

October 18, 2022

Susan Cochran  
Chair, UC Academic Senate

Re: **(Second Systemwide Senate Review) Draft Presidential Policy – Abusive Conduct in the Workplace**

Dear Chair Cochran,

The divisional Executive Board, councils, and committees appreciated the opportunity for a second system review of the Draft Presidential Policy on Abusive Conduct in the Workplace. The Executive Board (EB) reviewed the proposal at its meeting on September 29, 2022. Due to the unusually short review period, EB members did not have an opportunity to review divisional council and committee feedback during its meeting. Rather, we have highlighted their perspectives in this letter and enclosed their responses.

EB members expressed general support for the revised policy, more so than did some of the divisional committees. Members continued to appreciate the intent of this important community standard and noted that the revised policy addressed a series of concerns previously raised by the Board. Moreover, members affirmed there must be clear and comprehensive avenues to counsel individuals and hold them accountable for abusive conduct in the workplace, particularly when there is no protected status discrimination component. Members recognized this proposal is an important effort to address a hole in the patchwork of a complex system.

That said, EB members and several divisional committees, particularly judicial committees, have additional requests for clarification and continued concerns about the revised policy proposal.

**Academic freedom.** EB members affirmed the importance of maintaining and reinforcing academic freedom. They appreciated that the proposed policy indicates that if an incident implicates academic freedom then it goes to the Academic Senate. However, they noted that the policy is silent on who gets to decide on whether the issue involves academic freedom. It is important to make explicit that the Academic Senate has a key role in determining whether matters are related to academic freedom. Although members appreciated the intent of the community standard, they requested consideration of any DEI implications.

**Assignment of authority in re classification and routing/Relationship between investigative mechanisms and Academic Senate processes.** The revised proposal lacks specificity with regard to which individuals or units would have the authority to review and route complaints and where these processes would sit within administrative structures. Members suggested a need for greater clarification of who will administer these types of issues, particularly when they do not involve civil rights. For example, page 11 of 15 indicates investigations involving academic appointees will follow existing

processes; yet, following this statement is a new formal process. What is the proposed relationship between existing processes, particularly involving faculty, and the proposed one?

**Concern about the policy's overall relationship to existing Academic Senate processes.** Please see letters from the divisional committees on Privilege and Tenure and Charges for their strong criticisms of the proposed policy because they understand it to undermine, or at least conflict with, existing Academic Senate processes. The Faculty Welfare Committee expressed similar concerns in its letter.

As for the Executive Board, members asserted the centrality of, and deference to, existing Academic Senate processes. They suggested the proposed policy requires further clarity to affirm that Academic Senate processes remain in place including the right of the Academic Senate to conduct its own investigation even if administration has done so. Moreover, members advised that deference be shown to existing Senate processes when confronted by ambiguities that may arise during implementation of this policy.

Again, it is important to highlight the attached responses from the divisional committees on Charges and Privilege and Tenure that provided detailed feedback about existing policies and procedures that this proposal appears to overlap or duplicate. Thus, due diligence is needed to eliminate ambiguities in the proposed policy that could lead to confusion or undermine the Academic Senate's shared governance role.

Sincerely,



Jessica Cattelino  
Chair  
UCLA Academic Senate

Encl.

Cc: April de Stefano, Executive Director, UCLA Academic Senate  
Andrea Kasko, Vice Chair/Chair Elect, UCLA Academic Senate  
Monica Lin, Executive Director, UC Academic Senate  
James Steintrager, Vice Chair, UC Academic Senate  
Shane White, Immediate Past Chair, UCLA Academic Senate