May 17, 2024

Andrea Kasko, Chair
Academic Senate

Re: (Systemwide Senate Review) Proposed Revisions to APM-016, University Policy on Faculty Conduct and the Administration of Discipline

Dear Chair Kasko,

At its May 7, 2024, meeting, the Faculty Welfare Committee (FWC) reviewed and discussed the systemwide Proposed Revisions to APM-016, University Policy on Faculty Conduct and the Administration of Discipline.

The FWC had an extended discussion about the addition of a “pause on academic review actions,” as laid out in Section II of this revised policy. The pause would permit the Chancellor, or their designator, to stop any personnel actions while a faculty member is under review for misconduct. No context or historical knowledge was provided by the administration to explain why this change in policy is necessary, i.e., why the Chancellor needs the ability to hold a faculty member back from advancement. The FWC had many significant concerns about the appropriateness and the consequences of this policy, as follows:

1. Faculty should be considered innocent until proven guilty. FWC members felt this revision was a considerable overreach by the administration. Accused faculty are essentially being considered guilty until proven innocent. The FWC cannot support suspending the presumption of innocence.

2. Delay in faculty promotion and advancement. This new policy most negatively affects wrongly accused faculty, who undergo lengthy investigations and are found innocent. Misconduct investigations can last for years, such that exonerated faculty members would be unable to make up for the lost years in advancement. There needs to be more consideration about how to prevent this policy from having irrevocably damaging effects on faculty careers.

3. The current system of evaluating misconduct is too slow. The FWC also expressed concern that more needs to be done to protect the victims of faculty misconduct. Given that the current system is so slow, there needs to be another way of stopping a perpetrator from moving through administration.

4. DEI consideration. The FWC notes this policy is likely to have the most delirious effects on faculty – women, members of the LGBTQ+ community, and people of color - who are already most at risk for retaliation and delays to their advancement.

Thank you for the opportunity to opine. If you have questions, please do not hesitate to contact me at butlersj@ucla.edu or via the Committee analyst, Renee Rouzan-Kay, at rrouzankay@senate.ucla.edu.

Sincerely,
Samantha Butler, Chair
Faculty Welfare Committee

cc: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
    Jessica Cattelino, Immediate Past Chair, Academic Senate
    April de Stefano, Executive Director, Academic Senate
    Renee Rouzan-Kay, Senior Policy Analyst, Faculty Welfare Committee
    Members of the Faculty Welfare Committee