

**COUNCIL ON FACULTY WELFARE, DIVERSITY AND ACADEMIC FREEDOM
ANNUAL REPORT
2013-2014**

To the Irvine Divisional Senate Assembly:

INTRODUCTION

The Council on Faculty Welfare, Diversity and Academic Freedom (CFW) considers issues relevant to faculty welfare, academic freedom, affirmative action and diversity, and emeriti affairs. Its membership and duties are described in Irvine Bylaw 99. Professor Jean-Daniel Saphores chaired CFW during the 2013-14 academic year. The Council's Chair served as the Council's representative to the Senate Cabinet and the Irvine Divisional Senate Assembly. The Council sent representatives to three UC committees and one UCI committee: University Committee on Faculty Welfare, University Committee on Academic Freedom, University Committee on Affirmative Action and Diversity, and the Chancellor's Advisory Committee on Child Care. The Council has four standing subcommittees. The Subcommittee for Emeriti Affairs consisted of the three emeriti members of the Council and the Chair of the UCI Emeriti Association (UCIEA). The other faculty members served on one of the other three subcommittees: Faculty Welfare, Academic Freedom and Affirmative Action & Diversity.

CFW met eight times during the academic year of 2013-14. Additional discussions were conducted electronically. The Council reviewed and discussed the following issues, proposals, policies, and reports. When appropriate, it responded to the Chair of the Academic Senate, UCI administrators, or UC Senate committees:

SUMMARY OF COUNCIL'S ISSUES AND ACTIONS

Council on Faculty Welfare, Diversity and Academic Freedom Issues

Academic Freedom Guidelines

The Council reviewed draft investigative procedures for academic freedom introduced by a faculty representative to the University Committee on Academic Freedom during the 2012-13AY. The document proposed to create a standing committee to hear all possible complaints related to academic freedom as well as defining what constitutes academic freedom. Due to the fundamental issues with draft document and the existence of current avenues for recourse such as the Committee on Privilege and Tenure, Graduate Council and the Division of Undergraduate Education, the Council felt no need to adopt specific guidelines for our campus. The Council however plans, however, to explore how academic freedom issues are handled at other UC campuses and whether or not they have a charter by which they operate.

(CFW meeting date: 11/12/13)

Climate Survey

Systemwide results for the UC Climate Survey were released in March. The Council was advised to review the survey questions related to faculty welfare. Council members will review the report and contact Gwen Kuhns Black, Associate Director of the Office of Equal Opportunity and

Diversity, with questions. More information will be provided at future meetings as it becomes available.

(CFW meeting date: 06/10/14)

Emeriti Issues – Health Insurance

Processing for health insurance options for out-of-state, Medicare eligible retirees has moved to a third party, formerly Extend Health recently purchased by One Exchange. These retirees no longer have access to the UC plans but they receive \$3K (after 20 years of service) in a health reimbursement account from UC. This account is prorated down for less than 20 years of service. Issues with the vendor include 2-3 hour long phone call interviews, inability to understand the reimbursement process and general discomfort with installing a new process without adequate notification and training. Health Care Facilitators were not trained on the process before it launched. The Council will work with the UCI Emeriti Association to monitor and evaluate other areas of concern throughout the coming year. Additional updates on progress and changes will be provided as they become available.

(CFW meeting date: 10/08/13, 04/08/14)

Emeriti Issues – Retirement Housing

Retirement housing access at Regents Point for UC Irvine faculty, staff, and family was secured through a Memorandum of Understanding in Spring Quarter 2014. Priority access will be given to emeriti, faculty, staff, and their family members for placement within the community. Additionally, short-term care for circumstances such as hip or knee replacements will also be possible. Pricing is expected to be affordable for faculty members. Efforts are underway to explore scholarships provided by Regents Point to assist staff. The Council will continue to work with the UC Irvine Emeriti Association towards securing options for the campus and monitoring the progress of the Regents Point agreement. More information will be provided at future meetings as it becomes available.

(CFW meeting dates: 10/08/13, 01/14/14, 05/13/14, 06/10/14)

Federal Regulations for Affirmative Action

Changes were made to the Executive Order 11246 signed into law by President Lyndon Johnson in 1965. The Order prohibits federal contractors who have contracts of \$10,000 or more in one year from discriminating in employment decisions on the basis of race, color, religion, sex or national origin, disability and veteran status. It also requires federal contractors to take steps to ensure that equal opportunity is provided in all aspects of their employment. Federal contractors who have at least 50 employees on staff and \$50,000 or more in government contracts are required to develop written affirmative action plans and updated them annually. UC also has an affirmative action policy covering minorities and women, individuals with disabilities, and protected veterans. There are no changes to the section covering minorities and women.

