

Academic Senate Communications Related to the Investigation of Chancellor Katehi

03/09/16: Update to the Representative Assembly: DeVry Board: “... last week the media reported that Chancellor Katehi served on the board of Wiley & Sons from 2011 to 2014 and that she resigned from the DeVry Education Group Board of Directors, a position to which she was recently appointed. Last Friday, March 4, the Chancellor met with the faculty of the Executive Council to discuss these matters and explain her motivations to serve on these boards. The information in the attached communication from the Chancellor to the Council of Vice Chancellors and Deans—released today—is consistent with what the Executive Council heard last Friday. The Executive Council also wanted assurance that the Chancellor acted in accordance with current UC policy. As is required practice, when a Chancellor anticipates future outside professional activities, a preapproval request is filed. The Chancellor’s service on the Wiley board was annually approved by UCOP. On January 29th, 2016, the Chancellor filed a request with UCOP for possible service on the DeVry board. The Chancellor admitted she made an error in judgment by prematurely accepting a position on the DeVry Education Group Board of Directors prior to UCOP approval. As soon as she realized her request has not been reviewed, she resigned. The Executive Council has requested and obtained supporting documents relating to pre-approval filings by the Chancellor. Copies are available in the Academic Senate office.” André Knoesen, Chair of the Academic Senate

03/28/16: Update from Senate Chair: Chancellor Katehi’s Disclosures of Service to UCOP: “..Since then, I have received additional requests for information about the Chancellor’s board memberships. All such positions up to March 30, 2015, were reported as part of the Chancellor’s Stewardship Review; they are listed specifically in the Chancellor’s Report of Major Accomplishments and Aspirations. According to UC policy, when a Chancellor serves on a board in a capacity as Chancellor of a campus, such service does not need to be reported in OPA forms. For such board positions that Chancellor Katehi has served on since March 30, 2015 please see Attachment 1. In addition, the Executive Council requested and received all of the Chancellor’s Outside Professional Activities (OPA) pre-approval forms submitted since 2011; please see Attachment 2. Please contact me if you have any further questions for the Academic Senate Office.....” André Knoesen, Chair of the Academic Senate

4/25/2016: Report from Committee on Planning and Budget (CPB): Review of Office of Strategic Communications: “... On Friday, April 15 I asked the Committee on Planning and Budget (CPB) to perform an expedited review of resource allocations to the Office of Strategic Communications, and to report back to the Executive Council. Today the Executive Council received the attached report (see Appendix A). As indicated, if there are any questions please contact the CPB Chair Debbie Niemeier (dniemeier@ucdavis.edu).” André Knoesen, Chair of the Academic Senate

04/25/16: Update to Faculty: Appointment of Administrative Growth Task Force: “...Furthermore, there are ongoing concerns about administrative growth at UC Davis. After consultation with the Executive Council, I am appointing a task force. I will specifically ask this Task Force to compare the administrative growth at UC Davis relative to the core instructional missions of the campus. The taskforce will be analogous to the “The Administrative Growth Task Force of the Davis Division of the Academic Senate” appointed by Linda Bisson in June, 2008, that produced the report, Administrative Growth at UC Davis. The 2016 taskforce will be chaired by Linda Bisson (see attached taskforce charge, Appendix 1). Finally, I bring to your attention a correspondence sent to President Napolitano by Linda Bisson, past Academic Senate Chair of the Davis Division, and Rachael Goodhue, incoming Academic

Senate Chair of the Davis Division (see Appendix 2). Linda Bisson was the first woman to serve as Chair of the Davis Division of the Academic Senate, and served two terms. Rachael will be the second.”
André Knoesen, Chair of the Academic Senate

04/27/16: Update from Senate Chair: “...The Academic Senate has not been contacted by the UC President regarding a request from the President for the Chancellor to resign. Under UC’s shared governance structure, it is customary for the President to do so in such situations....” André Knoesen, Chair of the Academic Senate

