

COMMITTEE ON FACULTY WELFARE & ACADEMIC FREEDOM (FWAF)
ANNUAL REPORT
AY 2017-2018

To the Merced Division of the Academic Senate:

In AY 2017-2018, FWAF held a total of 4 regularly scheduled in-person meetings in order to conduct business with respect to its duties as outlined in UC Merced’s Senate Bylaw [II.IV.5](#). Some additional business was completed via electronic mail discussions.

Areas of Focus

Campus Policy on Protests/External Speakers/Postings

In fall 2017, Campus Counsel Elisabeth Gunther, Associate Chancellor Luanna Putney, and Director of Campus Climate De Acker consulted with FWAF on issue surrounding free speech. While the Academic Personnel Manual (APM) is clear what is protected free speech for faculty and what is not (other policies also outline the definition of free speech for students), there has been no campus policy that applies to external speakers who are neither students nor faculty. The campus had been using Regental guidelines and policies to address these issues. Civil rights refer to the national, legal context, but human rights include the right to safety and freedom from fear – and the campus should not deprioritize our employees’ right to feel safe on campus from speakers who incite violence against members of certain communities.

At the end of fall 2017, FWAF members reviewed a draft policy as crafted by Gunther, Putney, and Acker entitled “Expressive Activities and Peaceful Assembly: Protests, Demonstrations, Non-University Speakers and Posting on Campus and in University Facilities”. After FWAF members recommended several suggestions for revisions, the draft was issued to the campus as an interim policy in January 2018.

All committees of the Academic Senate were invited to review the interim policy, and Senate comments were transmitted to the administration in April 2018.

Policy on Classroom Recordings

In spring 2018, FWAF members discussed the situations faced by some faculty members that involved students or external visitors recording classroom lectures, presentations, discussions, and likenesses of individuals without the consent or approval of the instructor or those individuals. While a UCOP policy exists that states that students cannot make such recordings without the consent and approval of the instructor, the policy is only related to the copyright of course material.

FWAF members (after a conversation between the FWAF chair, the Senate Chair, and the

Campus Counsel), drafted a recommended UCM policy on classroom recordings based on the tenets of the policy currently in use at UC Santa Barbara.

In March 2018, FWAF submitted a brief, draft policy to the Senate Chair for Division Council's review and approval. Division Council viewed the policy positively, but suggested the following revisions: expand the policy to include instructor-led review sessions and office hours (in addition to the classroom setting), and the reproduction or distribution of course materials for any purposes other than individual or group study by students currently enrolled in the class.

In May 2018, Division Council endorsed FWAF's recommended policy, and transmitted it to Vice Chancellor for Student Affairs Charles Nies as a proposed change to the policies and regulations outlined in section 40.10 (A) of the Student Handbook.

As an accompaniment to FWAF's recommended policy on classroom recordings, the committee drafted a separate statement to Division Council on supporting faculty members who face challenges surrounding non-approved classroom recordings. Specifically, FWAF requested that the administration create and utilize a simple, boilerplate response statement to issue in such cases that reaffirms the university's support for faculty freedom of expression and the relevant systems that are in place to govern the way we deal with such freedoms. This statement was endorsed by Division Council and transmitted, in April 2018, to the Provost/EVC, Vice Provost for the Faculty, Associate Chancellor Putney, and Chief External Relations Officer Ed Klotzbier.

Diversity in Faculty Hiring

In AY 16-17, FWAF and the Senate Committee for Diversity and Equity (D&E) co-drafted a statement on diversity in faculty hiring and submitted to Division Council. The statement derided the impression held by some that diversity and excellence (or quality) as potentially opposing goals. FWAF and D&E rejected this notion and assert that excellence in the context of a university setting is the byproduct of capable, motivated scholars who are given the tools, resources, and an environment that allows them to effectively apply their talents.

In April 2017, the joint statement entitled "Diversity, Hiring, Retention, and Excellence at UC Merced" was submitted to Division Council. While the Council agreed with the statement, members made suggestions for revisions.

At the beginning of AY 17-18, FWAF and D&E collaborated to revise the diversity statement, taking into account the comments made by Division Council. A revised statement was resubmitted to the Council in December 2017, and included a definition of the traditional notion of research excellence as well as language on implicit bias. Division Council endorsed the statement and transmitted it to the Provost/EVC in December 2017.

In fall 2017, a group of faculty issued a memo to the Provost/EVC regarding the lack of senior, black STEM faculty, as well as larger issues of diversity and inclusion among the UCM faculty.

