To: Andrea M. Kasko, Chair, Academic Senate

From: Brett Trueman, Chair, Charges Committee

CC: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
    Jessica Cattelino, Immediate Past Chair, Academic Senate
    April de Stefano, Executive Director, Academic Senate
    Marian M. Olivas, Principal Policy Analyst, Academic Senate
    Members of the Committee on Privilege and Tenure

Date: May 30, 2024

Re: Proposed Revisions to APM-016

The Charges Committee appreciates the opportunity to review and comment on these proposed revisions. First, members disagree completely with the proposed revisions. The Charges Committee had an opportunity to review the Committee on Privilege and Tenure response to the proposed changes in APM-016. Members agreed with P&T's response and had the following additional comments.

The Charges Committee learned that the UC Academic Senate spent months creating a thoughtful proposal to address the possibility that personnel cases might need to be pause, yet the proposed policy revision did not even include this background. If this proposal passes, it will be yet another instance of the utter disregard by the administration for the much-touted "shared governance" principles.

Charges agrees that pausing personnel actions is inherently harmful. First, delaying promotions or merits is not no harm--apart from stress and reputational damage, these actions come with raises that affect pension benefits as well as ongoing salaries. The proposal does not specify how (or if) promotions and raises will be made retroactive when the faculty member is cleared of charges, or if minor charges are made that would not normally preclude promotion. In the rare cases a pause is used, implementation should not be left up to campuses with no central rules. Given that delays to raises and promotions are harmful, the proposal seems punitive before the fact, and comes dangerously close to assuming the faculty member is guilty until proven innocent.

Charges agrees that such a pause is harmful to the faculty and any policy to impose a pause should carefully protect faculty rights. Pausing a personnel case when the faculty member under review is being investigated for misconduct suggests that the said faculty member has already been tarnished with wrong-doing when, in fact, no determination has been made at that time. There may be a small number of cases where the charges alleged against a faculty member are so serious that a pause may be warranted, but that cannot be laid down as a rule to be followed in all cases.
Discipline of faculty is a form of personnel review reserved for a separate process overseen by Charges and the Committee on Privilege and Tenure. Pausing a personnel case closely resembles a disciplinary action in that the person is effectively held back during that pause. At the risk of undermining existing structures and protections, this separation should be maintained unless the investigation involves an allegation that demonstrably will have a serious impact on teaching, research, service, and/or professional competence. Much more thought should be put into standards for identifying cases where research, teaching, and/or service might be so significantly impacted by a potential violation that it merits pausing a case. Once there are standards-based guidelines, the faculty should then have an appropriate avenue to grieve whether the pause was appropriate.

In addition, the Charges Committee was dismayed to learn that this practice of universally pausing personnel cases when faculty are under any kind of investigation has already been implemented at UCLA.

If you have any questions, please do not hesitate to contact me at brett.trueman@anderson.ucla.edu or via the Committee’s analyst, Marian Olivas, at molivas@senate.ucla.edu.