide interim feedback with regards to the SAP Phase One and Phase Two deliverables.

Members considered how they should tackle the assignment. The committee considered both ranking, and the option of working from the purview of the committee and stating across the board support for proposals that enhance faculty welfare, research, and teaching with possible prioritization for proposals in those divisions that do not have equal access to grants and external funding.

Chair Profumo requested that members give thought to how the assignment should be approached and email the group with suggestions. The discussion will be continued via email.

Pre-Consultation

CFW considered questions and topics for discussion for the consultation with Campus Provost and Executive Vice Chancellor (CP/EVC) Marlene Tromp, Vice Chancellor of Business and

Administrative Services (VCBAS) Sarah Latham, and Chief of Staff Linda Rhoads. Chair Profumo drafted some opening remarks and shared them with the committee. Although the CP/EVC recently sent an initial draft charge for the proposed Family Advisory Committee to CFW with a request for feedback, Chair Profumo noted that he would like to start the consultation off by discussing the campus's relationship with Bright Horizons, the chosen third party vendor for the planned childcare center. From a recent consultation with the VCBAS and the Committee on Planning and Budget (CPB), which Chair Profumo attended, CFW understands that it was the decision of Chancellor George Blumenthal and then Interim CP/EVC Herbie Lee to contract with Bright Horizons. CFW would like to raise its concerns regarding the lack of an official Request for Proposals (RFP), the lack of veto power on the childcare center employees and director, and concerns that enrollment costs may not remain affordable for UCSC employees. In addition, CFW would like to request a formal RFP.

Chair Profumo noted that the campus is in a moment with these large projects where transparency is extremely important and CFW would like this initiative to be consistent with the campus culture of transparency and shared governance.

One member questioned whether there are other third party precedents on campus with regard to UCSC influence on the recruitment of employees. Members noted that campus hires must be fingerprinted and background checks are performed. The committee assumes that the third party operator would be responsible for these checks. Members noted that there was a panel, which included faculty, that took part in the recruitment of the Early Education Services Director. CFW would appreciate a similar opportunity and/or the ability to comment and provide feedback on the childcare center director candidates.

Chair Profumo noted that the campus has been waiting for childcare for a long time and as such, the committee is puzzled by the speed by which this is unfolding. There are concerns that mistakes could be made in haste.

Consultation – CP/EVC and VCBAS and Chief of Staff

CP/EVC Tromp requested a consultation with CFW, VCBAS Sarah Latham, and Chief of Staff Linda Rhoads to continue the discussion of childcare. Prior to the meeting, VCBAS Latham expressed a desire to review the CFW's letter of April 16, 2018 on the UCSC Childcare Third Party Provider, and is open to answering any remaining questions that members feel may not have been fully answered in the previous consultation on February 1, 2018.

Chair Profumo began the consultation by reading an opening statement which thanked the administrators and noted that CFW valued shared governance. In terms of the childcare center,

Chair Profumo suggested that the lack of Senate consultation in choice of location has negatively impacted faculty buy-in. Chair Profumo added that CFW is committed to assisting the campus in moving forward to opening the childcare center in 2019, but suggested that timeliness should not interfere with due diligence. Chair Profumo noted that from the May 10, 2018 consultation with CPB and VCBAS Latham, CFW understands that there was no formal RFP for the third party childcare vendor, and that a Request for Information (RFI) was done years ago and the campus was never advised to engage with Bright Horizons (BH) further than “Phase 1” to research UCSC’s childcare needs. From email correspondence with AVC of Colleges, Housing, and Educational Services, Sue Matthews, CFW understands that this contract was later amended to include Phase 2 and Phase 3 operations.

Chair Profumo noted that in 2015, CPB opined on several childcare models, and raised concerns about the possible conflict of interest with BH as the only company that provided evaluation of the options, if they were to be the operator of the childcare center. Chair Profumo added that in 2015, CP/EVC Galloway said that there would be an RFP for a third party vendor, but the Chancellor and former Interim CP/EVC Lee decided to contract with BH. Additionally, a donor recently contacted the CFW Childcare Representative, and has expressed concerns about a lack of RFP. CFW is concerned about this engagement and the lack of transparency, which Chair Profumo suggested, has already had negative consequences.

