May 6, 2024

ACADEMIC COUNCIL CHAIR STEINTRAGER
EXECUTIVE VICE CHANCELLORS AND PROVOSTS
VICE CHANCELLORS FOR RESEARCH

Dear Colleagues:

The conflict in the Middle East has had a significant impact on the University of California community and around the world.

As a public institution of higher education, the University celebrates, supports, and protects the right to exercise free speech. This position is highlighted in UC’s various policies, procedures, and practices, which allow for and support lawful protest activities at its locations. At the same time, the University of California must ensure that it can safely and continuously perform its educational mission, patient care duties, and operations. The University is also committed to creating a safe and inclusive space for all its community members where everyone’s rights are protected and respected.

In this regard, I reaffirm President Michael V. Drake’s April 30th statement that the University of California remains committed to continuing to make space available and to protect protests and demonstrations.

In the midst of ongoing activity at your locations, I am writing to express my appreciation for your steadfast commitment to our mission to deliver world-class education and research, and to providing a high-quality educational experience for every student.

Unfortunately, I am also writing to inform you that the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) authorized a strike vote, likely to be held next week, related to the ongoing campus protests and the arrests that occurred. If the strike vote is successful, UAW’s Executive Board will have the authority from their members to call a systemwide strike.

As you might imagine, the University is deeply alarmed, concerned, and disappointed that the UAW would choose this moment of crisis to take a vote to engage in an unlawful work stoppage, which will result in further educational disruptions to students who experienced so many of these in recent years.

Academic continuity is essential to the education and research mission of the University of California. In the event of a strike by the UAW bargaining units, the University remains committed to fulfilling its mission of teaching and research. While I hope contingency plans will not be needed, I ask that each location prepare them nonetheless, in order to
provide to the fullest extent possible, uninterrupted services to the students, including classroom instruction, in the event of a strike. Each location should also make plans for the preservation of research materials and adherence to the terms of contracts and grants.

The contingency plans should include the following:

- Identification of key personnel and relevant offices who will take responsibility for coordination with the campus Academic Personnel, Labor Relations, and Legal offices; and
- A mechanism to ensure that if work is withheld, that the absence is accurately recorded in campus time and attendance systems.

Continuity in Instruction

We sincerely hope there will be no disruption to regular instruction. However, in the event strike activity occurs, the University has an obligation to hold all classes we have committed to provide, including lectures, discussion sections, and labs. This means there must be contingency plans for instructors of record to certify if someone is missing their sessions and that alternative instructional capacity is made available to ensure students do not lose momentum in their efforts to complete their degrees. Steps should also be taken to ensure that grades will be turned in and are not altered.

I know you will find it useful to lean on your Teaching and Learning Centers for assistance with ensuring instructional continuity. Regular communication among faculty and their chairs, as well as coordination between the administration and local divisional academic senate leadership, are critical. The scope and the scale of the disruption—should it occur—will inform the need for augmented teaching support.

Continuity of Research

We recommend that your campus Office of Research should immediately engage with Principal Investigators (PIs) to assist in minimizing any impact a strike might have on the research mission, including developing or sharing existing processes for accurately recording and reporting personnel engagement on sponsored research. Remember that personnel expenses may only be charged to sponsored research for work actually performed. Principal Investigators are likely to need resources that support research continuity, fostering alternative plans to continue research in the event of a work stoppage, preservation of research materials, and effort reporting.

Instructor of Record and Principal Investigator Responsibilities

Pursuant to Regents Bylaw 40.1, the Regents of the University of California delegated to the Academic Senate, supervision of all courses and curricula in recognition 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 while protecting academic freedom. The Academic Personnel Manual (APM – 410-20), which underwent management consultation and systemwide review,
provides that Teaching Assistants serve “under the active direction and supervision of a regular member of the faculty to whom responsibility for the course’s entire instruction, including the performance of Teaching Assistants, has been assigned.” Accordingly, the University relies on Instructors of Record to certify the accuracy of leave-reporting for Teaching Assistants in the local Time and Attendance systems.

