

**From:** Sheila Kulkarni kulkarni.sheila@gmail.com

**Subject:** Re: Fwd: RFIs Received on September 1, 2020 and September 7, 2020

**Date:** September 29, 2020 at 7:30 PM

**To:** Dylan Kupsh dkupshm@gmail.com, tara.wise@hr.ucsb.edu

**Cc:** Jonathan Koch jonathan@uaw2865.org, Andrew Elrod elrod.andrew@gmail.com, Jessica Graham jessica.graham@hr.ucsb.edu

SK

Thank you for sending these along, Tara!

Looking forward to talking to you again.

All the best,  
Sheila

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Sheila Kulkarni  
they/them/theirs  
Rent Burden: 37% ([what's this?](#))  
Ph.D Student, Department of Chemistry & Biochemistry  
Unit Recording Secretary, UAW 2865  
University of California, Santa Barbara

On Sep 29, 2020, 16:20 -0700, tara.wise@hr.ucsb.edu, wrote:

Dear Dylan,

The University recently released a UCSB Worksite Specific Safety Plan and a UCSB Covid-19 Prevention Plan. I am sharing these documents with you since you requested this information in recent RFIs and at labor management meetings. The links to the documents are below:

Worksite Specific Safety Plan: <https://ucsb.app.box.com/s/jehctvgxo28owgx2xr7icofiov0stoe6>

Covid-19 Prevention Plan: <https://ucsb.app.box.com/s/yso3h5h04oy0a0fsshl17me6c4tty3s>

Please let me know if you have any questions.

Best regards,  
Tara

----- Forwarded message -----

From: <[tara.wise@hr.ucsb.edu](mailto:tara.wise@hr.ucsb.edu)>

Date: Fri, Sep 25, 2020 at 4:37 PM

Subject: Re: RFIs Received on September 1, 2020 and September 7, 2020

To: Dylan Kupsh <[dkupshm@gmail.com](mailto:dkupshm@gmail.com)>

Cc: Jessica Graham <[jessica.graham@hr.ucsb.edu](mailto:jessica.graham@hr.ucsb.edu)>, contractenforcement <[contractenforcement@uaw2865.org](mailto:contractenforcement@uaw2865.org)>, Sheila Kulkarni <[kulkarni.sheila@gmail.com](mailto:kulkarni.sheila@gmail.com)>, Santa Barbara UAW 2865 <[santabarbara@uaw2865.org](mailto:santabarbara@uaw2865.org)>

Dear Dylan,

This is in response to the email that you sent on September 23, 2020 regarding the University's responses to the Request for Information (RFIs) that you submitted on August 24, September 1 and September 7. The University's responses to your September 23rd email are below.

Please let me know if you have any questions.

Best regards,  
Tara Wise

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Hello Tara,

We do not consider our RFIs, submitted on August 24th, September 1st, and September 7th, to be fulfilled by the University. I am emailing in response to the University's objections to our information request and to provide more clarity on the information that we are requesting. The information that we are seeking is necessary and relevant to our duties as the exclusive representative of Academic Student Employees.

**UAW Request:** Why is the University reinstating filing, petition, and advancement fees?

**University Response:** Objection, this request is not relevant under HEERA and thus, no responsive documents exist. In addition, this question is vague and ambiguous and is too confusing to respond. Should UAW rephrase the question, UCSB will review for a response under HEERA. Under CPRA, no responsive documents exist.

**UAW Response to University's Response:** We object to the University's assertion that this request falls outside of HEERA. Payment of student fees is a term and condition of employment as an ASE; as a result, student fee reinstatement is subject to consideration under HEERA. Additionally, this request relates to an objection raised by the University during UAW 2865's Impact Bargaining demand for a remission of all tuition and fees for ASEs during the duration of the COVID-19 pandemic. This request seeks the University's reasoning for reinstating the filing, petition, and advancement fees.

**University's response:** The University reasserts that this request is not subject to HEERA. This request does not pertain to the employer-employee relationship and is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** What is the University's analysis of airflow and building capacity, as mentioned in Yang's email?

**University Response:** Objection, this request is overbroad. Assuming that UAW is asking for the request process as defined under the EH&S website (which includes review of HVAC and ventilation) for in-person instructional laboratories and performance/studio courses, please visit:

<https://evc.ucsb.edu/committees/iss/departments-instructional>.

**UAW Response to University's Response:** This request refers to the statement

stated by Chancellor Yang within his August 28th email stating:

“We have been reviewing our classroom capacity, analyzing air flow in our buildings, adding hand sanitizing stations, and developing guidelines to ensure that we can observe the appropriate physical distancing requirements.”

