

Committee on Faculty Welfare & Academic Freedom (FWAF)**Thursday, February 15, 2018****10:00 am – 11:30 am, KL 397**

Pursuant to the call, the Committee on Faculty Welfare & Academic Freedom met at 10:00 am on Thursday, February 15, 2018 in Room 397 of the Kolligian Library, Chair Sean Malloy presiding.

I. Chair's Report

Chair Malloy updated FWAF members on the following:

- Division Council meetings. The main topic of discussion at the recent Council meeting was the implementation of General Education, and the concern of many faculty about resources required for faculty to teach Spark seminars. Meetings will be convened between Senate committee chairs and School Executive Committees in an attempt to work out the differences and clarify issues.
- UCFW updates from December 8, January 12, and February 9 meetings.
 - The faculty salary gap continues to be an ongoing issue for UCFW. UC faculty salaries lag approximately 12% behind faculty salaries at comparator institutions. UC President Napolitano attended the December UCFW meeting to hear the committee's concern, and submitted a letter after the meeting that stated her commitment to effecting change regarding faculty salaries. However, she is somewhat constrained by campus Provosts/EVCs and Chancellors, who require flexibility with regard to faculty salaries. UCFW has recently emphasized a systemwide strategy for closing the faculty salary gap rather than placing the burden on individual campuses. UCFW is currently drafting a response to President Napolitano, stating that the committee advocates an increase in faculty salaries, with all funds in the "pot" going towards salaries rather than being allocated to campus Provosts who may seek to use the funds for other purposes.
 - Budget issues continue to be discussed at UCFW. The UC system was promised a 4% increase but ultimately only received 3%. The proposal that was put before the Regents to increase tuition is being reconsidered due to various pressures. Some faculty are concerned that due to the recent review of UCOP detailed in the report from Huron Consulting, President Napolitano's political capital has been somewhat weakened, and faculty are concerned that she is not in a strong position to negotiate with members of the Legislature on UC budgetary issues.
 - The working group tasked with addressing UC retirees' health benefits was delayed in beginning their work due to their charge being revised. The group is on track to submit a report to UCFW in June 2018. Chair Malloy asked members to be prepared to respond to the report if the recommendations are harmful.
 - Blue & Gold Health Plan is up for a re-bid this year and negotiations are still in progress. If negotiations fail, the UC system will renew with Health Net for one year, and then re-start negotiations next year. UCFW also discussed how to handle health care partners who refused to offer certain benefits and coverage

to UC employees due to religious reasons. One such partner is being sued by the ACLU for denying services to a transgender patient. One of these providers is located in the Merced region, and many Merced employees have little choice but to continue seeking services from this hospital as they cannot take time off work to travel to Modesto or Fresno for different options. Chair Malloy stated that he brought this to the attention of UCFW. At the request of a FWAF member, Chair Malloy will also inquire about the possibility of UC employees being reimbursed for mileage if they must seek services outside their own regions due to being discriminated against by their local provider. The two issues at play with this issue is 1) ensuring that UC employees get access to health services that are covered by their insurance and 2) realizing that non-discrimination is a principle and a policy of the UC and whether the UC should hold this health care provider accountable.

- Systemwide Public Safety Taskforce. The taskforce members are reviewing the “Gold Book”, a system wide document that contains police procedures. UCFW initially reviewed a few chapters, and later requested to review the entire Book. Evidently, the publicly-posted version of the Gold Book is different than the version under review by the taskforce. Chair Malloy, a member of this taskforce, requested that the members be provided the chapters of the Book that are in-progress, but was initially declined. He was granted a meeting at UCOP recently where he was told the taskforce can receive these chapters. Once received, these chapters will be reviewed by the taskforce. In May 2018, the taskforce will submit a report to UCFW.

II. Consent Calendar

Action: the November 29 meeting minutes were approved as presented.

