

## **Committee on Privilege and Tenure Annual Report 2018-19**

To: Academic Senate, Santa Cruz Division

### **I. Grievances**

Five grievances were filed with the committee during the 2018-19 academic year, three of which were resolved without a hearing, and two of which are ongoing.

### **II. Charges**

Charges were presented by the administration against two members of the faculty this year. One was resolved after a hearing and the second postponed indefinitely for good cause.

### **III. Review**

#### **A. Senate Review of Proposed Amendment to Academic Personnel Manual Section 11**

The Committee on Privilege and Tenure (P&T) discussed the proposed amendments to APM section 011 and raised concerns about the proposal regarding grievances under the policy. Specifically, members had misgivings regarding the following language “Grievances concerning academic freedom shall be adjudicated according to the privilege and tenure procedures specified by Senate Bylaw 335.” Although P&T appreciates the reasoning that the Academic Senate is the natural arbiter of what counts as a violation of academic freedom, and consequently the natural auditor of a grievance concerning such a violation the committee is concerned about the extension of P&T's responsibility into an entirely new range of potential cases. To address this, P&T suggested that the proposed new policy, if adopted, should be reviewed after about three years, to evaluate its effect on P&T committees.

#### **B. Review of Proposed Policy on Consensual Relationships and Conflict of Interest**

P&T reviewed the proposed policy on Conflict of Interest Related to Consensual Relationships. Members noted that the policy is of direct relevance to the concerns of P&T, and were surprised that P&T was not invited to review the proposed policy in the first round of review. It was not clear to the members of P&T why UC needs an additional policy on top of the policies already in place; the proposed policy seems to mix issues of conflict of interest with issues of sexual violence and sexual harassment; and it is not clear why the Title IX officer is at the center of implementation of the policy. P&T suggested that first, it should be carefully explained exactly where the gaps are that are not covered by existing policies governing faculty, student, and staff interactions. Where existing policies are applicable, there is no need for a new or overlapping policy. Second, the confusion between Sexual Violence Sexual Harassment (SVSH) issues and conflict of interest issues should be removed; third, if a need for an additional policy is still evident, the location of the agency responsible for implementation of the policy should be carefully re-thought. It seems to us that locating responsibility for implementation of a policy on conflict of interest in the Title IX office is a category mistake. Emphatically, we believe that no policy along the proposed lines should be promulgated until these concerns are satisfactorily answered.

### **C. Proposed Revisions to Investigation and Adjudication Frameworks for Senate and Non-Senate Faculty and for Staff and Non-Faculty Academic Personnel under the Presidential SVSH Policy**

The committee reviewed proposed revisions to the Investigation and Adjudication Frameworks for Senate and Non-Senate Faculty and for Staff and Non-Faculty Academic Personnel under the Presidential SVSH Policy. P&T did not find anything objectionable in the proposed revisions.

### **D. Systemwide Review of Proposed Revisions to Senate Bylaw 336**

the Committee on Privilege and Tenure (P&T) reviewed the proposed revisions to systemwide Senate Bylaw 336 and raised concerns that the proposed compressed timeframe for P&T hearing processes may a) damage the core purpose of the hearing process, which is to give both sides a fair opportunity to present their cases; and b) be impossible to comply with. The requirement that a hearing be held within 60 days of the issuance of charges appears to have been snatched out of the air, and not appear to be based on comparable processes elsewhere. To address this, the committee suggested that the University might try to find out whether there are comparable processes elsewhere that might be cited for comparison. Absent that, the committee commented that it will do everything that it can to comply with the proposed timetable and carefully document every step, noting the reasons for any delays. P&T recommended that the Senate determine to revisit this bylaw in three years to assess whether it has been possible for the divisional P&T committees to comply with these new requirements.

### **E. Presidential Policy on Sexual Violence and Sexual Harassment**

P&T reviewed the proposed draft Policy on Sexual Violence and Sexual Harassment (SVSH) and found some aspects of the proposed changes concerning, and noted that parts of the draft were poorly written. The Committee suggested that some definitions should be revised or clarified, such as those of “sexual assault”, “responsible employee”, and “complainant”. The committee commented that unless the terminology is cleaned up, this is going to be a difficult policy to implement. P&T also noted that the proposed treatment of cases where there is interaction between the SVSH/Title IX process and other complaint/grievance processes may require a revision to other policies, in particular Senate Bylaw 335.

## **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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