This request seeks all documents related to the review of “our classroom capacity, analyzing air flow in our buildings, adding hand sanitizing stations, and developing guidelines to ensure that we can observe the appropriate physical distancing requirements.” This would include all conclusions made as a result of the actions mentioned in Chancellor Yang’s email.

The response from Labor Relations directing inquiry to the UCSB EVC Departmentally-Controlled Instructional Spaces page for the request process as defined under the EH&S website (which includes review of HVAC and ventilation) for in-person instructional laboratories and performance/studio courses is irrelevant because it does not pertain to UAW’s initial request.

**University's response:** The request for "all documents related to the review of “our classroom capacity, analyzing air flow in our buildings, adding hand sanitizing stations, and developing guidelines to ensure that we can observe the appropriate physical distancing requirements” is overbroad. Assuming that UAW is requesting information on UCSB’s HVAC and airflow evaluation, attached is UCSB’s Facilities HVAC/Airflow Evaluation that provides information on the two levels of evaluation conducted to analyze airflow and HVAC as it relates re-occupancy of instruction and study spaces on campus.

**UAW Request:** A complete copy of the current draft of the “comprehensive COVID-19 mitigation plan” as mentioned in Chancellor Yang’s August 28th email.

**University Response:** Objection, this question is vague and ambiguous in the use of the phrase, “a complete copy of the current draft.” No document titled “comprehensive Covid-19 mitigation plan” exists. However, when any such document (regarding Covid-19 mitigation on campus) is created, the University will provide it to UAW within a reasonable timeframe.

**UAW Response to University’s Response:** This request refers to the statement stated by Chancellor Yang within his August 28th email stating:

“Our dedicated UC Santa Barbara faculty, instructors, and staff have worked tirelessly throughout the spring and summer with the hope of bringing our undergraduate students back to campus for fall. We have developed a comprehensive COVID-19 mitigation plan that includes mandatory and frequent testing, physical distancing protocols, reduced classroom occupancy, and enhanced cleaning. Nevertheless, a number of factors outside of our

and enhanced cleaning. Nevertheless, a number of factors outside of our control have led us to this difficult decision.”

This request is seeking all the documents referred to in this quote, including the “comprehensive COVID-19 mitigation plan.” While the document being referenced may not be titled exactly “comprehensive COVID-19 mitigation plan,” this request refers to any high-level document that details guidance for fall reopening, up to and/or including ‘mandatory and frequent testing, physical distancing protocols, reduced classroom occupancy, and enhanced cleaning.’

**University's response:** The University is reviewing this request and any such relevant document will be forwarded to UAW once it becomes available.

**UAW Request:** Any other preliminary guidelines, that are not included in the COVID-19 mitigation plan, that covers COVID-19 Safety, including but not limited to “under mandatory and frequent testing, physical distancing protocols, reduced classroom occupancy, and enhanced cleaning” as mentioned in Chancellor Yang’s August 28th email.

**University Response:** Objection, this request is vague and ambiguous with the phrasing “Any other preliminary guidelines.” The following websites could provide information:

**UAW Response to University’s Response:** This request is seeking all other COVID-19 mitigation guidelines developed by the university that are not covered under the preceding request for the COVID-19 mitigation plan.

**University's response:** This request is overbroad and confusing with the use of the phrasing “All other Covid-19 mitigation guidelines developed by the university that are not covered under the preceding request.” Should UAW wish to revise the request, the University will review for a response.

**UAW Request:** A list of all mandatory fees with their respective amounts (e.g. Academic Advising, \$12), as mentioned in Chancellor Yang’s June 18th email, assessed for the Fall 2020 Quarter. For larger fee categories (e.g. AS lock-in fees), a breakdown of the specific different areas that fee goes toward (e.g. \$2 of the AS lock-in goes toward the Department of Public Works, etc.). This list should include both undergraduate and graduate student fees.

**University Response:** University’s response: Objection, the aforementioned request is not subject to HEERA. The information is not relevant or necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL:

<https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Response to University's Response:** We object to the University's assertion that this request falls outside of HEERA. Payment of student fees is a term and condition of employment as an Academic Student Employee. Additionally, this request relates to an ongoing UAW 2865 COVID-19 Impact Bargaining Demand; as a result, information regarding student fees is relevant and necessary to UAW 2865's duties as the exclusive representative of Academic Student Employees.

University's response: The University reasserts that this request is not subject to HEERA. This request does not pertain to the employer-employee relationship and is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** A list of all the changes in mandatory fee allocation since Winter 2020 (e.g. \$2 was reallocated from the Recreation Center to Instructional Services).

