

**COMMITTEE ON PRIVILEGE AND TENURE &
COMPLAINT ADVISOR PANEL
ANNUAL REPORT
2021-2022**

To the Irvine Divisional Senate Assembly:

The Committee on Privilege and Tenure (CPT) respectfully submits its activities during the 2021-22 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. 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 as appropriate.

Irene Tucker, Professor of English, chaired the Committee. The Committee as a whole met three times.

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 several discussions with faculty and the administration about one active case and one potential case with multiple grievants. As a result of these efforts, as well as those of the Complaint Advisor Panel, many of the issues 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 2021-22 academic year. The Committee determined that the prima facie standard had been met for this grievance. A pre-hearing conference took place in January 2022, and a hearing spanning two days took place in February 2022. The Hearing Committee concluded that the Administration met its burden of proving by clear and convincing evidence that there was good cause for the administrative action.

The committee reviewed no disciplinary cases.

B. Policies and Procedures

In 2021-2022, CPT did not review any divisional issues.

In 2021-2022, CPT reviewed three systemwide issues; details are below.

The Committee reviewed proposed revisions to the Presidential Policy on Sexual Violence and Sexual Harassment (SVSH). The proposed revisions are to (i) comply with a new state law, Senate Bill (SB) 493 and to (ii) better account for prohibited conduct in the clinical setting. The Committee had no concerns with the proposed revisions.

The Committee also reviewed a draft presidential policy on abusive conduct/bullying in the workplace. Members felt the policy was a positive step toward responding to behavior that is neither discrimination nor sexual violence/sexual harassment and therefore not covered by other policies. They also found the examples of what constitutes abusive conduct or bullying useful. Finally, members appreciated that the policy would be implemented in a manner that recognizes the importance of rights to free speech and academic freedom. Some members felt that additional clarification of what constitutes the “workplace” might be useful. The policy defines the workplace as “any space where university business is conducted or occurs, in connection with university employment and/or in the context of a university program or activity.” One member raised the question of whether abusive conduct/bullying or retaliation against a colleague while serving on an external grant panel, for example, would be covered under this policy. The Committee recognized, however, that the policy cannot address all possible scenarios.

Finally, the Committee reviewed a proposed revision to systemwide Senate bylaws regarding procedures when faculty personnel actions and disciplinary investigations take place concurrently. The proposed provisions would require the Chancellor or the Chancellor’s designee to impose a temporary no-fault pause in an ongoing or upcoming personnel action of a faculty member when disciplinary charges pertaining to actions that occurred during the period under review in the personnel action are filed with the Chair of the Divisional Committee on Privilege and Tenure. The request for a pause must be kept confidential and shall not contain any details about the nature of the charges. A notification of the pause must be sent immediately to the faculty member and must specify the stage at which the action has been suspended. The personnel action will resume as soon as the disciplinary proceedings are concluded (whether by the withdrawal of the charges, a settlement by a negotiated resolution, a Chancellor’s decision to impose disciplinary sanctions, or otherwise). The Chancellor or Chancellor’s designee will send immediate communication of the conclusion of the disciplinary proceedings to the faculty member and to the Senate or administrative officer(s) responsible for the case at the stage of the personnel process at which it was paused. While some committee members expressed concern that the proposed revision’s requirement that the promotion process be halted violated the faculty member’s legal and institutional rights to a presumption of innocence, most members agreed that this concern was alleviated by the confidentiality requirement and by the provision that the outcome of the personnel action be instituted retroactively.

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.

Some 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 10 campuses, met three times during 2021-2022 to discuss areas of common concern. Chair Tucker attended these meetings on behalf of CPT.

V. Carry-forward Items from 2021-22

None at this time.

VI. 2021-22 Committee on Privilege and Tenure

Irene Tucker, English (Chair and UCPT Representative)
Bogi Andersen, Health Sciences (SOM)
James Earthman, Engineering
Lorna Griffith Bedelian, Arts
Steven Gross, Biological Sciences
Mahtab Jafari, Health Sciences (Pharmaceutical Sciences)
Virginia Richards, Social Sciences
Michael Robinson-Dorn, Law
Isaac Scherson, ICS
Steven White, Physical Sciences

VII. 2021-22 Complaint Advisor Panel

Pierre Baldi, ICS
Donald Blake, Physical Sciences
Raymond Novaco, Social Ecology
Stephen White, Health Sciences (SOM)

Senate Analysts:

Julie Kennedy, Academic Senate
Gina Anzivino, Associate Director, Academic Senate
Jisoo Kim, Executive Director, Academic Senate