

**COMMITTEE ON PRIVILEGE AND TENURE &
COMPLAINT ADVISOR PANEL
ANNUAL REPORT
2018-2019**

To the Irvine Divisional Senate Assembly:

The Committee on Privilege and Tenure (CPT) respectfully submits its activities for the 2018-19 academic year.

I. Committee Charge and Operation

The primary 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.

Donald Senear, Professor of Molecular Biology and Biochemistry, chaired the Committee on Privilege and Tenure. The Committee as a whole met six times.

The Committee meets as needed, forming subcommittees to review and manage the early stages of the grievance and disciplinary processes. In addition, there are email exchanges throughout the year to discuss reviews of policy proposals at both the campus and system levels.

II. Campus and Divisional Issues

A. Dispute Intervention, Advising, and Cases

The Chair of CPT engages in discussions with members of the Academic Senate who seek advice and guidance about the P&T process. These interventions are designed to 1) help the faculty member understand the process without entering into specific recommendations about specific cases, and 2) clarify the nature of issues and identify various avenues by which informal resolution with acceptance by all parties might be achieved.

In the past year, the chair engaged in multiple discussions with faculty and the administration about ten active and potential cases. As a result of these efforts, and those of the Complaint Advisor Panel, the issues in many of these matters were clarified, deescalated, and/or resolved. It is the belief of the Irvine Committee on Privilege and Tenure that informal discussion and participation by the Committee on Privilege and Tenure can lead to effective compromises, a quicker resolution of concerns, and a reduction in antagonism and discontent.

The Committee reviewed four grievances during the 2018-19 academic year. A fifth grievance was filed with CPT but was resolved informally prior to its consideration by the Committee. Three of the four grievances involved merit advancement or advancement to tenure. The Committee determined that the prima facie standard had not been met for these grievances. However, following one of these cases, the Committee requested the Vice Provost for Academic Personnel's assistance in establishing and communicating clear guidance to chairs and deans regarding their evaluation of faculty advancement

dossiers. The particular issue is under what circumstances non-collegial faculty behavior may be considered in merit reviews. The outcome was to add clarifying language to the Academic Personnel Procedures manual (APP) in the section addressing chairs' and deans' recommendations (APP 3-60H). This language will be discussed by the Senate Cabinet in fall 2019.

One grievance detailed alleged behavior from faculty colleagues and administrators that the complainant experienced as hostile or generally combative. In recent years, the Committee has seen an increase in concern about such behavior. While APM 015 addresses unacceptable faculty conduct, the Committee believes that some behaviors described in grievances, while not conducive to a collegial environment, do not rise to the level required to constitute a violation of faculty rights. Nonetheless, the Committee believes that additional work is needed across the campus to educate our colleagues on issues of civility and collegiality in order to reduce interactions which could be experienced as combative or bullying in nature.

CPT was notified about four disciplinary cases for which investigations were opened. Three were SVSH cases. Per the current practice resulting from negotiation between the Senate and the Office of Academic Personnel (AP), CPT was notified when OEOD opened a formal investigation and again when OEOD forwarded their determination to AP that the SVSH policy had been violated. The fourth case involved allegedly hostile behavior. All four cases were resolved by negotiated settlement prior to formal charges being filed with CPT. Consequently, no disciplinary cases were reviewed by the Committee.

No early termination cases were reviewed by the Committee.

B. Policies and Procedures

Throughout 2018-2019, CPT continued its work to revise Appendix III: Policies on Faculty Conduct and the Administration of Discipline. This Appendix outlines UC policies on faculty conduct and the administration of discipline and UCI procedures for hearing allegations of faculty code violations and grievances by CPT. Since Spring 2015, CPT has been reviewing and significantly revising Appendix III in an effort to define terms and to provide clarity in the steps and stages of the disciplinary process as they were modified to align better with the extensive changes made to the Presidential Policy on Sexual Violence and Sexual Harassment (effective January 1, 2016, with additional revisions effective July 1, 2019). The majority of the faculty disciplinary process is managed by the administration. Throughout the process of revision of Appendix III, CPT consulted with the Office of Academic Personnel, UCOP Legal Counsel, and other Senate Offices. This consultation provided CPT with significant influence in formulating the revisions that reflect current UCI procedures. At the May 22, 2019 meeting, CPT voted to approve the proposed modifications to Appendix III.

Section II of the proposed Appendix III contains a revised preamble and overview, a new section outlining general roles, definitions, and provisions, and a thorough description of the complaint review process, disposition of the review outcome, interim actions, and CPT hearings. Because of the significant changes to the Presidential Policy on Sexual Violence and Sexual Harassment, much of the original content of Section II has been revised and updated for consistency.

These proposed modifications will be shared with the Academic Senate Chair and appropriate Senate Councils for review in Fall 2019.

III. Complaint Advisor Panel

The Complaint Advisor Panel is composed of former CPT members who advise faculty on procedures relating to grievances and disciplinary actions. Ten faculty members were directed to panel members for assistance and advice with grievance procedures.

IV. Systemwide Issues

In 2018-2019, CPT commented on several issues circulated for systemwide review.

- A. Systemwide Review of Proposed Presidential Policy on Sexual Violence and Sexual Harassment
- B. Systemwide Review of Proposed Revisions to Senate Bylaw 336
- C. Discussion of Faculty Reference Check Pilots at UC Davis and UC San Diego
- D. Systemwide Review of Investigation and Adjudication Framework for Senate and Non-Senate Faculty and Investigation and Adjudication Framework for Staff and Non-Faculty Personnel
- E. Systemwide Review of Proposed New Academic Personnel Manual Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

The University Committee on Privilege and Tenure, which includes CPT representatives from all ten campuses, met four times during 2018-2019 (in October, November, February, and April) to discuss issues of common concern.

V. Carry-forward Items for 2019-20

The Committee will consider how best to utilize the Complaint Advisor Panel in fulfilling its charge with respect to addressing and responding to faculty grievances, discipline, and early termination cases.

VI. 2018-19 Committee on Privilege and Tenure

Donald Seneor, Biological Sciences (Chair and UCPT Representative)
Miles Coolidge, Art
Michelle Garfinkel, Social Sciences
Frank Meyskens, Medicine (Clinical)
Raymond Novaco, Social Ecology
William Parker, Physical Sciences
Jennifer Terry, Humanities
Irene Tucker, Humanities
Ping Wang, Medicine (Clinical)
Stephen White, Medicine (Basic)

VII. 2018-19 Complaint Advisor Panel

Simon Cole, Social Ecology
Rodrigo Lazo, Humanities
Kristen Monroe, Social Sciences
Bert Semler, Health Sciences (Basic)

Senate Analysts:

Julie Kennedy, Academic Senate
Kate Brigman, Academic Senate