**University Response:** Objection, the aforementioned request is not subject to HEERA. This information is not relevant or necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Response to University's Response:** We object to the University's assertion that this request falls outside of HEERA. Payment of student fees is a term and condition of employment as an Academic Student Employee. Additionally, this request relates to the information given by the university during COVID-19 impact bargaining. This request relates to an ongoing UAW 2865 COVID-19 Bargaining Demand; as a result, information regarding student fees is relevant and necessary to UAW 2865's duties as the exclusive representative of Academic Student Employees.

University's response: The University reasserts that this request is not subject to HEERA. This request does not pertain to the employer-employee relationship and is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** A list of all mandatory fees that are used to pay building debt, as mentioned by Nadine Fishel during COVID-19 Impact Bargaining, with the respective amount that is utilized for that building debt, the date when the building debt is expected to be paid off, and the plan for the student fee once the building debt is paid off (e.g. \$2 goes toward paying the debt of the Student Resource Building, the debt is

on (e.g. \$2 goes toward paying the cost of the Student Resource Building, the cost is expected to be paid off in 2023, and afterwards the mandatory fee will be reduced to \$1 for upkeep)

**University Response:** Objection, the aforementioned request is not subject to HEERA. This information is not relevant or necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Response to University's Response:** We object to the University's assertion that this request falls outside of HEERA. Payment of student fees is a term and condition of employment as an Academic Student Employee. Additionally, this request relates to an objection raised by the university surrounding UAW 2865's Impact Bargaining demand for a remission of all tuition and fees for ASEs during the duration of the COVID-19 pandemic. As a result, this information is relevant and necessary to UAW 2865's duties as the exclusive representative of Academic Student Employees. **University's response:** The University reasserts that this request is not subject to HEERA. This request does not pertain to the employer-employee relationship and is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** The specific UCOP/UC Regent Policy, as mentioned by Nadine Fishel and Chancellor Yang, which determined that tuition and mandatory fees are set regardless of mode of instruction.

**University Response:** Objection, this request is vague and ambiguous with the phrase "which determined that tuition and mandatory fees are set." This question is too confusing to answer. Should UAW rephrase the question, the University will review it for a response.

**UAW Response to University's Response:** This request refers to the statement stated by Chancellor Yang within his June 18th email stating:

"The UC Regents and the Office of the President have determined that tuition and mandatory fees have been set regardless of the method of instruction and will not be refunded in the event instruction occurs remotely for any part of the academic year. Mandatory university charges for tuition and student services help cover ongoing operations, which include the delivery of instruction and the cost of student services such as registration, financial aid, and academic advising."

This statement was later reaffirmed by Nadine Fishel in UAW 2865 COVID-19 Impact Bargaining. We are requesting the specific UCOP/UC Regent Policy that Chancellor Yang and Nadine Fishel are alluding to.

**University's response:** This request is not subject to HEERA since it does not pertain to the employer-employee relationship and is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL:

<https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** All documents that were utilized in creating this decision (e.g. projected loss of income from reducing tuition/mandatory fees by different amounts).

**University Response:** Objection, this request is vague and ambiguous with the use of the phrase “documents that were utilized in creating this decision.” This question is too confusing to answer. Should UAW rephrase the question, the University will review it for a response.

**UAW Response to University's Response:** This request refers to the statement stated by Chancellor Yang within his June 18th email stating:

“The UC Regents and the Office of the President have determined that tuition and mandatory fees have been set regardless of the method of instruction and will not be refunded in the event instruction occurs remotely for any part of the academic year. Mandatory university charges for tuition and student services help cover ongoing operations, which include the delivery of instruction and the cost of student services such as registration, financial aid, and academic advising.”

This statement was later reaffirmed by Nadine Fishel in UAW 2865 COVID-19 Impact Bargaining. This request seeks to obtain all information utilized by the university in the creation of the UCOP/UC Regent Policy which determined that tuition and mandatory fees are set.

**University's response:** This request is not subject to HEERA since it does not pertain to the employer-employee relationship and is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL:

<https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** The meeting date, minutes, and agenda of any date where this policy was discussed or voted on by university officials.

**University Response:** Objection, this request is vague and ambiguous with the



phrase "this policy." This request is too confusing to answer. Should UAW rephrase the question, the University will review it for a response.

**UAW Response to University's Response:** This request refers to the statement stated by Chancellor Yang within his June 18th email stating:

"The UC Regents and the Office of the President have determined that tuition and mandatory fees have been set regardless of the method of instruction and will not be refunded in the event instruction occurs remotely for any part of the academic year. Mandatory university charges for tuition and student services help cover ongoing operations, which include the delivery of instruction and the cost of student services such as registration, financial aid, and academic advising."

This statement was later reaffirmed by Nadine Fishel in UAW 2865 COVID-19 Impact Bargaining. This request seeks to obtain the meeting date, minutes, and agenda of any date where the UCOP/UC Regent Policy, which determined that tuition and mandatory fees are set, was discussed or voted on by university officials.

