

Committee on Faculty Welfare & Academic Freedom (FWAF)  
Minutes of Meeting  
November 29, 2017

Pursuant to call, the Committee on Faculty Welfare & Academic Freedom met at 10:30 am on November 29, 2017 in Room KL 397 of the Kolligian Library, Chair Sean Malloy presiding.

I. Chair's Report

Chair Malloy updated FWAF members on the following:

- Division Council meetings. In a recent meeting, the Council heard a budget update from the Provost/EVC and the Interim VC for Planning & Budget. Historically, UCM has not had a traditional budget. As a result of this and other factors, the campus is running a large deficit and may implement 7-10% budget cuts. Employees will not be laid off, but open positions will not be filled. The latter is a cause for concern for many faculty, given the inadequate staff-to-faculty ratio.
- November 28 Meeting of the Division. In addition to the Provost's updates and brief presentations from the co-chairs of the three campus working groups (Academic Planning, Academic Reorganization, and Budget), the Chancellor discussed the implications of the proposed, federal tax legislation on higher education and the UC specifically. She announced that budget forums will be held in January 2018.
- University Committee on Faculty Welfare (UCFW) meetings on October 13 and November 17. The major items of discussion were:
  - UC retiree health benefits. The systemwide Senate protested UCOP's renegeing of the previously-agreed upon amount of health care the UC system would pay to retirees. Consequently, a task force was empaneled to address the issue.
  - Faculty salary. Currently, UC faculty salary across the system lags 8-12% behind comparator institutions. UCM faculty salaries lack 16-27% behind. The systemwide Senate and the UC President have been implored to address this problem. Vice Provost for the Faculty (VPF) Camfield stated that UCOP has been asked to raise faculty salary scales to preserve equity and to eliminate off-scales, but this has proved to be controversial and not all faculty agree on this strategy. The

Negotiated Salary Trial Program may compound issues of inequality.

## II. Consultation with Administration

At the last FWAF meeting, Associate Chancellor Luanna Putney, Campus Counsel Elisabeth Gunther, and Director of Campus Climate De Acker informed committee members that they intend to draft a policy on campus protests and external speakers that would ultimately be issued for campus review and approval. Just prior to this meeting, a draft policy was distributed to FWAF members for initial input before being issued for campus review. The draft policy, entitled “Expressive Activities and Peaceful Assembly: Protests, Demonstrations, Non-University Speakers and Posting on Campus and in University Facilities” was crafted from parts of policies that are already in place in various units on campus. Counsel Gunther pointed out that a dedicated policy is needed, given the current political climate and potential, future situations.

FWAF members requested a number of revisions, including:

- Remove the reference of “civil disobedience” from the beginning of the policy as it strikes a discordant note, and to place it elsewhere in the policy.
- Clarify the section on outside speakers that refers to sponsors being required to pay for all fees as it is unclear whether that includes security costs expended for a potential counter-protest. UC Berkeley recently incurred a \$600,000 cost for security during a campus incident and FWAF members emphasized that such costs must be clear in the policy. Counsel Gunther stated that she is working with Facilities and the campus Police Department on their fee schedules. She added that such fees are dependent on the type of event (number of people, whether they are UCM students or the public) not the nature of the speaker.
- FWAF members inquired, under the section “Advanced Arrangement”, whether it is mandatory for groups to submit advanced notice of a protest, and Counsel Gunther confirmed it is not.
- FWAF members requested training for the office that is listed as having responsibility over elements of student protest, particularly on the definitions of free speech and expression. The language on the

“Peaceful Protest/Demonstration Event Proposal Form” included in the draft policy gives the impression that the nature of student protests is monitored. FWAF members recommended removing questions about “Purpose of the Event” and “Target Audience” from the form and simply have questions about logistics.

- FWAF members requested that a Senate faculty representative be appointed as a member of the Protest Oversight Group that is described in the draft policy. Counsel Gunther and Associate Chancellor Putney agreed on the need for faculty input, but will review the [Robinson-Edley Report](#) to determine if the Protest Oversight Group can have a faculty member as a formal member, or as a liaison. (The report was drafted after incidents between protestors and police in November 2011 at UC Berkeley and UC Davis, and proposed 49 recommendations on how UC campuses can respond to future protests effectively by clarifying training, roles, and responsibilities.)
- Counsel Gunther and Associate Chancellor Putney clarified FWAF members’ questions about notification and chain of command as related to the campus police department and the administration.
- FWAF members recommended revising the flyer on the last page of the policy, specifically, the point about leaving the area (of a protest).
- FWAF members requested making the overall document easier to follow with respect to the definitions of “free speech”, “freedom of assembly”, and “civil disobedience”.
- With respect to the section of the policy governing posting (flyers, etc.), Counsel Gunther clarified for FWAF members that routine and non-protest related flyers such as faculty research talks, curriculum-related posters, and notices from employees about items for sale, are not required to be stamped by the Office of Student Life (OSL). The campus will eventually have a map that specifies where employees can post flyers and notices. OSL will receive training on which items can be stamped and which cannot (posters containing hate speech will not be stamped). Counsel Gunther also clarified that faculty are allowed to post any items they wish on their interior walls, but are restricted to what they can post on their doors that face the public. Faculty posters and flyers related to the campus’s research and educational mission are allowed. The final policy will be clarified in this regard.

Counsel Gunther stated that after she revises the current draft policy to incorporate feedback from FWAF, she will implement it on an interim basis so that the campus has some kind of guidance on record in case of an incident. She will soon issue the draft policy to the whole campus community – including the Academic Senate and student groups – for review, comment, and approval.

**ACTION:** Counsel Gunther and Associate Chancellor Putney will distribute a revised draft policy on protests, external speakers, and posting, that incorporates FWAF's comments, to FWAF members for review. The administration will later issue the draft policy to the campus for review, comment, and approval.

III. Consent Calendar

**ACTION:** the September 13 meeting minutes were approved as presented.

IV. Vice Chair's Report

Vice Chair Adán-Lifante updated FWAF members on recent meetings of the Periodic Review Oversight Committee (PROC). PROC continues to discuss reports related to the campus's accreditation efforts and encourages faculty to be aware of assessment issues.

V. Meeting with the Provost/EVC on Recruitment of Black STEM Faculty

On October 27, prompted by a letter from a group of faculty, the Provost/EVC met with faculty to discuss the recruitment and retention of black STEM faculty and the need for the campus to increase its efforts in this regard. FWAF member Blois represented chair Malloy at the meeting. The Provost/EVC informed the meeting's attendees that he is supportive of increased diversity in faculty hiring and that this endeavor should be a grassroots effort from the faculty. He also emphasized the need to examine all types of diversity, including that of gender, gender expression, ethnicity, and race. A possible strategy that has been advocated for many times is to recruit from the President's Postdoctoral Fellowship Program; another strategy is to recruit senior diverse faculty with Targets of Opportunity hires. The Provost/EVC pointed out that trade-offs will have to occur regarding the availability of FTE lines if the campus wants to increase Targets of Opportunity hiring.

VPF Camfield stated that the Academic Planning Working Group, as part of its task, is asking faculty how many lines they believe should be used for Targets of Opportunity hires. This issue will also be placed on a Deans Council agenda to ensure that all deans are in agreement.

There being no further business, the meeting adjourned at 12:00 pm.

Attest: Sean Malloy, FWAF Chair