Principal Investigators are reminded that federal research grants are subject to Uniform Guidance (2 C.F.R. Part 200), which establishes uniform administrative requirements, cost principles, and audit requirements, in addition to agency-specific reporting and cost principles. Principal Investigators have primary responsibility for financial management and control of project funds in accordance with University and sponsor policies and procedures. This includes ensuring accurate reporting of hours worked and wages charged to sponsored agreements. Principal Investigators are required to certify the accuracy of leave-reporting by employees in the local Time and Attendance systems.

While the University respects the right of employees to withhold their labor during a lawful strike, they can only be compensated for work they actually perform. Further, if a strike occurs, it will be an unlawful action as the University has closed contracts with all UAW bargaining units that prohibit strikes, work stoppages, or other concerted activities that interfere with University operations during the terms of the agreements. Instructors of Record and Principal Investigators should contact their Office of Labor Relations or Academic Personnel in the event that they have questions.

Resources

I recognize the frustration that uncertainty brings with the end of the spring semester and commencement activities for seniors, as well as ongoing education and research at quarter locations for the spring term. It is disconcerting to everyone involved when an Instructor of Record has to implement a contingency plan to ensure that all grades are turned in, or when an Instructor of Record or Principal Investigator declines to approve inaccurate TA or GSR absence/leave reporting in the Time and Attendance system. This is not the situation any of us would want to be in, and I hope that is not what will transpire. Many members of our academic community have especially strong feelings about this.

I understand those valid concerns, and this is not easy for any of us. However, we have responsibilities to our students that we must adhere to. Refusal to hold discussion sections and office hours, or leaving students without grades indefinitely for a course they have completed, impacts their educational progress, financial aid, applications for work and graduate school, commencement, and other career plans. We owe it to them to avoid having any of those disruptions come to pass.

We will need to work together to provide guidance to faculty not only with respect to academic continuity, but to ensure that faculty do not inadvertently violate California’s Higher Education Employee Relations Act (HEERA). Attached please find a “Strike Resource for Faculty and PI/Supervisors who Supervise Graduate Student Employees,” developed by the Systemwide Labor Relations office. The purpose of the document is to
provide Instructors of Record and Principal Investigators with a resource on how to lawfully engage with TAs and GSRs, in the event of a strike.

I am also asking the Systemwide Academic Personnel and Programs office to work closely with Academic Senate leadership to seek feedback on what, if any, additional systemwide resources or guidance is needed. I trust that each location will be engaging in the same manner with their divisional Academic Senate.

We will keep you informed in the coming days. Thank you all again for your thoughtfulness and hard work in support of our students and our academic community.

Best wishes,

Katherine S. Newman
UC System Provost and Executive Vice President for Academic Affairs

UC Berkeley Chancellor’s Distinguished Professor of Sociology & Public Policy

Attachment
Strike Resource for Faculty Instructors of Record and Principal Investigator Supervisors Who Supervise Graduate Student Employees

cc: President Drake
Chancellors
Academic Council Vice Chair Cheung
Executive Vice President and Chief Operating Officer Nava
Executive Vice President Rubin
Senior Vice President and Chief Compliance Officer Bustamante
Interim Senior Vice President Reese
Laboratory Director Witherell
Vice President Brown
Vice President/Vice Provost Gullatt
Vice Provost Haynes
Vice President Humiston
Vice President and Chief of Staff Kao
Vice President Lloyd
Vice President Maldonado
Vice Provosts/Vice Chancellors for Academic Personnel
Associate Vice Provost Jennings
Associate Vice Provost Lee
Associate Vice President Matella
Assistant Vice Provosts/Vice Chancellors for Academic Personnel
Chief Human Resource Officers
Graduate Deans
Executive Director Lin
Deputy General Counsel Woodall
Principal Counsel Hoppe
Chief of Staff Beechem
Deputy Chief HR Officer and Chief of Staff Henderson
Labor Relations Directors
Chief Policy Advisor McAuliffe