III. Vice Chair’s Report

Vice Chair Adán-Lifante updated FWAF members on updates from PROC. PROC recently discussed the idea of assessment of teaching and the possibility of unit/departments chairs including this information in promotion and tenure cases. Specifically, the idea is to convey how faculty can demonstrate that they have been participating in the assessment of their own programs and courses. A FWAF member asked whether there will be guidelines to help faculty as well as unit/departments chairs include this information as well as a clarification of expectations across disciplines. Another FWAF member requested that this issue be sent to Division Council so all Senate committees are aware. Vice Chair Adán-Lifante agreed to share this with PROC. A FWAF member pointed out that in larger units/departments, not all faculty members are involved in assessment activities, and is concerned, that under this new practice, that lack of activity may harm the faculty members’ personnel reviews. The FWAF member also asked whether the campus will continue to use student ratings to assess teaching in addition to this new emphasis on the assessment of teaching. Vice Chair Adán-Lifante replied that she will clarify with PROC.

Action: Vice Chair Adán-Lifante will convey FWAF members’ concerns to PROC and will receive clarification on their questions.

IV. Classroom Recording of Instructors

A UCOP policy is in existence that states that students cannot record classroom discussions, lectures, or presentations without the consent and approval of the instructor, but this policy is related to the copyright of course material. Chair Malloy gathered other UC campus policies and found that UC Santa Barbara's proposed policy (currently under review at that campus) is clear and concise. Chair Malloy, who held discussions on this topic with the Senate Chair and with UCM's Campus Counsel, suggested that UCM develop its own policy, and use UC Santa Barbara's language as a guideline. There are two issues: 1) consent and approval of instructors before a student or outside visitor records classroom discussions, lectures, or presentations as well as recording the likeness of the instructor and students in the classroom and 2) in the event that a recording still takes place, the administration should be prepared to stand with faculty as the faculty deal with the issue. FWAF members agreed that a policy should be developed, and for the administration defend faculty in the case of an unapproved recording.

Action: FWAF chair will draft two memos for the review of the committee: 1) draft policy on the recording of classroom discussions, presentations, lectures, and the likeness of instructors and students in the classroom without consent and approval 2) general memo regarding the overall political climate and a request for the administration to stand with faculty on this issue. The second memo will ultimately be submitted to the senior academic leadership which includes the as-yet-unnamed interim Provost.

V. Consultation with UCAF Representative

Professor Jan Goggans, the committee's representative on UCAF, updated FWAF members on the December 7 UCAF meeting:

- UCAF continues to discuss the Negotiated Salary Trial Program (NSTP) and Professor Goggans shared with the committee the memo written by FWAF when the NSTP extension issue was under review by each campus Division. (FWAF was opposed to the program's extension.) UCAF members ultimately concluded that the NSTP is more relevant for UCFW, however, UCAF will hold another discussion at its March 20 meeting. Chair Malloy pointed out that FWAF's memo did contain academic freedom-related elements such as the program's bias about conflict of effort and the types of research. However, it has been decided recently that the program will be extended for a set number of years.

Action: Professor Goggans will email the FWAF analyst the UCAF response to the NSTP for distribution to FWAF members.

- UCAF also discussed, and will continue to discuss at its March 20 meeting, an article in the Washington Post that announced a new Interior Department screening process for discretionary grants, instructing staff to ensure those awards promote the priorities of the current administration.
- UCAF held a poignant discussion on free speech and hate speech. Graduate student representatives in attendance at a recent meeting made a compelling presentation on how they do not feel safe going to their own campuses, which means they cannot carry out their research, ultimately hindering the success of the campus's

research mission. At this meeting, UCAF also consulted with an attorney who clarified what the 1st Amendment protects. UCAF drafted a response to the UCSA's letter on free speech and hate speech.

Action: Professor Goggans will email the FWAF analyst UCAF's memo that was sent to Academic Council, for distribution to FWAF members.