The Provost/EVC met with the signatories of the memo, as well as representatives from FWAF and D&E.

The Provost/EVC attended the April 2018 FWAF meeting to state that he had identified funds to conduct two senior faculty searches for AY 18-19, for the purpose of recruiting faculty members who will become leaders and mentors on campus for diversity and inclusion. He and then-Vice Provost for the Faculty (VPF) Camfield intend to consult with faculty on how to conduct the recruitment process, whereupon, the Provost/EVC and VPF anticipate forming a steering committee to conduct the searches.

Review and Selection of Applicants for the Faculty Success Program

UC Merced has an institutional membership with the National Center for Faculty Development and Diversity (NCFDD). All faculty have access to the general resources of NCFDD and are welcome to utilize these support tools to enhance their professional development. The Academic Personnel office earmarks additional funds to cover the tuition for three tenure-track Assistant Professors (one from each school) to participate in a 12-week, web-based professional development program organized by the NCFDD's Faculty Success Program. Historically, the VPF has asked FWAF to review the applications for the program, and help select applicants.

In spring 2018, FWAF reviewed the applications. The VPF agreed to the committee's request that he locate additional funding so that all applicants could participate in the program as FWAF believed all applicants were meritorious.

Child Care

In AY 16-17, FWAF issued a survey to all faculty, staff, post docs, and graduate students to elicit input on after-school and holiday child care. The results of the survey were transmitted to academic and administrative leadership.

In fall 2017, FWAF continued its discussion of child care challenges faced by faculty, and elected to send a memo to the Senate Chair reiterating the three main concerns arising from the survey. Those concerns were 1) providing access to on-campus aftercare as well as summer and holiday programming for school-aged children; 2) affordability and accessibility at the ECEC; and 3) working with Merced schools to better synchronize academic calendars.

At the April 2018 FWAF meeting, the committee held a discussion with the Provost/EVC and VPF about possible ways to rectify these issues. FWAF members suggested that an individual be appointed to serve as a coordinator between the care providers in the community and the campus, in order to keep campus employees informed on open slots in care facilities. Additional functions for this potential coordinator could include working with the local school district to discuss calendar alignment, and engage groups like the Boys and Girls Club and other community organizations who would be interested in a partnership with UC Merced.

Consultation

Consultation with Vice Provost for the Faculty

FWAF benefited during the academic year from consultation with ex-officio, non-voting committee member, VPF Camfield. The VPF provided input to FWAF on various items including academic freedom, child care issues faced by faculty, and diversity in faculty hiring.

Consultation with Administration

FWAF benefited throughout the academic year from consultation with various members of the administration who provided valuable updates and information:

- Associate Chancellor/ Senior Advisor to the Chancellor Putney and Campus Counsel Gunther collaborated with FWAF on several issues, including the charge of the Police Advisory Board, classroom recording policy, and the interim policy on Expressive Activities and Peaceful Assembly: Protests, Demonstrations, Non-University Speakers and Posting on Campus and in University Facilities.
- Director of Campus Climate Acker shared valuable information with FWAF pertaining to campus climate, inclusion, and the campus's behavioral intervention team.
- AVC and Dean of Students Jonathan Grady sought FWAF's input on the position description for the role of Chief Diversity Officer. This individual will report to the Chancellor. The search is expected to launch in summer 2018.

Consultation with Faculty Representative on Police Advisory Board

Since the campus incident of November 2015, FWAF has been in discussions with the administration (originally, with the former campus Police Chief) on empaneling a police advisory board. A draft board membership was created by Associate Chancellor Putney, and reviewed by FWAF in AY 15-16. In spring 2017, Associate Chancellor Putney issued the draft board membership to a variety of campus stakeholders for review and input including the ASUCM, GSA, and the Chancellor. In April 2017, Putney announced that plans to establish a Police Advisory Board were ready to proceed with the appointment of a new campus Police Chief.

The newly-empaneled Police Advisory Board convened in AY 17-18, and its faculty representative, Professor Kit Myers (SSHA) attended the April 2018 FWAF meeting to update the committee on the following:

- The charge for the advisory board is now on the Chancellor's website.
- The first two meetings of the board were devoted to discussion on whether the advisory board should be changed to an accountability board. An accountability board would have

the power to hear complaints against the police department while an advisory board lacks this authority. The board hosted a campus town hall to seek input from the campus community on the issue of an advisory board or an accountability board. The board was informed that if they choose to become an accountability board, then a separate advisory board must be established, as one board cannot conduct both roles.