04/28/16: Update from Senate Chair: “ ...This morning at 10 a.m., I was contacted by President Napolitano. We had a detailed and open exchange of information. President Napolitano emphasized that she stands in strong support of UC Davis and the role of the Academic Senate. In our conversation, I noted that a chancellor is a member of the Academic Senate and as such has the same privileges as any other Academic Senate member.” André Knoesen, Chair of the Academic Senate

05/01/16: Summary Finding in Investigation of Nepotism Charge that involves a Graduate Student:
Email to Academic Senate Faculty: “...On April 29, 2016, the Davis Division of the Academic Senate solicited information regarding student employment and compensation of the graduate student who was identified as a result of the letter from the Office of the President to Chancellor Katehi dated April 27, 2016. The information available to date indicates that the student's dissertation research advisor is an Academic Senate member in the student's graduate program. The student is employed in association with a research center, in a position appropriate for a graduate student and supervised by a non-family Academic Federation member. The student's percentage of time is typical for graduate students in similar positions. The Academic Senate looks forward to sharing the information with the independent investigator, when appointed.” André Knoesen, Chair of the Academic Senate

05/01/2016: Resolution #1: (passed by Executive Council and on May 3rd endorsed by Representative Assembly) Whereas, The Executive Council of the Davis Division of the Academic Senate is deeply concerned over the handling of recent events regarding Chancellor Katehi; and Whereas, The combination of the abruptness with which the decision to suspend Chancellor Katehi was announced and the lack of communication and consultation with the Division Senate as the situation developed creates the perception that the decision was driven by forces outside UC Davis; and Whereas, The lack of consultation is not consistent with shared governance; and Whereas, The potential damage to the reputation of UC Davis is of special concern; Resolved, That the Executive Council respectfully requests that, in consultation with the Chair of the Davis Division of the Academic Senate, President Napolitano make every possible effort to mitigate damage to the UC Davis institution; and That, the Executive Council urges President Napolitano to conclude the investigation of Chancellor Katehi within a month of its initiation, or as soon as possible.

05/02/2016: Resolution #2 (passed by Executive Council May 2nd, on May 3rd endorsed by Representative Assembly) Whereas, the University of California has a tradition of shared governance between the administration and the Academic Senate; and Whereas, the public nature of charges against the UC Davis Chancellor has significant implications for the governance of the campus as well as for the campus’s reputation and the welfare of all members of the campus community; and Whereas, it is critically important for any investigation of the charges to be conducted in a thorough and impartial manner in order to generate confidence in both the process and the results; Resolved, That the Davis

Division of the Academic Senate, through representatives, play a role in defining the scope of the investigation, the manner in which it is conducted, and the substance of the analysis and its conclusions.

05/03/2016: Resolution #3 (passed by Representative Assembly, May 3rd) The Representative Assembly of the Davis Division requests that President Napolitano conduct an expedited review of the policies that govern compensated outside professional activities undertaken by the University's Senior Management Group employees (as defined in Regents Policy 7707) and, in consultation with the Academic Senate, implement any needed changes in those policies as soon as possible.

05/05/2016: Resolution #4 (passed by Academic Council, May 5) The Academic Council of the University of California requests that President Napolitano conduct an expedited review of the policies and procedures that govern compensated outside professional activities undertaken by the University's Senior Management Group employees (as defined in Regents Policy 7707) and, in consultation with the Academic Senate, implement any needed changes in those policies as soon as possible.

