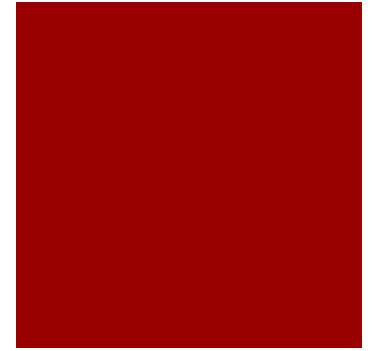




Rights and Responsibilities of University of California Faculty

Presented by Danny Gray,
Director, Academic Employment and Labor Relations
September 15, 2016

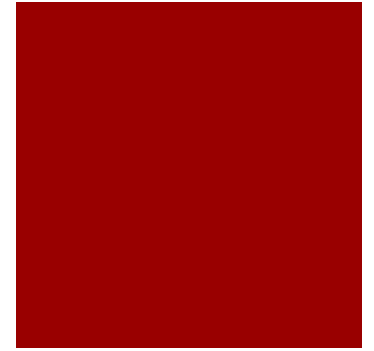
Topics to be covered



- Faculty Code of Conduct and Discipline Process
 - Senate Faculty (APM 015/016)
 - Non-Senate Faculty (APM 015/150 and MOU)
- Conflict of Commitment and Outside Professional Activities of Faculty Members (APM 025)

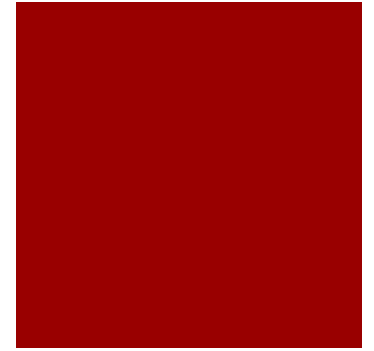
But first, a quiz:

- There are four distinct provisions contained in the Academic Personnel Manual that each provide a means to involuntarily terminate a tenured faculty appointment. Can you name them?
 - APM 080
 - APM 700-30
 - APM 075
 - APM 015 and 016



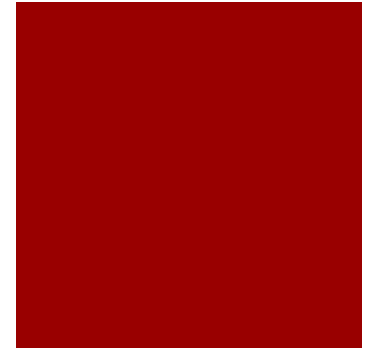
APM 015

The Faculty Code of Conduct



- The Faculty Code of Conduct applies to all Faculty as defined by APM 110
- Exception: Represented Non-Senate Faculty (Unit 18 Lecturers) have similar language in their MOU.
- The Procedures for Implementing Discipline will vary for different types of faculty.
 - Senate Faculty –
Administration of Discipline is governed by APM 016
 - Non-Senate Faculty (Non-Represented) –
Administration of Discipline is governed by APM 150
 - Non-Senate Faculty (Represented) –
Administration of Discipline is governed by MOU

The Faculty Code of Conduct – Types of Unacceptable Conduct



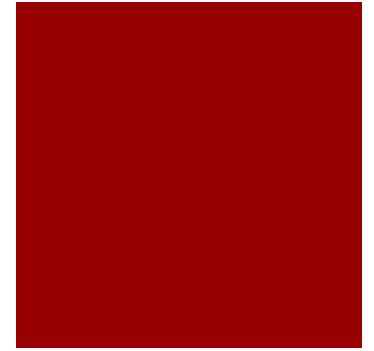
- The Faculty Code of Conduct is Organized around five broad topics:
 1. Teaching and Students
 2. Scholarship
 3. The University
 4. Colleagues
 5. The Community
- For each topic, the Code of Conduct lists “Ethical Principals” and “Types of Unacceptable Faculty Conduct”

Faculty Code of Conduct: Teaching and Students



- Types of Unacceptable Conduct in relation to Teaching and Students:
 - Failure to meet the responsibilities of instruction.
 - Harassment or Discrimination against Students, including for Arbitrary or Personal Reasons.
 - Use of the Position or Powers of a faculty member to coerce the judgment or conscience of a student, or to cause harm for arbitrary or personal reasons.
 - Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility.

Faculty Code of Conduct: Scholarship



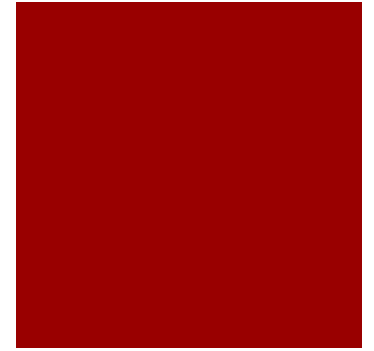
- Type of Unacceptable Conduct in Relation to Scholarship
 - Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others.

