

COMMITTEE ON FACULTY WELFARE & ACADEMIC FREEDOM (FWAF)**MEETING MINUTES****Thursday, October 7, 2021****10:00 – 11:30 am****Zoom Meeting****Zoom information: <https://ucmerced.zoom.us/j/2092009728>**One tap mobile: US : [+16699006833](tel:+16699006833),2092009728# or [+12532158782](tel:+12532158782),2092009728#**Documents available at: UCM Box "[FWAF AY 21-22](#)"**

Pursuant to the call, the meeting was convened at 10:03AM, with Chair Jennings presiding.

The committee entered executive session at 10:04AM, and exited it at 10:22AM.

- I. Chair's Report – *David Jennings* (10:00-10:20)
 - A. [Divisional Council](#) meeting, September 16 and 30: the impending U-18 strike was discussed.
 - B. UCAF meeting, September 23—a [draft letter](#) on departmental statements. Chair summarized the background for the memo, and the central question of whether departments have the freedom to express its view, with which not all faculty members necessarily agree. UCAF concluded that yes, as long as it is made clear that the department is not making statements on behalf of the university, and recommended clarification on who truly they represent (for example, that this statement was approved at a departmental meeting with 98% vote in favor), and giving space to the dissenting voices (“reasonable accommodation”).

FWAF members expressed concerns about the disproportionality of representation if equal space is allocated to a small minority, as it has happened with mass media presentation of climate sciences. The UCAF memo mentions that the minority view will be presented “on the same platform as the statement,” which does not mean equal visibility for the minority view, but further clarification may be beneficial. While it is important that the minority view is not suppressed, it seems a list of those who support, and don't support, the statement, could suffice. However, if the departmental climate is hostile, this can be problematic.

ACTION: Chair will draft and circulate an email to respond to this concern. (completed on 10/10/21)
- II. Vice Chair's Report – *Tea Lempiala* (10:20-10:30)
 - A. ECEC—Vice Chair and Chair are meeting with Chancellor on 10/22. Vice Chair proposed drafting a memo/statement, and a meeting with FWAF members and consultant before the meeting with the Chancellor.

ACTION: Analyst to organize a 30 minute zoom meeting. Vice Chair will provide a summary and timeline from ECEC closure in March 2020 up to present.
 - B. Periodic Review Oversight Committee ([PROC](#))—meeting on September 30: PROC discussed supporting students with writing skills. This discussion will be continued at the next PROC meeting.
- III. Consent Calendar
 - A. Today's agenda
 - B. Meeting [Minutes](#) (9/9/21)

ACTION: The consent calendar was approved as presented.

IV. Campus Review Items (none at this time) – *David Jennings*

V. Systemwide Review Items– *David Jennings (10:30-10:40)*

A. [Revised Presidential Policy on Sexual Violence and Sexual Harassment](#)

The proposed revisions are to: (i) comply with a new State law, Senate Bill (SB) 493, and (ii) better account for Prohibited Conduct in the clinical setting. The [Cover Letter](#) provides the background information and summary of the proposed revision. Chair opined that the revision is in the right direction, incorporating suggestions from stakeholders including Women’s advocacy network (Equal Rights Advocates), and found it astounding that the clinical setting had not been addressed fully before—this is an extensive addition to the policy that is very welcome.

Members discussed whether the limitation on the non-contact order (page 35) provided sufficient provisions to respond to the respondent’s request for non-contact. It is important to consider what rights those who are accused should have. A point previously raised (about the respondent’s right to know) has been addressed in this revision. Chair will draft a memo incorporating this discussion.

ACTION: Transmit FWAF comments to Senate Chair by 10/15/21.

VI. Discussion Item: Data Security and Privacy –*David Jennings (10:40-11:00)*

A. Experian IdentityWorks

Following the breach of personal data last year, the University provided the Experian IdentityWorks coverage for all employees for one year. A faculty member requested FWAF to advocate for extension of the coverage beyond this year, possibly making it a part of UC benefits package. FWAF’s UCFW representative Beaster-Jones commented that this topic would likely be discussed at UCFW, and he would update FWAF. Members discussed how long the coverage should last. Given that the impact of data breach can extend beyond 5 years, it was agreed that FWAF would recommend permanent coverage.

B. University Use of Third Parties for its Services: A faculty member expressed their concern about the administration’s increasing use of private companies in campus operations, such as private meeting scheduling services and the new campus bookstore run by Follett. It is not clear if/how private companies are constrained in making use of, or sharing, personally identifiable information. This item was tabled until the faculty member could join a FWAF meeting. FWAF will draft a memo to DivCo with this faculty members’ input, and incorporating item A.

ACTION: Invite the faculty member with concerns described in item B to the November 4 meeting.

VII. Discussion Item: Support for Faculty during and after Covid-19 Pandemic–*David Jennings (11:00-11:15)*

Members continued the discussion from the last meeting. Chair explained that the concern is that, while memos and other communications have been issued, it is not clear what is happening in practice. He would like to know what the AVPF is seeing on the ground. Vice Chair is interested in what the next steps should be, with input from the AVPF.

AVPF Valdez remarked that both the Provost and the Vice Provost for Academic Personnel (VPAP) are keenly aware of the concerns. Informally, they expressed confidence that the existing policies provide sufficient coverage for extenuating circumstances beyond individual faculty's control. There is willingness from the Provost and VPAP to weigh these circumstances in, but at department level, this is not necessarily the case. Regarding CAP and RCAP, while it is true that there have been more cases of appeals, there have also been more promotion cases that ask for more than has been the norm. VPAP's office will be issuing a memo about these concerns. AVPF opined that a policy level recommendation from the administration (as to whether faculty should consider postponement in filing their cases) is not advisable, as each case is distinct.

A member commented that over the last couple of years UCFW has discussed shifting to an Achievement Relative to Opportunity mode of thinking as an equity issue, rather than simply stop the clock or delay of merit/promotion, which has significant impacts on salary. UCAP released a statement about this last year. As we enter the season of department evaluations, it would be helpful to get conceptualization of how the pandemic, financial system, building closure etc. affected faculty, and how to factor these in the evaluations. AVPF welcomed the systemwide development, and encouraged faculty to present this proposal to the administration, perhaps with a suggestion that the case appeal process be clarified. Members agreed that FWAF would draft two separate memos to the administration, one requesting clear guidance to department chairs and CAP to consider the extenuating circumstances in their evaluation, and another recommending the use of Achievement Relative to Opportunity mode of evaluation. Discussions on whom to consult (e.g., EDI) and the route (e.g., through DivCo) ensued.

ACTION: Member Beaster-Jones will share the UCAP memo (completed)

ACTION: Chair and Analyst will draft memos as suggested above for discussion at the next FWAF meeting.

- VIII. Consultation with Associate Vice Provost for the Faculty – **Zulema Valdez** (11:15 – 11:30)
- A. Advancing Faculty Diversity grant initiatives --tabled
 - B. Data on faculty retention--tabled
 - C. Update on Anti-bullying/Bystander Challenge for Faculty Workshop: 20 attended. The power point presentation will be provided to the AVPF's office. A workshop for the deans is being planned.
- IX. Other Business No new business was introduced.
- X. Informational Items
- Academic Council [endorsed UCEP's letter](#) with recommendations to UC faculty about how to combat academic dishonesty and the online posting of copyrighted course materials.
 - Academic Council unanimously [endorsed a resolution from UCFW](#) expressing support for new UC programs that will better support faculty, staff, and students who have dependent care responsibilities.

There being no further business, the meeting was adjourned at 11:43AM.