

UC Davis Academic Personnel Manual
General University Policy Regarding Academic Appointees
Section UCD-015, Procedures for Faculty Misconduct Allegations
Date: 10/9/17
Supersedes: 6/29/11
Responsible Department: Academic Affairs
Source Document: [UC APM-015](#)

[Exhibit A, Examples of Unacceptable Faculty Conduct](#)
[Exhibit B, Allegations of Misconduct Request for Review](#)

I. Purpose and Scope

A. Purpose

The University Faculty Code of Conduct is set forth in Academic Personnel Manual Section 015. [APM-015](#) Preamble and Parts I and II outline professional responsibilities and ethical principles and provide examples of unacceptable faculty conduct. The Faculty Code of Conduct applies to all faculty, including Academic Senate and non-Senate faculty. (Non-senate faculty who are covered by a collective bargaining agreement are subject to the Faculty Code of Conduct to the extent specified in the applicable Memorandum of Understanding.) APM-015 Part III outlines enforcement and sanctions for Senate faculty. [APM-016](#) describes disciplinary procedures for Senate faculty. APM-016 Part I outlines the general policy governing faculty discipline, Part II outlines types of disciplinary sanctions, and Part III describes procedures for imposition of disciplinary sanctions. Provisions concerning discipline, hearings, and appeals for non-Senate academic appointees are covered under Sections APM-150, APM-140, UCD-140, and/or any applicable collective bargaining agreement or memorandum of understanding. UCD-015 presents UCD procedures to be used in addressing allegations of faculty misconduct, in accordance with APM-015.

As used herein, the term "Chancellor" includes the Vice Provost – Academic Affairs or anyone designated in writing to act on the Chancellor's behalf with regard to any specific allegations or complaint of faculty misconduct.

B. Scope

1. Unless specified, the disciplinary procedures in this policy cover Academic Senate faculty only.
2. In cases involving allegations of faculty misconduct in research, the preliminary assessment, inquiry, and investigation shall be conducted under UCD Policy & Procedure Manual Section [220-05, Integrity in Research](#). If disciplinary proceedings under [UCD-016](#) are warranted subsequent to a finding of research misconduct, such proceedings shall begin within 14 days after the Chancellor or Deciding Official (as defined in [PPM 220-05](#)) notifies the accused faculty member of the findings of the investigation.
3. In cases involving allegations of faculty misconduct related to sexual harassment and/or sexual violence, complaints will be handled in accordance with [UCD PPM 400-20 Sexual Violence and Sexual Harassment](#) policy.
4. The "informal disposition" options and procedures, described below in II.C, apply to all faculty, unless otherwise precluded by contract or policy.

5. Faculty grievances, or claims of violation of privilege or tenure rights not involving discipline (e.g., complaints regarding promotion and merit review actions), are governed by Academic Senate Bylaws [334](#) and [335](#).

C. Time Limits

In accordance with Academic Senate Bylaw [336](#), any Senate faculty disciplinary action must be commenced within three years after the Chancellor knew or should have known about the alleged violation of the Faculty Code of Conduct. For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, or dean) has actual knowledge about an alleged violation, then it will be conclusively presumed that the Chancellor should have known about the alleged violation. For purposes of this section, faculty discipline commences with the issuance of the notice by the Chancellor or the Chancellor's designee of proposed disciplinary action to the senate faculty member, for example, as under section II.F.1.b, below.

II. Informal and/or Formal Disposition

A. Submitting Allegations/Complaints of Misconduct

Any academic appointee, staff member, student, administrator, or other member of the University community may report allegations of faculty misconduct or file a written complaint with the Chancellor alleging a violation of the Faculty Code (a form is provided as [Exhibit B](#)). (See [APM-015, III.B.2.](#)) Any administrator or employee in a supervisory role (e.g., program director, department chair, or dean) who becomes aware of conduct that may violate the Faculty Code of Conduct should report the conduct promptly to the Vice Provost – Academic Affairs.

- B. Review of the Allegations/Complaint. The Chancellor will review the allegations/written complaint and may assign the matter for informal inquiry, informal disposition, or for a formal investigation. If there is an informal inquiry but no informal disposition is reached, the results of the informal inquiry may be used to determine whether to assign the matter to a formal investigation.

C. Informal Inquiry

The Chancellor may assign one or more reviewers to conduct an informal inquiry to review the allegations. The informal inquiry may include obtaining relevant documents and interviewing witnesses. The reviewer(s) may report orally or in writing to the Chancellor at the conclusion of the informal inquiry. Following the informal inquiry, the Chancellor can select one of the options listed below (items D.1-4) or refer the matter to a formal investigation.