- Professor Myers suggested to the board that the campus police department hold informational meetings on campus to ensure that employees are aware of their rights.
- Professor Myers also announced that board is considering de-escalation training to handle individuals who may be a danger to themselves and/or others.

Systemwide Committee Updates

- University Committee on Faculty Welfare (UCFW). FWAF chair Sean Malloy was the UCM representative to the UCFW, and kept FWAF members informed of the major items of discussion this academic year:
 - UC retiree health benefits
 - UC faculty salary gap. In spring 2018, after lengthy consultation at systemwide and with the UC President, a plan was issued from systemwide to raise faculty salaries by 4% each year for three years, for a maximum of 12%.
 - UC budget
 - Negotiations for the re-bidding of the Blue & Gold Health Plan.
 - Systemwide Public Safety Taskforce. The taskforce members reviewed the “Gold Book”, a systemwide document that contains police procedures. UCFW initially reviewed a few chapters, and later requested to review the entire Book. The taskforce’s report on the Gold Book was approved by UCFW on June 8 and went to the Academic Council on June 27.
- University Committee on Academic Freedom (UCAF). Professor Jan Goggans (SSHA) represented FWAF on UCAF and updated FWAF members on the following major topics of discussion:
 - Negotiated Salary Trial Program (NSTP)
 - Interior Department screening process for discretionary grants, instructing staff to ensure those awards promote the priorities of the current administration.
 - Free speech and hate speech

Systemwide Review Items

- FWAF reviewed and endorsed:
 - UC Policy on Sexual Violence and Sexual Harassment

- Revised Presidential Policy on Supplement to Military Pay, with the suggestion that the policy include all UC employees who are recalled to active duty for any reason and for the policy to be made permanent and not one that must be renewed every four years
- Second round of review of APM Sections 285, 210-3, 133, 740, 135 and 235 pertaining to the L(P)SOE series
- FWAF reviewed and opposed:
 - Expansion of the NSTP as described in the program’s taskforce report. FWAF judged that the four-year review failed to engage in the fundamental questions about whether the NSTP is further eroding the peer-reviewed salary scales, increasing salary inequality between disciplines, or subtly directing faculty to engage in types of research that might be likely to result in additional outside funding (and hence a higher salary). FWAF opposed the extension of the program.

Campus Review Items

- FWAF reviewed and endorsed:
 - Proposed carry forward policy regarding faculty incidental funds. FWAF did request that the policy allow for faculty members to petition for an exemption to the \$9,000 limit.
 - Value to UCM Assessment (faculty retention document as drafted by the Provost/EVC). But FWAF did reiterate the importance of considering diversity in any retention assessment, and hoped for the assessment to be employed in a holistic fashion that allows for flexibility as no two faculty retention cases are exactly the same.
 - Proposed revision to UCM bylaws to establish a Reserve CAP.
- FWAF reviewed and withheld endorsement pending requested revisions:
 - Academic Reorganization Working Group Report. While the report introduces the notion of a range of compensation figures in its text, the relationship between size and compensation is not always clear or well justified. Compensation within the ranges listed in the report will be decided upon by deans; there is, however, no system to ensure fairness or equality across departments and schools. The report made no mention of mentoring—either the mentoring of chairs by those with some experience, or even more significantly, the work chairs must do as mentors. Finally, compensation structure may have the effect of devaluing the work of graduate group chairs. Though the administrative burden of graduate group chairs may be less than that of department chairs, there is potentially more interpersonal work involved with being graduate group chair.
- FWAF reviewed and opposed:
 - Revised voting guidelines in the Schools for faculty academic personnel cases as

drafted by the Senate Committee on Rules and Elections (CRE). A majority of FWAF believed that the revisions did not address the committee's objections in the original guidelines with regard to "at or above rank of application" (AARA) voting. A majority of FWAF still assert that the notion that senior faculty are capable of objectively evaluating each other's work while those at lower ranks are not is inherently patronizing. A minority of FWAF was in favor of AARA voting, as untenured faculty may lack the appropriate background required to evaluate a senior colleague's case.

Respectfully submitted:

FWAF members:

Sean Malloy (SSHA), Chair, UCFW representative

Virginia Adán-Lifante (SSHA), Vice Chair

Jessica Blois (SNS)

Changqing Li (SOE)

Anneeth Kaur Hundle (SSHA), fall 2017

Laura Hamilton (SSHA), spring 2018

Ex officio, non-voting member:

Gregg Camfield, Vice Provost for the Faculty

Staff:

Simrin Takhar