Chair Profumo shared that CFW had additional concerns, including the lack of veto power on childcare facility employees and the director, and the lack of a guarantee that costs will stay close to estimated levels and not become unaffordable. In addition, Chair Profumo noted that the 2017 summer Childcare Workgroup was never informed that BH was already chosen when they were charged with their work. Had they been informed, Chair Profumo suggested that the group would have been more effective in its recommendations. CFW hopes to be as involved as possible in the agreement that is drawn up with the third party vendor.

VCBAS Latham requested a copy of the opening statement and suggested that although the 2015 Childcare Services Model group charge from former CP/EVC Galloway suggested that there would be an RFP, after the 2015 workgroup report was provided, the CP/EVC Office decided not to move forward at that time. VCBAS Latham wanted to make it clear that it was Chancellor Blumenthal and former Interim CP/EVC Lee who decided that BH would be the service provider and that there would not be an RFP.

She noted that while with any third party, the campus could have input via an interview panel, and emphasized that the candidate would not be a UCSC employee. Although the campus may have input and be able to express concerns, there will be no veto power. When asked if this was due to

liability concerns, VCBAS confirmed that liability concerns have driven much of the decision making, noting that there have been some severe personnel and operational issues with UCSC childcare in the past. VCBAS Latham noted that if the campus is engaging in decision making, then it is maintaining risk and the third party vendor may say that the campus is responsible and not them. She added that childcare is a critical service and is not without risk.

When a CFW member noted that it is not uncommon to include board members, committee members, etc., on interview panels, VCBAS Latham agreed that it would be a positive thing to be included in search committees and interviews, but noted that the campus will not be making the final decision.

A CFW member shared that they hoped it was clear that CFW would like to help the campus move forward and that the committee has a clear purpose – “to get it done and get it done well”. The member added that due to a lack of transparency, the committee doesn’t know what is going on and wants to ensure that the campus has the best facility and vendor possible. Chair Profumo added that CFW would like to request a RFP before BH enters Phase III operations.

Chair Profumo shared that CFW did some research on how BH is doing on other UC campuses. No red flags or specific concerns were raised by other CFW chairs on sister campuses that contract with Bright Horizons. Chair Profumo noted that it may be that BH is the best option, but in terms of process and how the project is perceived, it would help to see the campus making an effort to seek the best possible provider. VCBAS Latham noted that the administration has copies of parent surveys from BH campuses and offered to share those with a small group. Chair Profumo suggested that this was not enough and would not replace an FRP.

VCBAS Latham emphasized that the Chancellor and the CP/EVC ultimately make the decision, and suggested that the administration could go back and assess and see if a RFP would jeopardize the opening of the center in the fall, noting that there are already liability issues in the current contract. VCBAS Latham expressed that she had concerns about jeopardizing the project. She added that they would have to figure out how to re-evaluate and assess impact on the project timeline in order to determine if an RFP is appropriate or timely. The VCBAS mentioned that such an action would need to involve feedback from Legal Counsel, noting that there are legal considerations involved in administrative decision making and all details cannot be shared, which contributes to a view of lack of transparency.

CP/EVC Tromp shared that she has been looking through old history with regards to childcare and is trying to analyze data. She noted that she does know that if an RFP is issued, BH would be precluded from participating as they have a current contract with UCSC. She suggested that the

elimination of BH would be a huge loss and added that since the parent surveys from the UC's that have contracts with BH are favorable, losing them as an option for service provider would be a shame. CP/EVC Tromp noted that there are additional legal issues that she would need to explore.

When asked at what point it became impossible for BH to participate in a possible RFP, VCBAS Latham suggested that it is hard to know when going back and reassessing, noting that new information often prevents going back and changing things. She added that for each contract that the campus enters into, the campus is trying to mitigate potential risks and think about all considerations. She noted that the stakes are high with childcare, not just because it deals with kids, but the children of students and employees. VCBAS Latham suggested that the campus has done due diligence with looking into the appropriateness of BH as a provider and noted that although the current student childcare center on campus has amazing teachers, there have been some serious issues. She noted that there are always things that can be done better, such as with communication, etc.

