

Committee on Privilege and Tenure Annual Report 2003-2004

TO: The Academic Senate, Santa Cruz Division

The Committee on Privilege and Tenure (P&T) met regularly during the academic year and the Chair served as Chair of UCP&T. The Special Committee on Non-Senate Teaching Faculty, which was mandated to have a representative from P&T, was chaired by the Chair of P&T. The Committee on Privilege and Tenure held one formal hearing this year. Outside the committee, several faculty members consulted P&T Advisors when they believed their rights and privileges might have been violated.

Orientation and Procedures Review for P&T and Charges Committee:

On this campus, grievances are handled by P&T but charges or disciplinary actions begin with the Campus Provost/EVC, go to the Charges committee after which if a notice of proposed disciplinary action is given, P&T becomes a part of the process. Because of the complexity of the processes and the fact that new faculty come on the committees each year in addition to the changing membership of P&T advisors over the years, P&T deems the training and orientation of all parties responsible for the investigation of grievances and charges to be essential for the protection of faculty rights and privileges.

For the first time, this year, P&T organized an orientation meeting that included its members, the P&T advisors, the Charges Committee, staff to both committees, University counsel, counsel to P&T, Assistant Vice Chancellor Barbara Brogan and, from the Office of the President, Executive Director and Special Assistant to the Provost, Sheila O'Rourke. Such an orientation should be held whenever there is considerable turnover in the membership of the relevant committees.

Policy and Procedures:

A summary of the grievance and discipline procedures is now on the Senate web site at <http://senate.ucsc.edu/p&t/index.htm>

P&T has received petitions from represented faculty, lecturers under the Unit 18 contract or Memorandum of Understanding. Because the rights guaranteed them by contract and the procedures stipulated therein differ from that for the Senate and the Academic Personnel Manual, P&T has limited scope to resolve the problems presented. Non-Senate faculty are protected under the senate provisions for Academic Freedom and a non-senate member who has received a letter of intent to dismiss can have his or her case taken up through the Senate or through the union process. Any member of the campus may bring charges against a faculty member for violation of the Faculty Code of Conduct and anyone can report an allegation of improper governmental activity under the Whistleblower Act <http://www.ucop.edu/ucophome/coordrev/policy/10-04-02whistle.pdf> Given the gap between definition of rights, privileges, and procedures for these two segments of campus whose interaction is vital for our success, P&T applauds the Senate's

passing of the resolution to adopt the best practices to ensure fair and equitable treatment of non-senate faculty.

P&T reviewed the resolution on the Patriot Act and voiced its opinion on the Step VI Task Force Report.

Grievances and Disciplinary Hearings:

One grievance, held over from last year, was resolved at the pre-Hearing stage; another is in the process of informal resolution, and in a third, no violation of a faculty member's rights and privileges was evident. While faculty members may become aware of possible infractions of university policies and procedures during a personnel review, P&T would like to reiterate, as it did in one grievance, that P&T cannot consider the grievance on the personnel process until it is complete, a decision has been rendered and the full file can be accessed and evaluated. Investigation of one grievance received at the end of the academic year will begin next academic year. The Campus Provost/EVC delivered three notices of proposed disciplinary actions to faculty members. Of those, one faculty member accepted the discipline; one activated his/her right to a hearing, and the third is still open. P&T held a full formal hearing on a case where the faculty member received the notice of proposed disciplinary action in the last academic year.

P&T Advisors:

P&T advisors are faculty members who can give advice and assistance to colleagues who believe that their rights and privileges may have been violated. In the help that they give to faculty in analyzing, preparing, and filing their cases, P&T advisors are crucial to the committee's process. A list of P&T Advisors is available at <http://senate.ucsc.edu/p&t/P&T%20Advisors0405.htm>

Respectfully Submitted,

COMMITTEE ON PRIVILEGE AND TENURE

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