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June 12, 2012

ROBERT ANDERSON, CHAIR

University of California
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: Systemwide Review: Proposed Revisions to APM 010 (Academic Freedom), 015 (Faculty Code) and 016 (Administration of Discipline)

The proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees within the schools and colleges for comment. Detailed responses were received from the Committees on Academic Freedom and Responsibility and Faculty Welfare, Graduate Council and the College of Engineering Faculty Executive Committee.

APM 010 (Academic Freedom) and APM 015 (Faculty Code)

The Davis Division of the Academic Senate strongly supports the proposed additions; particularly given the revision proposal was generated by the Davis Division Committee on Academic Freedom and Responsibility.

APM 016 (Administration of Discipline)

The Division is not supportive, in the strongest terms, of the proposed revision to APM 016. As stated by Faculty Welfare: "We have yet to see a clear justification for why this change is necessary. In what respect are University "policies" that govern faculty conduct not subsumed under its "rules and regulations"? What has been left out of the current formulation of APM 016 that this change is meant to rectify?"

Policy is defined as "a principle to guide decision making." Rule is defined as "a standard for activity" and regulation as "an administrative legislation that constitutes or constrains rights and allocates responsibilities." This revision, as written, would elevate all policies to the level of rules and regulations. The inclusion of library and parking policies as examples of guidelines becoming actionable under this revision implies a certain trivial nature to the ways in which APM 016 will be applied to faculty conduct by the administration. A structure of fines, tickets and fees already apply to use of the library and parking facilities. Thus a logical conclusion is that violation of library policies, such as not being quiet or running in hallways, are not what this proposed change hopes to be able to elevate to the level of faculty misconduct. We agree that there may be policies that require more stringent enforcement and consequence for non-compliance, such as those pertaining to laboratory safety, but suggest instead that such policies be altered to fit the definition of a rule or regulation following due consultation rather than elevating all policies to this status.

Further, if enacted, we expect this change to apply to all faculty including those in administrative positions and would strongly oppose exempting faculty administrators. Currently administrators are most often charged with policy implementation and compliance. Elevation of policy violation, which heretofore have been considered guides to administrative decision making, to that of violation of a University rule or regulation will open floodgates of complaints against faculty administrators that will be actionable under this change to APM 016. However, as much as we support efforts to enhance and assure accountability of administrators, there are better ways to go about it than this change to APM 016. "Policy" is too vague and broad of an umbrella covering everything from suggestions of best practices and guidelines to clear expectations of compliance to be included as a term in APM 016.

The College of Engineering Faculty Executive Committee wishes to go on record as being unanimously opposed to this revision of APM 016.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda F. Bisson".

Linda F. Bisson, Chair
Davis Division of the Academic Senate
Professor: Viticulture and Enology