- D. Informal Disposition. Any allegation of faculty misconduct may be resolved by informal disposition either before formal disciplinary proceedings are instituted or thereafter. (See [APM-015, III.B.4. and APM 150-32.a.](#)) Informal disposition must be preceded by notice to the faculty member that an informal inquiry or formal investigation has been initiated. Informal disposition may include any of the following:

1. Informal written or spoken warning (an informal warning does not constitute an official disciplinary action, and does not require use of formal disciplinary procedures). (See [APM-016, II.1.](#)) If there is an informal written warning, the faculty member should be given a chance to provide a written response that will be appended to the warning.
2. Administrative actions outside the scope of faculty discipline. For example, as members

of the University community, faculty members are subject to general rules and regulations of the University such as those pertaining to use of University facilities, parking, and health and safety.

3. Negotiated agreement between the Chancellor and the accused, with or without the assistance of impartial third parties. A negotiated resolution is permissible and appropriate at any stage of these procedures. If written charges are filed with the Committee on Privilege and Tenure, the Committee may request that the Chancellor consult with the Chair of the Committee before finalizing the negotiated agreement in accordance with Academic Senate Bylaw 336, Section C, Early Resolution.
4. Mediated resolution, where mediation is acceptable both to the Chancellor and the faculty member accused of misconduct.

E. Formal Investigation

1. The Chancellor may appoint one or more individuals as investigators to conduct a formal investigation of the allegations.
2. The Chancellor will inform the accused faculty member in writing of the complaint, including the specific allegations and the name of the investigator(s).
3. The formal investigation shall be conducted according to guidance provided by, and in consultation with, the Vice Provost – Academic Affairs.
4. The Office of Campus Counsel shall provide legal counsel to the investigator(s) as necessary.
5. When appropriate, the investigator(s) may make recommendations regarding the potential for informal resolution, including but not limited to, mediation with the assistance of a third-party mediator selected by mutual agreement of the parties.
6. The investigator(s) will report the results of the formal investigation to the Chancellor in writing.
 - a. The formal investigation of the complaint shall consider the accused faculty member's defense if one is offered.
 - b. The investigator(s) shall make a recommendation to the Chancellor as to whether there is sufficient evidence to indicate that there has been a violation of the Faculty Code or of established University policies.

F. Action on the Formal Investigation Results

1. After reviewing the formal investigation results, the Chancellor may pursue one or more of the following courses of action, in keeping with the seriousness of the case.
 - a. The Chancellor may determine if mediation or other informal disposition is appropriate (see II.C above), or if no further action is necessary. The Chancellor will inform the accused faculty member of this determination.
 - b. The Chancellor may determine that "probable cause" exists to proceed with faculty discipline, and may issue a written notice of proposed disciplinary action. In cases involving findings of sexual harassment or sexual violence, the Chancellor will seek

advice from the Peer Review Committee¹ with regard to the proposed discipline prior to issuing the written notice. The written notice shall include a description of the basis for the finding of probable cause and the proposed sanctions. In accordance with APM-015 and APM-016, the Chancellor may not issue a notice of proposed disciplinary action without a finding of probable cause. As used herein, the term "probable cause" means that:

- 1) The facts as alleged in the complaint, if true, justify the imposition of discipline for a violation of the Faculty Code of Conduct; and
 - 2) The Chancellor is satisfied that the University can produce credible evidence to support the claim.
2. Upon issuing a written notice of proposed disciplinary action, the Chancellor may initiate the discipline process pursuant to [APM-016](#), following the procedures in Bylaw [336](#) and [UCD-016](#). (For Non-Senate Faculty, APM 150 procedures apply, and the memorandum of understanding for represented faculty.)
 3. In cases involving allegations of sexual harassment or sexual violence, UC policy requires complainants to be informed of the outcome of a formal investigation and how to obtain a redacted copy of the investigation report, as well as the outcome of any disciplinary process. ([UCD PPM 400-20 Sexual Violence and Sexual Harassment policy](#).)

G. Confidentiality

All those involved in informal inquiry and/or disposition, formal investigation, and/or disciplinary hearings, including investigators, accused faculty members, witnesses and Senate committee members, have the obligation of confidentiality and are required to maintain in confidence any information about others that they may have obtained during this process. Accused faculty members may consult confidentially with their personal representatives as needed to respond to the allegations. The findings, conclusions, recommendations, and record of the hearings shall be confidential to the extent allowed by law and UC policy.

H. Probable Cause

Nothing in this policy shall be construed as a limitation on the means by which the Chancellor may determine that probable cause exists to initiate notice of proposed disciplinary action under APM-015 Part III.A.4.

¹ The Peer Review Committee is an administrative committee of faculty members to advise the Chancellor on recommended discipline and pre-hearing resolution.