Two of the new changes will require additional reporting and changes to the information collected for individuals with disabilities and protected veterans and, for UC Irvine, effective March 24, 2014 a requirement to start surveying current employees to inquire if their disability status changed during their time of employment. The Council will continue to work with the

Office of Equal Opportunity and Diversity to monitor how the changes are implemented throughout campus. Additional information will be provided as it becomes available.

(CFW meeting date: 03/11/14)

Parking and Transportation

The Council met with Parking for an annual report and to discuss concerns regarding parking initiatives throughout campus. Council members raised several concerns including the annual increase in parking rates, the purchase and purpose of new vehicles, the installation of traffic lights at the intersection of Los Trancos and East Peltason, and the episodic lack of parking availability for faculty and staff. Parking shared they are working to minimize the increase in parking rates and towards a light solution for the Los Trancos intersection. At the Council's request, Parking will look into the permit assignments for lots 4 and 7 as well as other areas in the Sciences to ensure adequate parking for faculty and staff. The Council will continue to monitor parking issues and provide updates as they become available.

(CFW meeting date: 06/10/14)

Retirement Counseling

The Council discussed the removal of local, on-site benefits and retirement counseling. UCOP previously funded retirement counseling at each campus. However, changes in the administration of Human Resource services have resulted in a transfer of that function to a systemwide Retirement Administration Service Center, stating the function could be done remotely. The Council felt that faculty and staff need one-on-one counseling services and that a personal interface is required for situations such as challenging medical issues and irreversible retirement decisions. A request was made to the Senate Chair for an evaluation of the arrangements for benefits and retirement counseling with the Council's recommendation there be at least two trained people on staff to provide in-person benefits and retirement counseling to guarantee continuity in the provision of this very important service. The Council will continue to monitor benefits counseling and provide updates as they become available.

(CFW meeting dates: 03/11/14, 04/08/14) (CFW memo date: 04/04/14)

Whistleblower Process

The Council met with Associate Executive Vice Chancellor Michael Arias to discuss the Whistleblower process for the UC Irvine campus. Given changes in the Academic Personnel Manual, Section 190, Council members thought that the process should be monitored to ensure equity amongst staff and faculty. Plans are underway to review campus specific data for statistics on cases submitted.

(CFW meeting date: 05/13/14)

UCI Mental Health Initiative

The UCI Mental Health Initiative Committee has been working with AP to conduct more training and outreach. Last year, the workshops were attended mainly by staff. The Committee was, however, successful in conducting training with department chairs. UCI Mental Health is working to promote "see something, do something, say something," and to communicate that being smart

and being mentally ill are not mutually exclusive, thereby creating a more compassionate scholarly community.

One staffer is responsible for training and outreach programs. The counseling center was introduced in 2012 as a result of funding awarded from the Cal Mesa Student Mental Health Initiative Grant. The counseling center was initially intended to be student oriented. However, the director of the counseling center has also been committed to enhancing mental health and wellness resources and training for faculty and staff. The grant submitted made three requests:

1. Enhance suicide prevention efforts campus-wide.
2. Enhance training efforts campus-wide around mental health.
3. Enhance peer to peer programming.

Thanks to this grant, UCI now has workshops that specifically target faculty and staff. Offered every quarter, it's a three part series with rotating locations so everyone has access. The first workshop introduces everyone to the campus consultation team, provides contact information and gives an overview of the counseling process. The second workshop is suicide prevention training. The third workshop focuses on campus climate and how to report when you see something. Approximately 20 to 50 people (almost all staff) attend each session.

The counseling center is working to increase faculty attendance through more targeted marketing. (The red folder with emergency contact numbers and information was distributed to Council members). The grant has also allowed the center to be more technologically advanced.

Members felt that hiring of a dedicated person for staff and faculty is a step in the right direction. However, members shared concern over the possibility of one person becoming overwhelmed and suggested expanding the counseling center's resources to include services to faculty as well as students. Having another knowledgeable person would provide continuity of services in case of emergency. Members also thought the department chairs should request presentations from Negar Shekrabi at their faculty meetings.

