

**COMMITTEE ON PRIVILEGE AND TENURE &
COMPLAINT ADVISOR PANEL
ANNUAL REPORT
2020-2021**

To the Irvine Divisional Senate Assembly:

The Committee on Privilege and Tenure (CPT) respectfully submits its activities for the 2020-21 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 of these deliberations and proceedings are confidential.

Irene Tucker, Professor of English, chaired the Committee on Privilege and Tenure. The Committee as a whole met three 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 two active and nine 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 can lead to effective compromises, a quicker resolution of concerns, and a reduction in formal hearings, antagonism and discontent.

The Committee reviewed one grievance during the 2020-21 academic year. This grievance involved the early termination process. The Committee determined that the prima facie standard had been met for this grievance. However, this case is currently in discussion for a resolution with Academic Personnel.

A preliminary hearing took place in Fall 2020 regarding a merit and promotion grievance received in 2019-20. However, any further action was postponed indefinitely in

agreement with the grievant.

No disciplinary cases were reviewed by the committee.

B. Policies and Procedures

In 2020-2021, CPT reviewed three divisional issues:

The Committee reviewed Appendix III: Policies on Faculty Conduct and the Administration of Discipline. Since Appendix III is a description of administrative procedures under the purview of the Office of Academic Personnel rather than Senate policy, CPT recommended that the text of Appendix III be removed from the Senate Manual and replaced with a link to a living document to be housed on the Academic Senate website, with any changes agreed to by the Senate and Academic Personnel. This link should be accompanied by an explicit statement that the administrative procedures are provided as a resource for faculty, and are not under the Senate's purview. Appendix III was removed by vote of the Divisional Senate Assembly on March 16, 2021 and replaced with the living document entitled [Policies and Procedures on Faculty Conduct and the Administration of Discipline](#).

The Committee also reviewed a process for requesting an alternate chair's letter in merit and promotion files. Last year, Chair Tucker fielded several questions from faculty members concerned about chair letters included in their merit and promotion files for a variety of reasons, including past experiences of bias, misrepresentation of research and scholarship, and lack of support or leadership. In one case, a candidate seriously considered moving their departmental affiliation in order to ensure a fair chair's letter. CPT did not think faculty should have to go to such lengths to seek fairness and recommended that the Office of Academic Personnel draft a policy defining the process and circumstances in which such a request is permitted. In response, the Vice Provost for Academic Personnel (VPAP) proposed a modification to APP 1-12 to include a process for faculty who believe there is a potential conflict of interest with a faculty administrator to submit a rationale or evidence supporting this believe to the VPAP. The Committee was satisfied with this solution.

Finally, the Committee completed its review of guidance regarding abusive conduct and bullying by faculty, proposed by Academic Personnel (AP) and first reviewed by CPT in 2019-20. In September 2020, AP provided a revised version of the guidance for review. The Committee met with the VPAP and her team in November to share additional feedback, and members were satisfied that the next version addressed their questions and concerns. A final draft was reviewed by the Council on Faculty Welfare, Diversity, and Academic Freedom (CFW), and discussed by Senate Cabinet in the spring. After considering and incorporating additional comments from CFW and Cabinet, AP is expected to publish the final guidance and a toolkit for chairs and deans in the coming academic year.

In 2020-2021, CPT reviewed two systemwide issues:

The Committee reviewed a proposed revision to Senate Bylaw 336.F.3. Members understood that this revision was proposed by the University Committee on Privilege and Tenure (UCPT) in response to federal regulatory changes that now require

a hearing at the Title IX investigatory phase for cases involving sexual violence and sexual harassment (SVSH). Members expressed concerns about the U.S. Department of Education (DOE) Title IX regulations, and agreed that the prospect of two hearings may be traumatic for complainants and dissuade them from coming forward. Members also voiced some confusion about how eliminating witness testimony at the CPT hearing stage would work operationally in SVSH cases. Overall, however, the Committee agreed that the change proposed by UCPT represented an acceptable compromise between federal regulations and university procedures and supported the revision as proposed. The Committee expressed hope that the DOE review of the regulations ordered by President Biden would result in significant improvements.

Relatedly, the Committee also reviewed the Sexual Violence and Sexual Harassment (SVSH) Frameworks for Faculty and Staff. The Committee understood that these revisions were proposed by the systemwide Title IX office in an effort to comply with federal regulatory changes that went into effect August 14, 2020. While members expressed concerns about the U.S. Department of Education (DOE) Title IX regulations, they agreed that the changes represented an acceptable compromise between federal regulations and university procedures and supported the revisions as proposed. Again, the Committee expressed hope that the DOE review of the regulations would result in significant improvements.

III. Complaint Advisor Panel

The Complaint Advisor Panel is comprised of former CPT members who advise faculty on procedures relating to grievances and disciplinary actions.

Several faculty members were directed to panel members for assistance and advice with grievance procedures.

IV. The University Committee on Privilege and Tenure (UCPT)

The University Committee on Privilege and Tenure, which includes CPT representatives from all ten campuses, met three times during 2020-2021 to discuss areas of common concern. Chair Tucker attended these meetings on behalf of CPT.

V. Carry-forward Items for 2020-21

None at this time.

VI. 2020-21 Committee on Privilege and Tenure

Irene Tucker, English (Chair and UCPT Representative)
Bogi Anderson, Health Sciences (SOM)
James Earthman, Engineering
Steven Gross, Biological Sciences
Mahtab Jafari, Health Sciences (Pharmaceutical Sciences)
Raymond Novaco, Social Ecology
William Parker, Physical Sciences
Virginia Richards, Social Sciences
Michael Robinson-Dorn, Law

Jennifer Terry, Humanities

VII. 2020-21 Complaint Advisor Panel

Pierre Baldi, ICS

Donald Blake, Physical Sciences

Simon Cole, Social Ecology

Kristen Monroe, Social Sciences

Stephen White, Health Sciences (SOM)

Senate Analysts:

Julie Kennedy, Academic Senate

Gina Anzivino, Associate Director Academic Senate

Kate Brigman, Executive Director, Academic Senate