

April 19, 2021

TO: Academic Senate

FROM: John Matsusaka and Alison Wilcox, Co-Chairs

RE: Faculty Handbook Committee 2020-2021

This report summarizes the activities of the Faculty Handbook Committee during the 2020-2021 academic year and makes recommendations for the future. References to the “existing” handbook mean the 2019 version. The use of “we” in the text below refers to the committee.

Summary of Activities

The committee was charged to “undertake a comprehensive review of the Faculty Handbook and identify the revisions needed to make it easier to understand and more user-friendly,” and to update the text concerning investigations and sanctions (Chapters 6, 7, 8) in light of new federal laws and regulations and USC’s evolving policies.

1. **Reorganization and streamlining of the handbook.** A longstanding concern is that with the passage of time and repeated amendments, the handbook has become cumbersome and not user-friendly. Moreover, the handbook was developed during a time when it would be read in physical form; the current design does not reflect the new reality that most readers will now access it electronically. The committee worked to reorganize the handbook to update its structure, and that revision is proposed for the consideration of the senate. Notes:
 - a) No substantive changes were made in the process of this reorganization. None of the structural changes create new rights or responsibilities, or delete existing rights and responsibilities.
 - b) Under the principle that readers will access the document electronically, material that simply restates policies that are promulgated by other bodies, are no longer restated. Instead, the document links to the appropriate policy. This allows readers to quickly find the latest policy, and avoids the risk of providing dated information. For example, details on preparation of tenure dossiers taken from the UCAPT Manual are no longer repeated. Removing procedural detail also allows the handbook to focus on rights and responsibilities, which should be its primary purpose.
 - c) Topics were grouped in order to make it easier for the reader to find information that is being sought. For example, leave policies are scattered across multiple chapters in the existing version; the proposed revision groups them all in one place.
 - d) Because of ongoing revisions in policies with respect to investigations and sanctions, discussed below, no changes were made to Chapters 6, 7, 8.

- e) To summarize, we recommend that the senate approve the organizational changes in Chapters 1, 2, 3, 4, 5, 9, and the associated renumbering of chapters and sections.
2. **Investigations and sanctions.** Various administrative bodies under the auspices of the new EEO-TIX office worked during the year to prepare new policies and procedures. This appears to be ongoing and only recently resulted in actual text: the committee received draft text in March and early April.
- a) Our understanding is that the text we received has not been vetted and thoroughly examined by the senate or a senate body designated to do so. Therefore, we did not revise any of the affected sections (chapters 6, 7, 8).
 - b) As implied from the previous point, the committee does not believe it is the appropriate body to review those new policies. We presume that the senate will forward a version of the text that in substance has been vetted and “approved”, with the committee’s responsibility being to incorporate it into the handbook.
 - c) The committee also recognizes that the new policies do not address non-protected-class investigations and sanctions. Those policies must also be created, vetted, and incorporated in the handbook.

Recommendations

R1. The status of Chapters 6, 7, 8 in the existing version of the handbook as pertains to investigations and sanctions is untenable. It appears that the existing text differs from the policies and procedures that the university is currently following, and may be at variance with federal law or regulations. We recommend that the administration and senate make it a top priority to establish policies and procedures and put them in a written form. Regarding the handbook, we see two paths forward: (i) Delay release of a new version of the handbook until new text on investigations and sanctions is approved. (ii) Issue a new version of the handbook with a disclaimer of some sort regarding the material related to investigations and sanctions. In either case, the committee is willing to meet during the summer to consider and incorporate the appropriate text. We note our understanding that the committee’s term expires June 30.

R2. The committee recommends that the handbook state the procedures for appointing and reappointing deans. We understand that such policies are in development. The committee recommends that existing policies be examined by the senate as soon as possible, revised if appropriate, and then incorporated in the handbook before a new version is issued. If the current provisional, they can be described as such.

R3. The senate has worked for several years on language related to faculty councils. We recommend finalizing and including those parts of the text that are acceptable to all parties. We also recommend that the senate establish minimum governance expectations regarding faculty councils,

including stating that all faculty councils must have written bylaws, and those bylaws must be approved by the faculty at large.

R4. The definition and nature of academic freedom has become a contestable concept in light of recent interest on safety in the classroom and on campus. The language on academic freedom (3-B(1) in our proposed revision) seems inadequate in light of current practice. We recommend that the senate establish a task force to consider updates for that important text, embracing teaching, research, and creative arts, among other things.

R5. Some important university policies and procedures are established and written down in other documents, such as the UCAPT Manual. The handbook simply references those policies, and therefore they are not directly vetted by the senate. University practice has been to make such changes in consultation with faculty, typically through a committee appointed in consultation with the senate. We suggest that the expectation of collegial consultation be stated explicitly in such documents, as it is in the UCAPT Manual, and that those documents indicate the process by which they are amended.

R7. The committee has some concern about the nature and amount of collegial consultation on development of investigation and sanctions policies. The provost office has worked to develop and institutionalize processes of collegial consultation with faculty. We recommend that the senate work with the HR office to establish and institutionalize similar practices of collegial consultation with faculty.

Finally, the co-chairs would like to thank the committee members for their patience and flexibility as we navigated through a process that went from patiently waiting in the first semester to rush-rush at the end. We also want to thank Marty Levine for his generosity of time, abundant helpful advice, and longstanding commitment to producing and maintaining the faculty handbook.

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