Chair Jean-Daniel Saphores is currently working with the Chair of Public Health, Oladele Ogunseitan, to have an on campus seminar Fall Quarter 2014. The UCI Mental Health Initiative continues to work towards broadening campus awareness, services and communications for faculty and staff. More information will be provided to the Council as it becomes available.
(CFW meeting dates: 12/10/14)

Irvine Divisional Senate/UCI Administration Issues for the Council's Review

New UC Healthcare Plans

The healthcare options for 2014 include Health Net Blue and Gold, Kaiser, Blue Shield Health Savings Account (HSA) and UC Care. UC dropped Health Net and Anthem services from the health care options offered to employees. Faculty and staff with Health Net were defaulted to Health Net Blue and Gold. Faculty and Staff with Anthem Blue Cross were defaulted to UC

Care. Those with Anthem Lumenos PPO with HRA will be defaulted to the Blue Shield Health Savings Plan.

UC Care has three tiers. The first tier includes a \$20 co-payment. Most of the doctors in this tier are UC Irvine Medical doctors. Negotiations are still underway and tier 1 may later include Greater Newport Physicians. Additionally, members in tier 1 are eligible to see any doctor within the UC system (such as UC Los Angeles or UC San Francisco) provided the doctor is accepting new patients. The second tier acts as co-insurance, where members pay 20% of the cost of treatment. The third tier allows members to see any doctor at cost, where UC cares pays 50% of prevailing rates for treatment (patients are responsible for any amount above these rates for doctors who charge more). Many University employees experienced issues with the transition. A systemwide survey was conducted to evaluate satisfaction with the transition. The Council will continue to monitor how employees are affected by the changes. Updates will be provided as they become available.

(CFW meeting dates: 10/08/13)

UC Senate Issues for the Council's Review

UC Final Review of APM 25, 670, & 671

The Council saw no general campus issues with APM-671. Members felt the Council lacked the appropriate knowledge and experience to judge the impact of APM-025 on the Medical School but felt it was reasonable to address conflict of commitment for faculty participating in the Health Sciences Compensation Plan in a separate section of the APM.

(CFW meeting date: 01/14/14) (CFW memo date: 01/17/14)

UC Review of APM 35 & Appendices 1 & 2, Sexual Harassment and Violence Against Women Reauthorization Act of 2013

The Council reviewed the proposed revisions and noted three areas within the revisions in need for clarification.

1. To avoid confusion and misreading of APM-035, non-sexual forms of harassment and violence should be distinguished from sexual forms of harassment and violence.
2. The proposed policy and procedures should make clear that a complainant has the opportunity to confidentially report an incident and that he/she is not required to participate in a formal investigation as a confidential victim, recognizing that a complainant's choice to not pursue a formal investigation does not end the institution's responsibility to take action.
3. The policy should be clearer on the roles and responsibilities of various administrative offices.

(CFW meeting date: 11/13/13, 01/14/14, 06/10/14) (CFW memo date: 01/17/14)

UC Review of Proposed Revisions to APM Sections 133-17-g-j, Limitation on Total Period of Service with Certain Academic Titles, 210-1-c & -d, Review and Appraisal Committees, 220-18-b, Professor Series, and 760-30-a, Family Accommodations for Childbearing and Childrearing

The Council found no issues with sections 210-1-c & d, 220-18-b, and 760-30-a. However, concern was raised regarding APM 133-17-g-j. Council members expressed concern regarding whether or not an appeal would be possible and what constitutes bereavement leave. Additional concern was raised that the proposed revisions do not specify who makes the final decision. The Council felt APM 133-17-g-j could only be supported if an appropriate appeals process was included.

(CFW discussion dates: 06/10/14) (CFW memo date: 06/20/14)

UC Review of Proposed Revisions to APM – 190 and Appendix A-2, Protection of Whistleblowers from Retaliation and Procedures for Retaliation Complaints

The Council reviewed the proposed revisions and agreed with the reasoning behind the changes. However, members noted clarification in the language regarding the policy management, annual reporting, and the 18 month deadline for addressing complaints should be added in order for the policy to be effective.

(CFW discussion dates: 04/08 & 05/13/14) (CFW memo date: 05/21/14)

UC Final Review of Proposed Revisions to APM 600

The Council originally reviewed the proposed revisions during the 2012-13AY. The “final” review is responsive to the comments submitted by each division and the request for a review document with track changes as the revisions span multiple sections to facilitate a more comprehensive review process. The Council found most of the proposed changes to be reasonable. However two suggestions were submitted for consideration. One was to include a link in Section 510-16.d. that covers sabbaticals and the other to remove the one-step restriction for the recruiting campus in Section 510-18.c.