Faculty Code of Conduct: The University



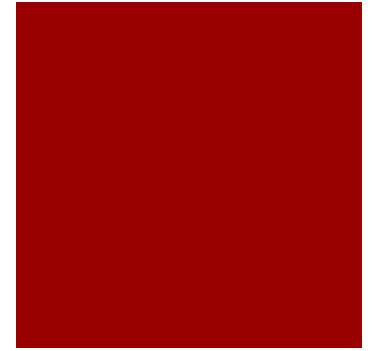
- Types of Unacceptable Conduct in relation to The University
 - Intentional disruption of functions or activities sponsored by the University
 - Unauthorized use of University resources or facilities on a significant scale for personal purposes.
 - Discrimination or Harassment of University employees, including for arbitrary or personal reasons.
 - Serious violation of University policies governing the professional conduct of faculty, including policies applying to research, conflicts of commitment, outside professional activities, and whistleblower protections

Faculty Code of Conduct: Colleagues



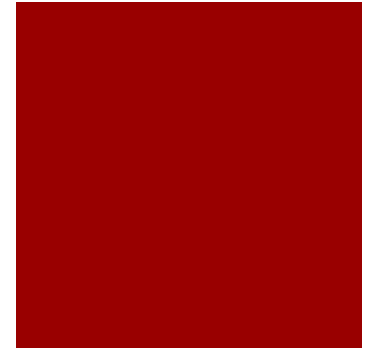
- Types of Unacceptable Conduct in relation to Colleagues
 - Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
 - Breach of established rules governing confidentiality in personnel procedures.

Faculty Code of Conduct: Other Unacceptable Conduct



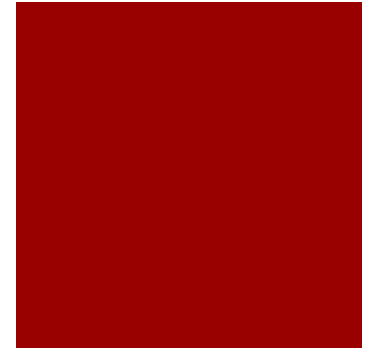
- In addition to the enumerated examples of unacceptable conduct, other conduct will violate the Faculty Code of Conduct if:
 - 1) It is not justified by the Ethical Principles listed in the Faculty Code of Conduct, and
 - 2) it “significantly impairs the University’s Central functions.”

Discipline Sanctions for Senate Faculty – APM 016



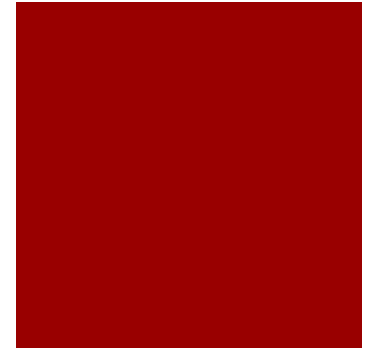
- Written Censure
- Reduction in Salary (Temporary or permanent)
- Demotion (Chancellor has authority to reduce within rank; President has authority to reduce for tenured or SOE)
- Suspension without pay
- Denial of current or future emeritus status (authority rests with President.)
- Dismissal (Chancellor can dismiss if not tenured or SOE. Otherwise, authority rests with Regents.)

Reviewing Possible Code of Conduct Violations



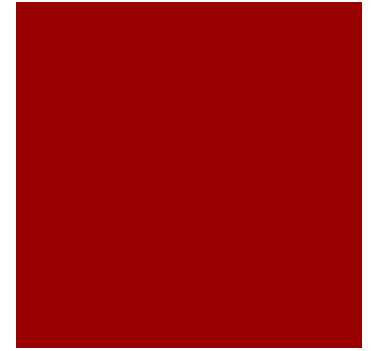
- Initiation – Any member of the University community may submit a complaint alleging a violation of the Faculty Code of Conduct, or the Chancellor may initiate a review on his/her own initiative.
- Three year limitation – Chancellor may not initiate discipline after 3 years from when administration “knew” of the misconduct.
- Opportunity for Informal Review and Resolution

Reviewing Possible Code of Conduct Violations – Cont.



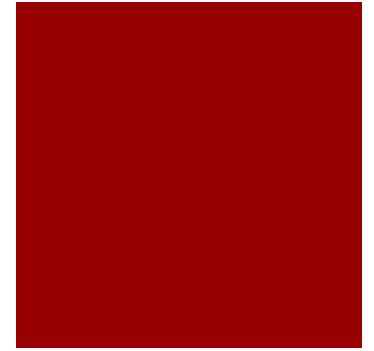
- Vice Provost of Academic Affairs charges investigation
- Investigation is conducted by senate faculty member, partnered with staff investigator
- If allegations are substantiated, Chancellor will consider whether to propose discipline, and what level of discipline.
- If the Faculty member does not accept the proposed discipline, or respond to the Chancellor's letter proposing discipline, the P&T Hearing process is initiated.
- Chancellor has final authority (in most cases) in imposing discipline.

