



RIGHTS & RESPONSIBILITIES OF FACULTY

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SEPTEMBER 23, 2014



TODAY'S HIGHLIGHTS

- **CODE OF CONDUCT AND DISCIPLINE
PROCESS (APM 015 AND 016)**
 - **Rights and Responsibilities of Faculty**
- **CONFLICT OF COMMITMENT AND OUTSIDE
PROFESSIONAL ACTIVITIES OF FACULTY
MEMBERS (APM 025)**

APM 015/016

APM POLICIES 015 AND 016, THE FACULTY CODE OF CONDUCT AND ADMINISTRATION OF DISCIPLINE

- **The Code of Conduct (APM 015) applies to all faculty members, as defined by APM 110. Non-Senate represented Lecturers have language in their contract that mirrors the Code.**
- **The procedures for implementing disciplinary action vary (APM 016, Part III.)**

TYPES OF UNACCEPTABLE CONDUCT

- Listed in APM 015, Part II
- Organized around a faculty member's relation to:
 - (1) teaching and students,
 - (2) scholarship,
 - (3) the University, and
 - (4) the community.

EXAMPLES OF UNACCEPTABLE CONDUCT

- Failure to meet the responsibilities of instruction
- Harassment or discrimination of students, staff, or colleagues, based upon protected classifications (race, etc.) or for other arbitrary or personal reasons.
- Violations of the canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others.
(APM 015, II.B)

EXAMPLES CONTINUED

- Violating policies regarding research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections. (APM 015, II.C.7)
- Failure to comply with Compensation Plan requirements. (APM 025, 670)


MORE EXAMPLES

- Breach of established rules governing confidentiality in personnel procedures. (APM 015, II.D.4)
- Entering into a romantic or sexual relationship with any student for whom faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory). (APM 015, II.A.6) (TAs, Residents, Postdocs...)

DISCIPLINE SANCTIONS

- **APM 016, in order of increasing severity:**
 - **Written Censure**
 - **Reduction in Salary**
 - **Demotion (Chancellor has authority to reduce within rank; President has authority to reduce for tenured or SOE)**
 - **Suspension without pay**
 - **Denial of current or future emeritus status (Authority rests with the President, on recommendation by the Chancellor)**
 - **Dismissal (Chancellor can dismiss if not tenured or not SOE. Otherwise, authority rests with the Regents upon recommendation by the President)**

INTERIM ACTIONS

- Involuntary leave with pay –
“Investigatory leave”
 - Suspension without pay (requires
special action by the Regents,
authorizing the Chancellor)
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REVIEWING POSSIBLE CODE OF CONDUCT VIOLATIONS

Senate Faculty Members

(APM UCD-015)

- **Initiation:** Any member of the University community may submit a written complaint to the Chancellor alleging a violation of the Faculty Code of Conduct.

REVIEWING POSSIBLE CODE OF CONDUCT VIOLATIONS – CONTINUED

Senate Faculty Members - APM UCD-015

- Violation must be serious (APM 015 (II)(c), Types of unacceptable conduct: “7. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.”)
- Three Year Limitation
- Opportunity for Informal Review and Resolution

REVIEWING POSSIBLE CODE OF CONDUCT VIOLATIONS – CONTINUED

- Formal investigation conducted by Senate faculty member, partnered with staff investigator
- Vice Provost authorizes the investigation
- If allegations substantiated and policy violated, Chancellor proposes disciplinary action, if warranted
- Formal Complaint to Senate Privilege & Tenure Committee: If faculty member does not accept or respond to the Chancellor's proposed disciplinary action, the P&T hearing process is initiated (Senate Bylaw 336)
- Chancellor has final authority on imposing disciplinary action

APM 150 – NONSENATE ACADEMIC DISCIPLINARY PROCESS

DISCIPLINE PROCESS – NON-SENATE FACULTY

- **Progressive Corrective Action: start with written expectations or spoken warning (neither are discipline)**
- **Levels of discipline include: written warning, written censure, suspension, reduction in salary, demotion, dismissal.**
- **Follow the notice procedures outlined in policy (notice of intent, ability for the appointee to respond, notice of action, etc.)**

