



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

April 1, 2019

CHANCELLORS
LABORATORY DIRECTOR WITHERELL
ACADEMIC COUNCIL CHAIR MAY
ANR VICE PRESIDENT HUMISTON

Re: Systemwide Review of Proposed New Academic Personnel Manual (APM), Section 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees (APM - 011)

Dear Colleagues:

Enclosed for systemwide review is proposed new Academic Personnel Manual Section 011 (APM - 011), Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees. Currently, APM - 010 (Academic Freedom) defines academic freedom as it pertains to faculty and defines the freedom of scholarly inquiry for students, as it derives from the faculty's academic freedom. APM - 015 (The Faculty Code of Conduct) defines the corresponding responsibilities as it pertains to faculty only. Although APM - 010 states that it is not intended to "diminish the rights and responsibilities enjoyed by other academic appointees," APM - 010 and APM - 015 do not address how these concepts apply or do not apply to non-faculty academic appointees. The proposed new policy is intended to address the academic privileges, rights, obligations, and responsibilities of non-faculty academic appointees.

Background

On December 18, 2018, after consultation with the President and the Chancellors, Provost Brown appointed Chancellor George Blumenthal, UC Santa Cruz, and Academic Council Chair Robert May to co-chair the Working Group on Privileges and Responsibilities of Non-Faculty Academic Appointees and their charge was to develop recommendations for draft policy that would address the academic privileges, protections, obligations, and responsibilities of non-faculty academic appointees, especially in relation to APM - 010 (Academic Freedom) and APM - 015 (The Faculty Code of Conduct). Provost Brown asked the Working Group to submit any policy recommendations to him by no later than June 1, 2019.

In developing recommendations for draft policy, the Working Group was asked to undertake the following:

- Review relevant policy from other peer universities, relevant APM policy history, and related research and scholarship.
- Consult, as needed, non-faculty academic appointees affected by the recommendations.

- Determine whether additional policy language is needed to ensure non-faculty academic appointees have appropriate academic privileges, protections, obligations, and responsibilities for their work at the University.
- Provide recommendations on additions to APM policy that address academic privileges, protections, obligations, and responsibilities of non-faculty academic appointees.
- Focus at least as much (if not more) on responsibilities and obligations than on privileges and protections, because those former circumscribe and determine the appropriateness of the exercise of the latter.

The Working Group was not asked to recommend changes to APM - 010, the policy on academic freedom for faculty and its appendix on the freedom of scholarly inquiry for students.

Chancellor Blumenthal and Academic Council Chair May appointed the members of the Working Group, who are listed in the attached letter, as well as advisors. The Working Group met four times starting in January, 2019. Aside from its internal deliberations, the Working Group reached out to a range of individuals and stakeholder groups for their input on the content of a policy on academic freedom for non-faculty academic appointees. Among those whom the Working Group consulted were the Council of University Librarians, Vice Chancellors for Research, Vice Provosts for Academic Personnel, Academic Personnel Directors, Librarians Association of the University of California, the ANR Academic Assembly Council Executive Board, the UC Davis Academic Federation, UC-AFT Librarians, UAW Postdoctoral Scholars and Academic Researchers, and other staff and faculty whom the Chancellors had recommended for Working Group membership.

On March 20, 2019, the Working Group submitted their recommendations to Provost Brown, including a cover letter; a draft policy; APM - 011 (Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees); and a set of accompanying FAQs (all attached).

Policy Principles

The Regents of the University of California have bestowed on the Academic Senate the responsibility to protect academic freedom at UC: “The Regents recognize that faculty participation in the shared governance of the University of California through the agency of the Academic Senate ensures the quality of instruction, research and public service at the University and protects academic freedom” (Bylaw 40.1). The policy on Academic Freedom is located in the Academic Personnel Manual, Section 010 (APM - 010), including its two appendices, one speaking to the 2003 revisions to policy, and one speaking to the Freedom of Scholarly Inquiry for students. This policy also emphasizes the roles of the Academic Senate in the realm of academic freedom:

Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to appropriate review by the Administration, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care. (APM - 010)

In developing the draft policy APM - 011, the Working Group affirmed the position of APM - 010 (Academic Freedom), along with APM - 015 (Faculty Code of Conduct) as the cornerstones of the University of California’s academic freedom policy. APM - 011 affirms that the protections and responsibilities under these policies extend to all academic appointees when they are engaged in teaching, research, scholarship, or the public dissemination of knowledge. APM - 011 additionally extends to non-faculty academic appointees protections for work not in these categories, but which nevertheless contributes to and supports the academic mission of the University. These protections, and the associated responsibilities, are founded on applicable, acknowledged, national, professional standards, as are the

protections otherwise afforded under APM - 010. Additionally, APM - 011 specifies procedures for the adjudication of grievances of alleged violations of the protections adumbrated by the policy.

Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Director of the Lawrence Berkeley National Laboratory, the Chair of the Academic Council, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policy, available online at <https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/index.html>. Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **July 1, 2019**. Please submit your comments to ADV-VPCARLSON-SA@ucop.edu. Please indicate "APM - 011" in the subject line. If you have any questions, please contact Kimberly Grant at Kimberly.Grant@ucop.edu or (510) 987-9499.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel and Programs

Enclosures:

- 1) Proposed New APM - 011, Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees
- 2) March 20, 2019 Working Group cover letter
- 3) APM - 011 FAQ Document
- 4) Model Communication

cc: President Napolitano
Provost and Executive Vice President Brown
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer and Chief of Staff Nava
Senior Vice President Bustamante
Vice President Duckett
Vice President Ellis
Vice Provosts/Vice Chancellors of Academic Affairs/Personnel
Council of University Librarians
Academic Personnel Directors
Working Group on Privileges and Responsibilities

Deputy General Counsel Woodall
Executive Director Baxter
Executive Director Chester
Executive Director Peterson
Chief of Staff and Director Henderson
Chief of Staff Levintov
Director Grant
Director Lee
Manager Donnelly
Manager Smith
HR Manager Crosson
Analyst Ha
Analyst Wilson