(CFW meeting date: 11/12/13) (CFW memo date: 11/15/13)

UC Review of the Proposed Revisions to Policy on Supplement to Military Pay – Four Year Renewal

The Council felt the proposed changes were minor and agreed with the overall policy modification and extension. However, members noted the change in terminology from “War on Terror” to the “Overseas Contingency Operations Campaign” and thought the term should be defined within the document to provide better clarity on those covered by the policy. They also thought that this policy should not be restricted to overseas deployment.

(CFW meeting date: 05/13/14) (CFW memo date: 05/20/14)

UC Review of the Moreno Report

The Moreno Report was in response to concerns raised about acts of bias and discrimination over recent years at the UC Los Angeles campus. It reflects several months of investigation regarding campus policies, procedures, and mechanisms for responding to incidents of perceived bias, discrimination, and intolerance at UC Los Angeles involving faculty of color.

The Council found the report to be an appropriate first step but lacking in strong recommendations. The Council recommended that further steps should be considered outside of creating an officer to streamline the investigative process and a statement of intent to hire

additional minorities to diversify the campus. The Council thought that the UC Irvine process for handling complaints to be highly effective and suggested UC Los Angeles, if looking to adopt a change, create a similar system.

(CFW meeting date: 11/12/13) (CFW memo date: 11/19/13)

UC Review of the Proposed Revisions to Presidential Policy on Copyright and Fair Use

The Council reviewed the proposed revisions to the policy. The policy was formally called the *Policy on Reproduction of Copyrighted Materials for Teaching and Research*. The goal of the proposed revisions was to bring the policy up to date with current changes in law, technology, and academic practices as well as UC's current policy template. The Council agreed with the proposed changes and had no suggestions for improvement.

(CFW meeting date: 04/08/14) (CFW memo date: 05/09/14)

UC Final Review of Senate Bylaw 55, Voting Rights to non-Senate Faculty in the Adjunct Professor or Health Sciences Clinical Professor Series

Upon initial review, the Council had a few concerns regarding the proposed changes. Most CFW members found that providing clinical faculty members with these voting rights would be beneficial, because it would allow, among other benefits, departments with a small number of senate faculty to conduct their business more effectively. The Council also felt that limiting voting rights to academic appointments and promotions would also protect the Senate from having decisions about undergraduate education made by people with limited experience in these matters. However, the Council thought that if the proposed revisions to Senate Bylaw 55 are adopted, departments should be cautioned against experimenting with providing and then trying to withdraw voting rights since this could cause even greater feelings of disenfranchisement.

Additionally, Council members felt that if voting rights were granted to the Health Sciences Clinical Professors, the same privileges should be considered for all non-Senate faculty members (including, for example, extension faculty).

After additional revisions and a second review of the changes made, the Council unanimously voted in support of the principles outlined in the second proposal to revise Bylaw 55. However, members thought that the revisions did not successfully clarify which parties are to receive voting privileges. The Council recommended that if the proposal was to move forward, two changes should be made. One was to more clearly define "faculty members." For reference, the Council suggested using APM 220 sections 4 and 8 as an example that identifies positions in the professor series and other professor like positions. Second, the Council recommended clarifying the last sentence in the first paragraph referring to "faculty . . . to vote on the cases in question."
(CFW meeting dates: 12/10/13, 03/11/14) (CFW memo dates: 12/17/13, 04/01/14)

Status Reports

The following subcommittees have the opportunity to provide status reports at each meeting on issues under review at the campus level and by the UC Senate committees: Faculty Welfare, Affirmative Action and Diversity, Academic Freedom, and Emeriti Affairs.

Consultants from the Offices of Academic Personnel, Human Resources and Benefits, and Equal Opportunity and Diversity also have the opportunity to provide information at each Council meeting. The Council would like to thank Gwen Kuhns Black, Jeri Frederick, and Joan Tenma for their important contributions.

Invited Guests:

Michael Arias, Associate Executive Vice Chancellor – May 13, 2014
Julianna Bayley, Strategic Communications Manager – June 10, 2014
Jennifer Cartnal, Associate Director of Transportation Services – June 10, 2014
Ron Fleming, Director of Transportation Services – June 10, 2014
Peter Krapp, Senate Chair – November 12, 2013
Robert Moeller, Co-chair of the UCI Mental Health Initiative – December 12, 2013
Kirsten Quanbeck, Director of OEOD and Title IX Office – December 12, 2013
Susan Pihl, Director of Benefits and Workers' Compensation and Disability Management Services – March 11, 2014
Glenn Rodriguez, UC Irvine Healthcare Facilitator – October 8, 2013
Negar Shekarbi, UC Irvine Counseling Center Psychologist – December 12, 2013

Issues for 2014-15

The Council looks forward to reviewing and commenting on the next round of issues related to faculty welfare, diversity and academic freedom. Ongoing issues will include:

- Campus childcare access and availability
- UC healthcare options
- On-site retirement counseling
- Expansion of faculty housing
- Retirement housing
- Total remuneration study
- UC retirement plan
- UCI Mental Health Initiative and training for faculty

The approved minutes of the monthly meetings are posted online on CFW's web page.