DISCIPLINE PROCESS – NON-SENATE FACULTY

- **Except Dismissal: Termination of an appointment prior to its ending date must be for “good cause,” defined as “including, but not limited to, misconduct (APM 015), unsatisfactory work performance, dereliction of duty, or violation of University policy” (APM 150-0), and only after an opportunity for a hearing before the Academic Senate.**

(Regents Standing Order 103.9; APM 150-40)



DISCIPLINE PROCESS – NON-SENATE FACULTY- CONTINUED

- **Grievance Election:** Can elect to grieve a dismissal action to P&T (Senate Bylaw 337 or 335) or administratively (APM 140). The P&T process follows a similar path to that described for Senate faculty.

NONDISCIPLINARY ADMINISTRATIVE ACTIONS

ADMINISTRATIVE (NON-DISCIPLINARY) ACTIONS


Examples:

- Incompetency: APM 075 (for ladder rank faculty) provides due process requirements
- Reassignment due to programmatic changes
- Budgetary Reasons

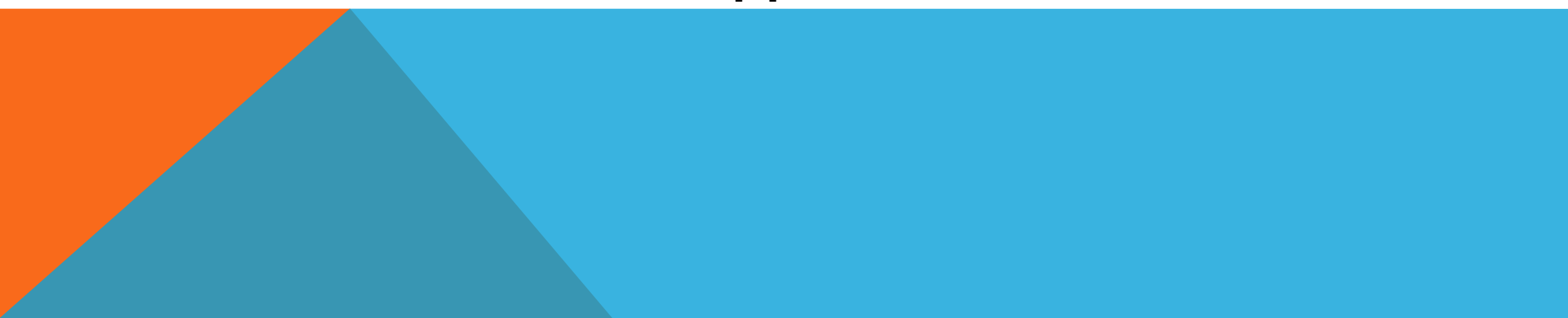


BEST PRACTICES - TIPS


PRACTICAL TIP – CAREFUL RECRUITMENT

- **Consider providing last best chance to avoid behavioral or performance problems**
 - **Conduct thorough reference checks (beyond persons listed by applicant)**
 - **Listen to “gut” in interview process**
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PRACTICAL TIP – ENGAGE THE PROBLEMS

- **Don't let issues fester; be responsive, both in time and substance, when issues arise. Document all conversations of counsel or coaching about behavior**
 - **Remain even-keeled in all interactions; don't respond in kind to aggressive or inappropriate communications**
 - **Seek advice on approach from resources.**
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PRACTICAL TIP – ENGAGE THE PROBLEMS

- Take appropriate action; don't be dissuaded by possibility of retaliation claim (although recuse yourself if appropriate)
 - Work to identify solutions agreeable to all parties (e.g. relocation of office space, reassignment, separation agreement) or through a department process that involves the faculty, e.g., space committee.
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PRACTICAL TIP – DOCUMENT FINAL ACTION

- **All significant interactions (including verbal exchanges) with email, memo to file or confirming letter as appropriate**
- **Ultimately serves your interests. Although it can be time consuming and irritating, it is helpful in the long run should the behavior continue or become worse.**



CASE STUDY #1

One of your faculty members is known to be “tough” on staff. He expects a lot, is demanding, and is known to have raised his voice with them, on occasion. As a new chair, one of your staff members comes to you to share a recent incident when this faculty member yelled at her because he said she took too long to complete processing of his grant materials. What will you do?



