

**COMMITTEE ON PRIVILEGE AND TENURE
ANNUAL REPORT
2007-2008**

To the Irvine Divisional Senate Assembly:

The Committee on Privilege and Tenure (CPT) respectfully submits its activities for the academic year 2007-08

A. Introduction

The principal function of the Committee on Privilege and Tenure (CPT) is to consider potential and formal grievances brought by members of the Academic Senate and to consider disciplinary charges against members of the Academic Senate. Details are confidential.

The committee as a whole meets as needed. Subcommittees are formed and meet for early stages of the grievance process. In addition, throughout the year there were extensive and lively e-mail exchanges to discuss reviews of various policy proposals at both the campus and system levels.

The following is a summary of committee activities from September 1, 2007 to August 31, 2008.

B. Committee Membership

David Blake, Chair and UCPT Representative
Pierre Baldi
Alan Barbour
Rae Linda Brown
Alan Elias
James Hicks
Valerie Jenness
Gloria Mark
Maria Pantelia
Nasrin Rahmieh
William Reeburgh
Athanasios Sideris
Judith Stepan-Norris
Kristine Ferry, LAUC-I
Luisa Crespo, Committee Analyst

C. Summary of Cases

Grievance Cases

The committee received two grievances during the year:

Case A: No probable cause found.

Case B: No probable cause found.

Disciplinary Cases

No disciplinary cases were reviewed by the committee.

Early Termination Cases

No early termination cases were reviewed by the committee.

D. Dispute Intervention and Advising

As part of his normal duties, the Chair of P&T engaged in multiple discussions with members of the Academic Senate who sought his advice and guidance about the P&T process. These interventions are designed to accomplish several things 1) help the potential grievant understand the process without entering into specific recommendations about specific cases, 2) to act as an informal “go-between” to clarify the nature of issues and to identify various avenues by which the dispute could be settled informally and with acceptance by all parties.

In the past year, the chair engaged in such sensitive “cases” at least six times. One result of these efforts, and those of the Complaint Advisor Panel below, is that many of these situations were resolved early in the informal discussion phases thereby avoiding the costly and disputatious formal grievance procedure. It is the belief of the Irvine P&T that such actions at an early stage can lead to effective compromises, a quicker resolution of concerns, and a reduction in antagonisms and unhappiness.

E. Complaint Advisor Panel

The Complaint Advisor Panel is composed of former members of CPT who advise faculty on procedures relating to grievances and disciplinary actions. The Panel members are Professors Elena Peterson, Kenneth Pomeranz, Dana Sutton, and Russell Williams. The Panel received seven requests for assistance; no complaints proceeded to a grievance filing as of this date. Moreover, the Chair of the Committee informally addressed six requests for assistance; no complaints proceeded to a grievance filing as of this date (see Section D).

F. Issues Reviewed by the Committee

1. Divisional Issues

Proposed Revisions to the Irvine Divisional Manual, Appendix III

The Committee proposed modification of the Appendix to detail the composition and scope of the Formal Investigation Committee (FIC). The proposed revision more clearly integrates the Section related to *Procedures for Investigating Alleged Violations of the Faculty Code of Conduct*. The revised version eliminates duplication, and clarifies the timelines. The other modifications are minor and are related to Academic Personal Procedures that were considered inappropriately referenced in the Appendix.

The proposed changes were endorsed by the Senate Cabinet on May 20, 2008, and will be presented to the Divisional Senate Assembly on June 5, 2008.

2. System-wide Issues

Proposed Revisions to APM 710, 711, 080

The Committee reviewed Proposed Revisions to APM-710 Leaves of Absence/Sick Leave; Proposed new APM-711 Reasonable Accommodation for Academic Appointees with Disabilities, and Proposed new APM-80, Medical Separation. The following recommendations were incorporated into the Cabinet’s response to system-wide.

- 710: in 710-40 that the proposal state explicitly that the tenure clock for untenured faculty on medical disability *shall be stopped* for a maximum of two years (in combination with other reasons to stop the tenure clock). This seems to be implied by the wording but is not definitively so stated.
- 080 – 1, p. 2. It appears that the campus Disability Management Office has a dual and potentially conflicting role. It can act as an initiator of medical separation at the dean's level, but then the chancellor is to refer such a case to the same office presumably for advice and counsel in making her or his decision.
- 080 – 2, p. 2 should require that a faculty member be invited to submit comments about the proposed action to terminate him or her after going through the iterative process. This should happen before the proposal for termination is forwarded to the Chancellor. This seems to be a reasonable step to ensure due process and to allow the faculty member to influence the Chancellor's decision before his or her decision is called for. Currently, the request for faculty comment seems to take place after a tentative decision has been made.
- 080- 3. a and b, p. 3. The policy for Academic Senate members as well as non-members should state clearly that faculty being terminated have the right to file a grievance with P&T.

Health Sciences Code of Conduct

The Committee on Privilege and Tenure reviewed the proposed Code of Conduct for the Health Sciences faculty. However, it was determined that there were no issues that would affect the work of the Committee on Privilege & Tenure.

SB337: Privilege and Tenure-Early Termination

Through the University Committee on Privilege & Tenure (UCP&T), the chair of the Irvine Privilege and Tenure Committee collaborated with his colleagues from the other campuses on a discussion of 377. The divisional CPT reviewed the changes and did not add to the draft that was the result of these deliberations.

G. Carry-forward Items for 08-09

Appendix III: To be presented at the Divisional Assembly Meeting, November 13, 2008

Attachment:
 Summary of Cases
 Attendance Report