

Committee on Privilege and Tenure Annual Report 2019-20

To: Academic Senate, Santa Cruz Division

I. Grievances

Five grievances were filed with the committee during the 2019-20 academic year, all of which were resolved without a hearing. Additionally, a hearing was held for a grievance filed the previous year and this matter is now closed. The Chancellor did not fully abide by P&T's recommendation.

II. Charges

Charges were presented by the administration against six members of the faculty this year. Two were resolved without a hearing, two were resolved following a hearing, and two have not yet been resolved, although the hearings have taken place. Of the two that were resolved following a hearing, the chancellor's imposition of discipline for one was more severe than that recommended by P&T.

III. Review

A. Formal Review of Proposed Revisions to Campus Academic Personnel Manual (CAPM) 514.285 – Lecturer with Security of Employment Series

P&T discussed the proposed revisions to CAPM 514.285 and made note of the Senate's long held observation that membership in a department is by and large the mechanism by which faculty receive and express their rights, Bylaw 55 rights most notably, and suggests that all faculty including Lecturers with Security of Employment (LSOE) should be hired into a department as a general principle. If the expectation is for LSOEs to provide service, then they ought to have rights commensurate with having department status. Given the heavy teaching load on LSOEs presumed by the language of the policy, it is additionally important that LSOEs are members of departments where they, and those for whom they may be teaching courses, have a say in what LSOEs teach.

The revisions to related LSOE policies system-wide were intended to allow for the recognition of LSOEs who are engaged in professional and/or scholarly work related to pedagogy in their discipline, and to clarify how the promotion process might take such efforts into consideration. Still, the committee took issue with the language in §D - Evaluation Criteria, which provided "The criteria set forth below are intended to serve as guides for *minimum* standards by which to evaluate the candidate . . ." The committee noted that this sets high expectations with regard to research and research-pedagogy while retaining high expectations for teaching and service. Members also noted that the §I(3) workload requirement was in conflict with the evaluation criteria. The language did not present professional and/or scholarly achievement and activity as a secondary responsibility but as a necessary criterion for advancement. Finally, members took issue with the policy language which suggested that LSOEs are professionals within an education field

specializing in the discipline of teaching versus the actuality that LSOEs are professionals, expert in a discipline and the related discipline-specific pedagogical methods.

B. Comments on Department to Division Transfers

P&T discussed a proposed FTE transfer from a department to a division. Although it was presented as a “voluntary” transfer, members found it troubling, especially with department-to-division transfer requests coming with increasing frequency.

P&T noted the absence of applicable guiding policy. The Campus Academic Personnel Manual (CAPM) provides guidance on how department-to-department FTE transfers are to transpire (CAPM416.220), but this policy is only mildly illuminating. In a case of department-to-division transfers, the acceptance of the faculty member concerned into the division seems an appropriate analog to the provision that faculty in the receiving departments must accept the appointment. However, that policy also asks that sending departments agree to the transfer, which apparently had not happened in the case P&T reviewed.

More concerning, CAPM 416.220 is silent in regard to how the many rights and responsibilities attendant to belonging to a department are secured with divisional appointments or otherwise compensated for. As an example, a faculty member may appear willing to forego Bylaw 55 rights and others that come with departmental status, but P&T were concerned that a faculty member may be doing so unwittingly. Members were concerned with what would happen, for example, if, per a divisional MOU, a dean’s attempts to secure teaching and service responsibilities for a faculty member were to come up short because others are not willing to work with them or let them offer courses within their departments on authority of their own. Without recourse to teach or provide service within their current department, a faculty member could inadvertently face disciplinary charges for failure to perform professional duties.

Finally, P&T was concerned that department-to-division transfers are occurring in lieu of pursuing charges.

C. Draft Internationalization Goals and Action Plan

P&T reviewed the draft Internationalization Goals and Action plan for the Campus. It noted two purview-specific areas warranting attention. First, the committee was concerned with how students and faculty are held accountable and protected in cases of campus exchange. P&T strongly urged the inclusion of a short statement that both incoming and outgoing students and faculty are subject to the campus’ codes of conduct and other relevant policies. Second, P&T felt it could not support any policy, explicit or implicit, which penalizes faculty for having a domestic research agenda or teaching portfolio. P&T therefore suggested that the revised plan exclude any language that suggests that international research and teaching efforts will be prioritized or incentivized. While outside of P&T purview, an issue on which all members agreed was the importance of providing housing for the campus’ international guests.

D. Office of Diversity Equity and Inclusion (ODEI) Leadership Change

P&T discussed correspondence from Chancellor Cynthia Larive that outlined a proposal to create a clear leadership structure for the Office of Diversity Equity and Inclusion (ODEI). The committee noted that one of the benefits of the existing structure is having a faculty member, in this case a provost, overseeing DEI matters for the faculty. This person would have direct experience with faculty concerns regarding admissions, personnel, and curriculum development. The committee's particular concern was that any statements of best practices coming from the ODEI could morph into policy, without sufficient oversight of the Senate, potentially giving rise to grievances or disciplinary actions. This concern was only partially mitigated by the separation of compliance and programming. Given these concerns, P&T could not recommend the proposed change to the leadership structure of the ODEI, and emphasized that regardless of what decision is ultimately made, the separation of compliance and programming should be an immediate imperative.

E. Proposed New Presidential Policy on Gender Recognition and Lived Name

P&T reviewed the Proposed Presidential Policy on Gender Recognition and Lived Name(s) in and concurred with the implicit goal of the policy: that the University of California should ensure that all individuals have university-issued identification documents that recognize their accurate gender identity and lived name. The committee, as well, noted that this policy provided useful context for cases in which a dead name (referred to as legal name if unchanged, in the policy proposal) is unfortunately used (examples such as financial aid, payroll documents, tax documents, bills for payment, or medical personnel identification and patient records).

F. Request for Ruling on Definition of Presence

P&T experienced a high volume of hearings in 2019-20 which was complicated by the shelter in place order issued by the Governor in response to COVID-19. This gave rise to an issue in convening and continuing hearing committees related to Senate Bylaw 335 (grievance) and 336 (discipline) hearings as ALL University business that could be conducted remotely was being conducted remotely. Specifically, Senate Bylaw 335.D.3 and 336.F.3 state that “[t]he Chancellor's designee, the grievant, and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received.” and “[t]he Chancellor or Chancellor's designee, the accused, and/or their representatives shall be entitled **to be present** at all sessions of the Hearing Committee when evidence is being received.” (emphasis added).

P&T's understanding of “presence” led the committee to the conclusion that the video conferencing mechanism meets the standard identified in the bylaws. To strengthen its interpretation of policy, P&T sought a formal interpretation from UCR&J. UCRJ responded that as long as the conduct of the proceedings ensures that the parties may participate and observe others to the extent necessary to exercise their due process rights, the requirements of each Bylaw may be met.

IV. Title IX Training

During the fall 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

Emily Brodsky
David Cuthbert
Muriam Davis
Jennifer Gonzalez
Sean Keilen
Roberto Manduchi
Melanie Springer
Julie Guthman, Chair

August 31, 2020