CASE STUDY #2

A project scientist, Terry, works in a laboratory of one of your faculty members, Prof. X. Terry is someone who Prof X relies upon. Terry does a lot of the key work in the lab when Prof X is away at conferences, teaching, etc. One of the postdocs in Prof X's lab comes to you and discloses that Terry is very difficult to work with, describing that Terry makes everyone do most of the work, Terry is often not in the lab, Terry takes credit for the work of others, Terry may even be committing research misconduct (concerns about plagiarism), and more. The postdoc is afraid to tell Prof. X because of Prof X's positive views of Terry. How will you approach this?

CASE STUDY #3

Prof Z comes to you complaining about the lack of support he's receiving from the MSO. Prof Z wants to terminate a junior specialist (js) who he says has not been performing. The js has been there for a year and was just reappointed. Prof Z says that the MSO informed him that he needs to take more progressive steps and can't just fire the js. How will you respond?




APM 025 – CONFLICT OF COMMITMENT

CONFLICT OF COMMITMENT (APM 025)

“Outside professional activities must be undertaken in a manner consistent with the faculty member’s professional obligations to the University. Outside activities must not conflict with the faculty member’s obligations to students, colleagues, or to the University as a whole. In order to fulfill those obligations, faculty members must maintain a significant presence on campus, meet classes, keep office hours, hold examinations as scheduled, be accessible to students and staff, be available to interact with University colleagues, and share service responsibilities throughout every quarter or semester of active service. “
(APM 025-8.a)

CONFLICT OF COMMITMENT

(APM 025)

- Appropriate outside professional activities are encouraged to the extent that they do not interfere with successful performance of the faculty member's University obligations.
 - Policy addresses mechanisms for managing outside activities, both paid and unpaid, including approval requirements for different categories of activities.
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COMPENSATION DEFINED

- **“Compensation” includes income, assets, or capital, either realized or having potential to be realized (i.e. stock options). (APM 025-4)**

TIME PERMITTED

Full-time academic year appointment:

- 39 days from start of fall term through end of spring term
- No restrictions during the summer (unless receiving summer compensation).

Full-time fiscal-year appointment:

- 48 days during active service



CATEGORIES OF OUTSIDE PROFESSIONAL ACTIVITIES

Category 1:

- Most potential for conflict of commitment
- Prior approval required
- Must report

Category 2:

- Unlikely to raise conflict issues
- Prior approval only if perception or concern about conflict
- Must report


CATEGORIES OF OUTSIDE PROFESSIONAL ACTIVITIES

Category 3:

- Integral to academic discipline and ordinarily no conflict
- No prior approval
- No report required



UNCOMPENSATED OUTSIDE PROFESSIONAL ACTIVITY

- Faculty members may pursue uncompensated outside professional activities that do not interfere with full-time commitments to the University.
 - No specified time limits, prior approval, or annual reporting requirements.
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FORMS ONLINE

Academic Affairs has developed Forms Online, an electronic form processing system for a number of forms, including APM 025.

APM 025 forms should be completed online for ease of faculty member, dept chair, and others who review. Chair can review and acknowledge electronically.

Most colleges/schools are using Forms Online. If you aren't and would like a demo, contact Academic Affairs and we'll arrange for one.

CASE STUDY #4

As a new chair, you hear that one of your faculty members, Prof. Y, is away a lot. There are rumors that she may be teaching at another institution part-time and doing some consulting as well.

What will you do?



QUESTIONS/DISCUSSION