05/05/16: Update from Senate Chair: Announcement of appointment of Melinda Haag as Investigator: "...I have received notification from University of California Office of the President that San Francisco attorney Melinda Haag, a former U.S. Attorney for the Northern District of California, will lead an independent investigation into allegations made against Chancellor Linda Katehi. I have not yet been contacted by President Napolitano regarding the Executive Council resolution, which was supported by the majority present at the Representative Assembly on Tuesday, that "the Davis Division of the Academic Senate, through representatives, play a role in defining the scope of the investigation, the manner in which it is conducted, and the substance of the analysis and its conclusions." André Knoesen, Chair of the Academic Senate

05/09/16: Public Records Act Release: "...Release of Documents Obtained by the Sacramento Bee under the Public Records Act (PRA) On April 27 at 8:30 PM, UC Office of the President released documents requested by the Sacramento Bee under the Public Records Act. One outcome of my discussion with President Napolitano on Thursday, April 28, was that the Davis Division of the Academic Senate would be provided access to such PRA documents. I have now received these documents from the Office of the President, and they are all being made available to you today. The PRA documents will be accessible via the Academic Senate webpage. ..." André Knoesen, Chair of the Academic Senate

05/10/16: Report Regarding Allegations a Graduate Student: "...A redacted version of my report regarding allegations against a graduate student has been posted to the Davis Division of the Academic Senate homepage...." André Knoesen, Chair of the Academic Senate

05/13/16: Update Regarding UCOP Investigation: Clarification on the release of document to place the Chancellor on leave: "...Given the legal technicalities of the issues at hand, since April 30th, at my request I have been given access to legal counsel provided by the Office of the General Counsel, Mr. David Birnbaum. In the matter the President and the Davis Senate are not adverse parties. Our operating principle is there is a mutual interest in the same thing: a thorough and fair investigation. Mr. Birnbaum has advised on many issues over the years, including the conduct of investigations by outside investigators. Mr. Birnbaum's advice has been crucial to the Davis Division to make informed decisions. The Davis Division seeks assurance of an independent and impartial investigation into the charges levied against Chancellor Katehi that were released in a document to the Sacramento Bee by President Janet Napolitano. Monday morning, I directed the following two questions to Seth Grossman, Chief of Staff of

President Janet Napolitano: “Did UCOP release ([the document](#)) to the Sacramento Bee? If so, did President Napolitano authorize the release?” On Tuesday, I received the following response from Mr. Grossman: “UCOP did not proactively release the letter. Following the announcement of the decision to put the Chancellor on leave, the letter was requested by certain media outlets. According to guidance provided by OGC, as a general matter, where media outlets request University documents that could implicate the privacy rights of an individual, California law requires UC to balance the public’s interest in disclosure of records relating to public business with the individual’s interest in non-disclosure. One of the factors that affects this balance is the nature of the individual’s position. The higher the level of one’s position, the greater the likelihood that the balance tips in favor of the public interest in disclosure. In light of the many weeks of media attention to issues arising from Chancellor Katehi’s leadership, UCOP determined that, in this case, the balance favored disclosure. “ Since the announcement of the names of the investigator, several have contacted me to voice concern about the independence and integrity of the investigation given that Ms. Melinda Haag has, in her previous capacity as a United States Attorney, represented Janet Napolitano in her capacity as Secretary of Homeland Security. Questions have arisen about possible professional and social interactions between President Napolitano and Ms. Haag, who has been retained to investigate allegations involving Chancellor Katehi. These questions have raised concerns about the objectivity of the investigator, and as a consequence, the investigation itself. The Davis Senate expects Ms. Haag to be thorough, unbiased, fair-minded and persuasive in the way she conducts the investigation, and in her ultimate analysis and conclusions. The Division is proceeding with caution and reserves the option to investigate issues that remain unresolved or that raise concerns. ...” André Knoesen, Chair of the Academic Senate

[05/19/16: Resolution #5:](#) (passed by Executive Council) Resolved, That the Davis Division of the Academic Senate relies on Ms. Haag to be thorough, unbiased, fair-minded and persuasive in the way she conducts the investigation, and in her ultimate analysis and conclusions; and Resolved, That the Division reserves the option to investigate issues that remain unresolved or that raise concerns.