- Professor Goggans reported that UCAF asked that campuses inquire with their earth sciences faculty to gather any evidence of bias in their proposals being delayed due to the fact that the findings in their proposals are not consistent with the view of the current administration. FWAF members pointed out that biology faculty, too, may have experienced such issues. FWAF members recommended that Professor Goggans contact SNRI faculty, and, the chairs of each School Executive Committee.

VI. Systemwide Review Items

- Proposed Amendment to Senate Bylaw 128A new section has been added which would govern conflicts of interest on Senate committees, subcommittees, and task forces. FWAF is not a lead reviewer. Comments are due to the Senate Chair by 5:00 pm on Monday, February 26.

Action: due to time constraints at this meeting, the FWAF analyst will ask members to review this item via email.

- Revised Presidential Policy on Supplement to Military Pay. The proposal provides eligible employees with supplemental payments equal to the difference between the employees' University pay and their active military duty pay for a period not to exceed the employee's tour of active military duty, until June 30, 2022, or until the separation date of an employee's University appointment, whichever comes first. Benefits provided under the Policy are subject to a two-year lifetime limit. The proposed revisions renew the current Policy for a four-year period, effective July 1, 2018 through June 30, 2022. FWAF is a lead reviewer, and comments are due to the Senate Chair by 5:00 pm on Monday, April 2.

Action: due to time constraints at this meeting, the FWAF analyst will ask members to review this item via email.

VII. Campus Review Items

- Committee on Rules and Elections' (CRE) revised guidelines on voting on faculty personnel cases. Originally proposed in AY 16-17, CRE has revised its guidelines to take into account comments from Senate committees, including those of FWAF's. Chair Malloy summarized FWAF's response to the original proposal, then summarized the revised guidelines as drafted by CRE.

FWAF members held a robust discussion on the advantages and downfalls of open-rank voting. One FWAF member stated she prefers open-rank voting, as it ensures that no one voice is more powerful than others. Moreover, open-rank voting allows untenured faculty to weigh in on deficiencies of their senior colleagues, which is an opportunity the untenured faculty may not otherwise have. To clarify, the "deficiencies" under consideration are not the ones that are easy to quantify such as

number of publications and grants; rather, the deficiency in question could be collegiality, which is an area where many untenured faculty would like to weigh in with regard to the senior faculty in their units. Non-open rank voting creates a situation where senior faculty can hold untenured faculty to certain academic standards, but untenured faculty are not allowed to hold senior colleagues to those same standards. Another FWAF member pointed out the flaw in wanting to “protect” untenured faculty: taking away their right to vote on certain cases is problematic. In addition, the population of senior faculty is not as diverse as that of untenured faculty, so it becomes a diversity issue if units propose taking away voting rights of these untenured faculty.

An opposing view was expressed by a FWAF member who pointed out that the issue is not that untenured faculty lack the appropriate intellectual capacity to vote on a personnel case that is above their rank, the question is one of experience in the academy. Faculty members who have only recently entered the profession do not have the appropriate background to judge cases of senior colleagues.

A FWAF member replied that those individuals who write the case analyses as well as external letter writers (in cases that involve career reviews) will be at or above the rank of the faculty member under review. Therefore, the case will be judged by those with extensive experience.

FWAF members agreed that the committee’s memo to the Senate Chair should reflect both the majority and minority points of view.

Action: the FWAF chair will draft a memo for the review and approval of the committee, and the analyst will transmit the final version to the Senate Chair by the deadline of March 12.

- Interim Policy on Expressive Activities and Assembly: Protests, Demonstrations, Non-University Speakers and Posting on Campus and in University Facilities. Drafted with input from FWAF in fall 2017, this interim policy is now being issued for campus-wide review. FWAF is a lead reviewer. Comments are due to the Senate Chair by 5:00 pm on Friday, April 13.
Action: due to time constraints, at this meeting, the FWAF analyst will ask members to review this item via email.

There being no further business, the meeting adjourned at 11:30 am.

Attest: Sean Malloy, FWAF Chair