**University's response:** This request is not subject to HEERA. UAW may make this request under CPRA. Please review the process under the following URL:

<https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** The number of students accepted to UCSB and then subsequently signed a SIR to UCSB for Fall 2020, along with the expected number of students to SIR.

**University Response:** Objection, the aforementioned request is not subject to HEERA. This information is not relevant or necessary for UAW to represent the employees in its bargaining unit. UAW can make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Response to University's Response:** We object to the University's assertion that this request falls outside of HEERA. This request seeks to verify information given by Nadine Fishel during UAW 2865 COVID-19 Impact Bargaining. Additionally, enrollment numbers have been cited by departments to influence their hiring decisions and appointment percentages thereby affecting the terms and conditions of ASE appointments. This information is necessary and relevant for UAW 2865 to fulfill their duty as the exclusive representative of Academic Student Employees.

**University's response:** Hiring decisions and appointment percentages are a management right, as stated in Article 18 Management and Academic Rights, A, "... the UAW agrees that the University has the right to establish, plan, direct and



*control the University's missions, programs, objectives, activities, resources, and priorities, including Affirmative Action plans and goals; to establish and administer procedures, rules and regulations, and direct and control University operations; to alter, extend, or discontinue existing equipment, facilities, and location of operations; to determine or modify the number, qualifications, scheduling, responsibilities and assignment of ASEs (emphasis added)."*

The University reasserts that this request is not subject to HEERA since it is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** A breakdown of the number of undergraduates who SRed by major (e.g. 20 total SRed to UCSB, 11 for Math, 4 for Undeclared, 5 for History).

**University Response:** Objection, the aforementioned request is not subject to HEERA. This information is not relevant or necessary for UAW to represent the employees in its bargaining unit. UAW can make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

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University's response: Hiring decisions and appointment percentages are a management right, as stated in Article 18 Management and Academic Rights, A, "... *the UAW agrees that the University has the right to establish, plan, direct and control the University's missions, programs, objectives, activities, resources, and priorities, including Affirmative Action plans and goals; to establish and administer procedures, rules and regulations, and direct and control University operations; to alter, extend, or discontinue existing equipment, facilities, and location of operations; to determine or modify the number, qualifications, scheduling, responsibilities and assignment of ASEs (emphasis added)."*

The University reasserts that this request is not subject to HEERA since it is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Request:** The expected SIR enrollment rate for Fall 2020, along with the SIR

enrollment rate for Fall 2019 (e.g. 80% of those who SIRed are expected to attend UCSB in Fall 2020, compared to 92% in Fall 2019).

**University Response:** Objection, the aforementioned request is not subject to HEERA. This information is not relevant or necessary for UAW to represent the employees in its bargaining unit. UAW can make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

**UAW Response to University's Response:** We object to the University's assertion that this request falls outside of HEERA. This request seeks to verify information given by Nadine Fishel during UAW 2865 COVID-19 Impact Bargaining. Additionally, enrollment numbers have been cited by departments to influence their hiring decisions and appointment percentages thereby affecting the terms and conditions of ASE appointments. This information is necessary and relevant for UAW 2865 to fulfill their duty as the exclusive representative of Academic Student Employees.

Hiring decisions and appointment percentages are a management right, as stated in Article 18 Management and Academic Rights, A,

*"... the UAW agrees that the University has the right to establish, plan, direct and control the University's missions, programs, objectives, activities, resources, and priorities, including Affirmative Action plans and goals; to establish and administer procedures, rules and regulations, and direct and control University operations; to alter, extend, or discontinue existing equipment, facilities, and location of operations; to determine or modify the number, qualifications, scheduling, responsibilities and assignment of ASEs (emphasis added)."*

The University reasserts that this request is not subject to HEERA since it is not relevant nor necessary for UAW to represent the employees in its bargaining unit. UAW may make this request under CPRA. Please review the process under the following URL: <https://www.policy.ucsb.edu/information-stewardship/information-practices/public-records>

Information regarding the University's plan to conduct instruction during this upcoming quarter or future quarters is directly relevant to UAW 2865's ability and obligation to represent our members. Additionally, Information regarding the terms and condition of ASE employment is directly relevant to UAW 2865's ability and obligation to represent our members.

Please provide this information in electronic form. The Union reserves the right to request additional necessary and relevant information on this matter. Given the urgency of this matter, please provide this information to the Union no later than 7 days after receiving this RFI Response. You may contact me directly by telephone at 925-788-1865 or email if you have any questions or if you would like to discuss this

request.

Best,

Dylan Kupsh

Unit Chair, UAW 2865

UC Santa Barbara

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