[05/19/16: Resolution #6:](#) (passed by Executive Council) Whereas, the University of California has a tradition of shared governance between the administration and the Academic Senate; Whereas, the public nature of charges against the UC Davis Chancellor has significant implications for the governance of the campus as well as for the campus’s reputation and the welfare of all members of the campus community; Whereas, President Napolitano released a letter to the Sacramento Bee in which she leveled charges of misconduct against Chancellor Katehi; Whereas, President Napolitano set in motion an investigation of Chancellor Katehi; Whereas, it is critically important that any investigation of the charges be conducted in a thorough and impartial manner in order to generate confidence in both the process and the results; and Whereas, a thorough and impartial investigation of the charges will require that President Napolitano be interviewed as a witness; Resolved, That the Executive Council requests that President Napolitano carefully keep in mind any potential conflict of interest on her part in taking any action regarding the investigation

[05/19/16: Information provided to the Haag Investigation:](#) see Appendix A

[05/19/16: Questions from the Academic Senate to UCOP:](#)

- 1) Academic Senate Chair to President Napolitano: “...It also came to my attention that before noon Wednesday Steve Juarez may have informed state legislators and other public figures of

your intent to place Chancellor Katehi on leave pending the outcome of the investigation. Is there any truth to this?" Answer: see [Appendix B](#) (page 29/54)

- 2) Academic Senate Chair to President Napolitano: Please provide the "scope of the investigation by Ms. Haag." Answer: see [Appendix B](#) (page 29/54)
- 3) Academic Senate Chair: "Questions have arisen about possible professional and social interactions between President Napolitano and Ms. Haag, who has been retained to investigate allegations involving Chancellor Katehi" Answer: see [Appendix B](#) (page 29/54)
- 4) "(i) What is the internal process at UCOP for handling a whistleblower complaint? (ii) Are all of these processes being followed with the whistleblower complaint just received by UCOP that may relate to the investigation against Chancellor Katehi? (iii) What has the role of an independent outside counsel been in previous whistleblower investigations? (iv) What does state and federal law require UC to do in handling a whistleblower complaint?" Answer: see [Appendix B](#) (page 29/54)
- 5) "During the occupation of the fifth floor by some students leading up to morning of April 25th, was the UC Davis Chancellor and Provost able to communicate via e-mail or other announcement with faculty and/or campus without the review of their correspondences by UCOP. In the case a review by UCOP is done, who performs the review?" Answer: see [Appendix B](#) (page 29/54)
- 6) "<(1a)>During the period April 25th to April 27th, was the UC Davis Chancellor informed not to communicate with faculty, either in person, via e-mail or other announcements? <(1b)> Was she specifically informed that all her communications must be cleared by UCOP? Answer: see [Appendix B](#) (page 29/54)

05/20/16: Resolution #7 (passed by Representative Assembly) Whereas, The Executive Council may identify questions that it believes should be investigated by Ms. Haag; and Whereas, The Representative Assembly of the Davis Division has called for the involvement of the Chair of the Division in the oversight of the investigation being conducted by Ms. Haag; Resolved, That the Executive Council authorizes its Chair to communicate all concerns, information and questions regarding the on-going investigation through Senior Vice President Vacca; Resolved, That all such requests are to include a time-line by which a response to the Chair is expected from Ms. Vacca; Resolved, That for each such request, the Chair be informed as to whether issues raised by it: i) will be investigated as part of Ms. Haag's on-going investigation; ii) will not be investigated as part of Ms. Haag's on-going investigation, but will be investigated by Ms. Vacca's office under University whistleblower policies; or iii) will not be investigated by Ms. Haag or by Ms. Vacca's office; and Resolved, That for each such request, the Executive Council reserves the right to pursue any line of inquiry that Ms. Vacca informs the Chair will not be pursued by Investigator Haag.

06/08/16: Role of the Vice Chancellor and Chief Financial Officer

06/21/16: Investigation of Chancellor Katehi: Timeline and Fact Sheet

08/09/16: Academic Senate Chair Correspondence to Faculty Regarding Chancellor Katehi's Resignation

08/09/16: Investigative Report Submitted by Melinda Haag