

**COMMITTEE ON PRIVILEGE AND TENURE &
COMPLAINT ADVISOR PANEL
ANNUAL REPORT
2022-2023**

To the Irvine Divisional Senate Assembly:

The Committee on Privilege and Tenure (CPT) respectfully submits its report of activities for the 2022-23 academic year.

I. Committee Charge and Operation

CPT's primary function is to consider potential and formal grievances brought by members of the Academic Senate and to consider disciplinary charges brought against members of the Academic Senate. Details of these deliberations and proceedings are confidential. The Committee conducts its business, including reviews of policy proposals at both the campus and system levels as appropriate, via meetings and emails as needed, forming subcommittees to review and manage the early stages of the grievance and disciplinary processes.

Bogi Andersen, Professor of Medicine, chaired the Committee. The Committee as a whole met five 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 privilege and tenure process. These interventions are designed to help the faculty member understand the process without making recommendations about specific cases, and to clarify the nature of issues and identify various avenues by which informal resolution among the parties might be achieved.

In the past year, the Chair engaged in several discussions with faculty and the administration about seven active cases. 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 six grievances during the 2022-23 academic year. The Committee determined that the prima facie standard was met in two grievances, both of which were resolved informally. The prima facie standard was not met in two cases and one grievance was withdrawn. One case proceeded to an expedited hearing in August 2023.

In August 2023, the Administration notified the Committee of proceedings pursuant to Senate Bylaws (SBL) 336 and 337, respectively; hearings in both cases are expected to take place early in the 2023-24 academic year.

B. Policies and Procedures

In 2022-2023, CPT did not review any divisional issues. The Committee reviewed three systemwide issues, the details of which are below.

1. The Committee reviewed the Draft Presidential Policy on Abusive Conduct. Overall, members supported the policy and appreciated that revisions were responsive to feedback from the first review conducted last year, especially by building in guardrails to protect academic freedom and freedom of expression. However, members had several suggestions for areas that could be clarified or improved. Some members had concerns about the definition of abusive conduct as spelled out in the policy. Members also pointed out that managers and supervisors, including chairs and deans, can be abusive and felt strongly that this issue should be addressed in the policy. Finally, the policy states that each location's Divisional Senate should be involved in the development of local implementing procedures for the policy. Members agreed that this was important but thought the policy should go further and be explicit about a commitment to faculty governance being the driver of implementation.
2. The Committee reviewed the revised Presidential Policy on Vaccination Programs. Members had many suggested revisions to specific language in the policy and agreed that the definitions of "primary series" and "laboratory directors" should be clarified.
3. The Committee reviewed the proposed Presidential Policy on Anti-Discrimination. Members agreed with the goals of the proposed policy but raised several questions and concerns. They noted overlap with the University's sexual violence/sexual harassment (SVSH) policy and the new policy on abusive conduct in the workplace. Members anticipated difficulty parsing the various policies and types of conduct they cover, as well as questions about how the University would handle simultaneous allegations under multiple policies. Some members expressed concern that the policy gives the officer charged with oversight broad rights but provides limited consideration for the rights of respondents. They also questioned whether the evidentiary standard of "preponderance of the evidence" was correct or should be elevated to the stricter "clear and convincing" standard. Members additionally recommended that the policy should include alternative appellate procedures beyond an investigation, such as a hearing and appeal process, for the benefit of both parties, and they observed there was no provision giving the parties an opportunity to comment on the final investigation report. Members also sought more clarity on local implementation, including a better description of the Local Implementation Office and how it would function in relation to other campus entities that address conduct, and they expressed concern that the policy gives the Local Implementation Officer unrestricted ability to consult with other offices and individuals on campus, which may be problematic from a privacy standpoint. The policy also stated that the Local Implementation Officer would keep records of all reports and conduct addressed through alternative resolution, but it was not clear how long these records would be kept and who would have access to them. Finally, members noted that the policy twice referred to consultation with the appropriate "academic officer" on issues related to academic freedom. However, they did not understand the term "academic officer" and recommended that a definition be

added.

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 throughout the year.

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 2022-2023 to discuss areas of common concern. Chair Andersen attended two meetings on behalf of CPT and Member Michael Robinson-Dorn attended one meeting in Chair Andersen's absence.

V. Carry-forward Items from 2022-23

Two cases received in August 2023 (pursuant to SBL 336 and 337, respectively) are expected to proceed to hearings early in 2023-24.

VI. 2022-23 Committee on Privilege and Tenure

Bogi Andersen, Chair, Health Sciences (SOM)
Rhea Anastas, Arts
Vidyanand Choudhary, Business
Lorna Griffitt Bedelian, Arts
Payam Heydari, Engineering
Yilin Hu, Biological Sciences
Oren Izenberg, Humanities
Valerie Jenness, Social Ecology
Jeffrey Kopstein, Social Sciences
Andrea Nicholas, Biological Sciences
Michael Robinson-Dorn, Law
Steven White, Physical Sciences

VII. 2022-23 Complaint Advisor Panel

Pierre Baldi, ICS
Raymond Novaco, Social Ecology
Irene Tucker, Humanities
Stephen White, Health Sciences (Medicine)

Senate Analysts:

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