On behalf of the Council on Faculty Welfare, Diversity and Academic Freedom,



Jean-Daniel Saphores, Chair

2013-2014 COUNCIL MEMBERSHIP

Faculty Members:

Jean-Daniel Saphores, Chair
Teresa Dalton
Lucile Faurel
Michelle Garfinkel
Vincent Olivieri
Nasrin Rahimieh
Hugh Roberts
Annette Schlichter
Grace Tonner
John Turner
Craig Walsh
Daniel Whiteson
Kyoko Yokomori
Yaming Yu

Emeritus Faculty: (2)

Alan Elias, Emeritus Rep
William Parker, Emeritus Rep
Cal McLaughlin, Emeritus Rep and President, UCIEA

Non-Voting Members:

Representatives:

Qumber Ali, ASUCI
Carole McEwan, LAUC-I Rep
Joshua Yang, ASUCI

Consultants:

Gwen Kuhns Black, OEOD
Jeri Frederick, Human Resources
Joan Tenma, Academic Personnel

Subcommittee Reports follow:

REPORT BY THE SUBCOMMITTEE ON EMERITI AFFAIRS

CFW's standing Subcommittee on Emeriti Affairs acts as a liaison to the UCI Emeriti Association (UCIEA), keeping the Association informed of current campus issues and providing advice to CFW on issues from an emeriti perspective. The Subcommittee meets prior to the Council meetings when there is sufficient business. Emeriti-related issues during 2013-14 included:

- Health Insurance Access
- Retirement Housing
- Retirement Counseling

Subcommittee members:

Cal McLaughlin, Chair and President of UCIEA
Alan Elias
Michelle Garfinkel (Non-emeriti member)
William Parker

REPORT BY THE SUBCOMMITTEE ON ACADEMIC FREEDOM (UCAF)

CFW's Subcommittee on Academic Freedom advised CFW on academic freedom issues mentioned previously in this report. Hugh Roberts and Yaming Yu represented the Irvine Division at the meetings of University Committee on Academic Freedom (UCAF). UCAF issues for 2013-14 included:

- Changes to the Western Association of Schools and Colleges Accreditation
- Response to Animal Research Threats from UCLA 2006 Report

Subcommittee members:

Hugh Roberts, Chair and UCI Representative to UCAF (Winter and Spring Quarters)
Yaming Yu, UCI Representative to UCAF (Fall Quarter)
Annette Schlichter
Kyoko Yokomori

REPORT BY THE SUBCOMMITTEE ON AFFIRMATIVE ACTION AND DIVERSITY (UCAAD)

CFW's Subcommittee on Affirmative Action and Diversity advised CFW on affirmative action and diversity issues mentioned previously in this report. Craig Walsh represented the Irvine Division at the quarterly meetings of the University Committee on Affirmative Action and Diversity (UCAAD). UCAAD issues for 2013-14 included:

- 2011 Analysis of UC Pay Equity Study
- APM 210.1.d.

- UC Hispanic Serving Institutions Initiative and Proposal to Establish a Regents Diversity Fellowship
- Total Remuneration Study

Subcommittee members:

Craig Walsh, Chair and UCI Representative to UCAAD

Lucile Faurel (Spring Quarter)

Nasrin Rahimieh

John Turner (Fall and Winter Quarters)

REPORT BY THE SUBCOMMITTEE ON FACULTY WELFARE (UCFW)

CFW's Subcommittee on Faculty Welfare advised members on faculty welfare issues mentioned previously in this report. Jean-Daniel Saphores represented the Irvine Division at the monthly meetings of the University Committee on Faculty Welfare (UCFW). UCFW issues for 2013-14 included:

- Composite Benefit Rates
- Governor's Budget
- Health Benefits
- Short-term Investment Pool Funds
- Total Remuneration Study
- Discussed new and proposed revisions to UC Policies:
 - Proposed revisions to Senate Bylaw 55, the Supplement to Military Policy, and the Academic Personnel Manual: APMs 025, 035, 190, 510, 670, 671

Subcommittee members:

Jean-Daniel Saphores, Chair and UCI Representative to UCFW

Teresa Dalton

Vincent Olivieri

Daniel Whiteson