CP/EVC Tromp suggested that she has the advantage of coming into the situation as an outsider with new eyes. She suggested that it is clear that safety for the kids are what drove every decision with regards to childcare, noting that this project and its associated contracts are complicated by the focus of and concerns regarding safety, which has been a priority over many other factors in the decision making process. CP/EVC noted that she heard that CFW does not want to be left out of the conversation.

When a CFW member questioned how a focus on keeping kids safe could lead to the Childcare Working Group not being informed of the decision to move forward with Bright Horizons, VCBAS Latham responded that the work that the Workgroup did was not done in vain and claimed that all of the recommendations for the building are being used. She added that the administration was looking for recommendations on the childcare program and building, all of which they received from the group's report. The CFW member shared that during follow up meetings, Workgroup members were shocked to see Bright Horizon representatives present as they were not yet informed of their involvement. The member suggested that if the campus's relationship with BH was conveyed clearly, even after the Workgroup convened, it could have helped to expedite the project. VCBAS Latham stated that they are always learning how to improve communications, and noted that there was never an intention to exclude unless there was a legal reason. VCBAS Latham added that the administration had thought that it was being proactive by including experts to develop the program and building and are pleased to be able to incorporate the outside classroom, observation rooms, and other recommendations made by the Workgroup in the building plans.

Chair Profumo emphasized that CFW is not requesting “another RFP”, but an initial RFP and suggested that the campus has missed a fundamental step. Since Phase 2 and Phase 3 of the original contract are not binding, Chair Profumo stated that he could imagine that the campus could terminate the engagement with BH and open an RFP without hindering BH’s ability to submit a bid. CP/EVC Tromp suggested that they will discuss this option with General Counsel and added that it is a complex issue and that the administration is grateful for the expertise of both General Counsel and Systemwide Counsel in this regard.

When Academic Senate Chair, Olof Einarsson, asked for clarification as to why the decision was made by the Chancellor and Interim CP/EVC to move forward with BH without an official RFP, VCBAS Latham claimed that the Chancellor and Interim CP/EVC were provided with the option of an RFP, or with going with an agreement with BH connected to other UC campus agreements like Davis, San Francisco, and UCLA. Considering the recent personnel issues at the current student childcare center, the two decided to engage with a service provider that had already been vetted by Counsel and other campuses. VCBAS Latham shared that the Chancellor and Interim CP/EVC decided to procure BH as the service provider because it was the preferred path with respect to continuity of care and liability issues. VCBAS Latham added that all of the UC campuses that contract with third party vendors contract with BH, the rest self-manage. The CFW Childcare Representative added that this information would have been helpful for the Workgroup to have known and suggested that the lack of information led to many rumors. The VCBAS agreed. The CP/EVC added that understanding what can be shared with the community is critical. CFW members shared that hearing that there may be reasons for the apparent lack of transparency makes it more palatable.

When asked who presented the options to the Chancellor and Interim CP/EVC, VCBAS Latham replied that it was Procurement, CHES, Legal Council, Human Resources, and herself. A prior analysis from other campuses, and a legal analysis of possible risks was presented. Campus Counsel laid out the options. When asked about the analysis materials, VCBAS Latham noted that BH provided additional information and analysis, and UCSC staff assessed the data. She added that through 2015, the administration did deep dives into the contracts of UCSF and UCD to see what the existing UC contracts look like. She added that the current status of the UCSC childcare center also influenced the decision. The opportunity for the campus to be part of a larger organization when there are issues with recruitment was seen as a positive. VCBAS Latham noted that some of the documents provided to the Chancellor and Interim CP/EVC at the time may not be shared. The CP/EVC added that she and the Chancellor have experienced frustration about not being able to talk about how the decision was made.

Chair Profumo emphasized that it would be best if there was an RFP, but noted that if that were not possible, that it would help to understand the decision making process clearly and make that information public record. He stressed that timeliness is the number one priority, and if an RFP would hinder the timeline, that there needs to be a clear case for not having one.

VCBAS Latham noted that she is concerned about delivering childcare in fall 2019 and emphasized that the information that the Chancellor and Interim CP/EVC considered cannot be shared. Chair Profumo noted that if not the details, the logic could be shared. CP/EVC Tromp offered to fill out and share a visual timeline with some information on decision points, and added that when she arrived at UCSC, she was shocked by how much what is happening at other UC campuses influences UCSC decisions, noting that the UC is genuinely a system and not independent campuses. CP/EVC Tromp added that the ability to access childcare information across the system including parent satisfaction surveys was valuable.

VCBAS Latham suggested that if an RFP is not possible right now, an annual assessment of the third party vendor could be incorporated into the charge of the new Family Advisory Committee. The group could assess the performance of the vendor before year four, when the contract expires, and a new RFP process could then be started for the next round of childcare, which could include BH and other bids. She added that the factors that of assessment would need to be determined.

When a suggestion was made that CFW members could attend the various childcare forums, the CFW Childcare Representative indicated that she had attended almost every one and noted that some of the information shared during the forums from the architect, etc. were not consistent and may have given the impression that there was a lack of preparation and that the campus is trying to build as cheaply as possible. The Representative suggested that the same level of details should be shared at each of the forums, including the fact that an RFP was discussed, or it may appear as if no effort was made. The CP/EVC agreed, and VCBAS Latham suggested that having a session specifically for CFW, the design team, and the Childcare Working Group, would be helpful.

VCBAS Latham noted that the campus could always find more productive ways and venues for communication. She informed the committee there has been a soft launch of a new website for Student Housing West, several forums, and an internet forum, during which there were no issues expressed regarding the proposed location on the meadow, but rather concerns about it not being college housing. Announcements have also been made in Tuesday Newsday and in several press releases. Since the draft Environmental Impact Report (EIR), the administration has been keen to keep the integrity of the EIR, but are unable to discuss financial feasibility and other program concerns during these forums and events.

VCBAS Latham noted that she wanted to make sure that there is clarity regarding the proposed site. With regards to the claim that the proposed site on the meadow violates principles of the founders of the campus, she suggested that when the founders came together to develop the campus they talked about preserving the great meadow and developing across the east meadow, which is the proposed site for the center. VCBAS Latham shared that the administration has had to spend time correcting misinformation, but acknowledged that many people feel a physical and/or emotional attachment to the East Meadow and are opposed to building there.

CP/EVC Tromp shared that the administration had to ask Legal Counsel how to address questions regarding the EIR, as there is much that they would like to share, but cannot, which gives the appearance that the Chancellor didn't care about the other options, which CP/EVC Tromp noted suggested that this is not the case. VCBAS added that the administration is currently trying to figure out how to talk about financial analysis in a way that doesn't jeopardize the EIR adding that in previous similar situations, the administration has brought Senate committees into confidential conversations on certain topics. However, two years ago, the administration found out that legal privilege does not extend to faculty and academic leadership, and are no longer able to continue this practice. The privilege lies only with full time administrators. VCBAS suggested that it might be helpful to have a session to talk about legal privilege with chairs, counsel, Senate leadership, etc.

A suggestion was made to do more public announcements in addition to the website, which are short and concise, much like campus announcements regarding the Strategic Academic Plan or public affairs. When the CP/EVC asked if such announcements should come through Senate committees, or from the Chancellor or CP/EVC, CFW members suggested that they should come from the administration as it is not the Senate's project.

The CP/EVC thanked members for the consultation and stated that she would get back to CFW about the possibility of an RFP, work on a visual timeline, and share with the committee what legal privilege covers and what it does not. VCBAS Latham added that it would be helpful if CFW could provide feedback on the draft charge of the proposed Family Advisory Committee and provide ideas for assessing vendor quality and performance at the end of the contract. VCBAS Latham noted that access to, and prioritization of, slots in the childcare center is an additional concern that could also be incorporated into the Family Advisory Committee charge. CFW members agreed that access and prioritization considerations are crucial. The VCBAS closed by noting that time is of the essence and that this would require work over the summer.

CFW Debrief

Chair Profumo noted that CFW had delivered the intended message that an RFP is needed. The committee was pleased to share historical context and background with the CP/EVC. Chair Profumo will share the presentation slides with members. The committee will draft a response to the draft charge of the proposed Family Advisory Committee.