APM 150 – Non-senate Faculty Disciplinary Process (non-represented)



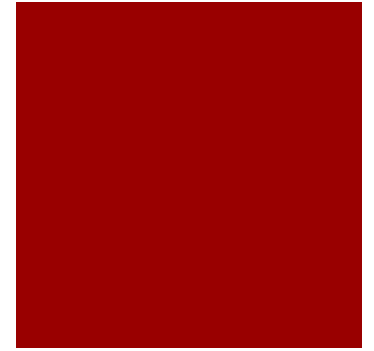
- APM 150 provides for progressive corrective action for non-senate faculty (non-represented).
- The level of discipline must be justified by the misconduct or performance issue being addressed.
- The process may begin with non-disciplinary letter of expectations, or spoken warning.
- Levels of discipline: written warning, written censure, suspension, reduction in salary, demotion, and dismissal.

Non-senate Faculty Disciplinary Process -- Continued



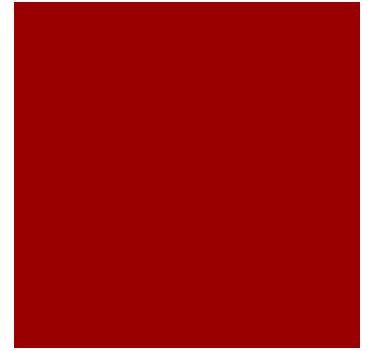
- For most discipline, the action must be preceded by a Notice of Intent and an opportunity to respond.
- Non-senate faculty (non-represented) can grieve discipline under APM 140 (Non-senate Academic Appointees/Grievances)
- For dismissal actions, non-senate faculty have a right to request a hearing before a committee of the Academic Senate, in place of using APM 140.

Unit 18 Lecturers – A Special Category of Non-senate Faculty



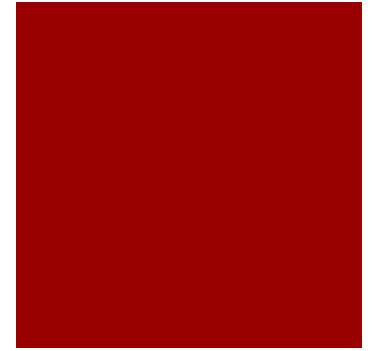
- Unit 18 Lecturers can be disciplined and dismissed for misconduct/poor performance under the terms of their Memorandum of Understanding (MOU).
- Unit 18 Lecturers are entitled to union representation throughout the discipline and grievance process. In most cases, they can appeal discipline to an outside arbitrator for a final and binding decision.

Administrative (Non-Disciplinary) Actions



- Senate Faculty Termination for Incompetence (APM 075)
- Layoff of Non-senate Faculty due to budget, lack of work, or programmatic change resulting in lack of work.

Problems in the Department– Tips for Chairs

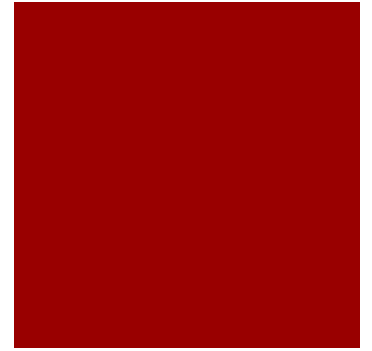


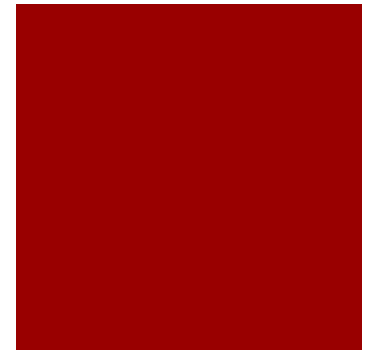
- The most successful Chairs engage challenging problems and personalities, rather than avoiding them. Don't let issues fester.
- Remain even-keeled in all interactions. Don't respond in kind to aggressive or inappropriate communications.
- Take appropriate action in response to poor behavior or performance. Document all significant interactions with follow-up email, memo to file, or confirming letter as appropriate.
- Consult with your resources as appropriate.

More Tips for Chairs...

- Remember (and remind your faculty) that University emails are not private. When discussing confidential or sensitive personnel issues, keep in mind that your emails could end up in front of a jury or in the Sacramento Bee.

Dance like no one is watching;
email like it may one day be
read aloud in a deposition.





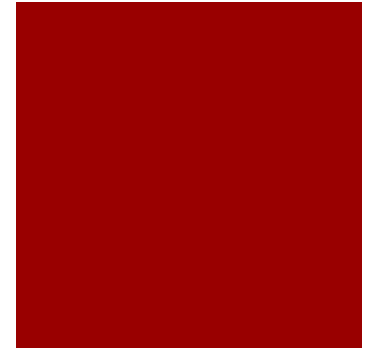
APM 025

Conflict of Commitment and Outside Professional Activities of Faculty Members

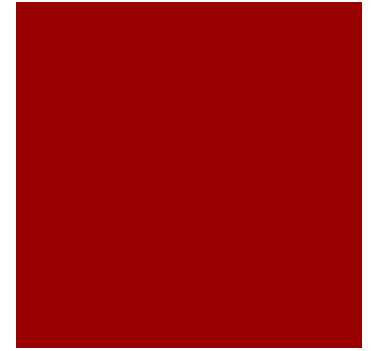
Conflict of Commitment in the SOM and SOVM

– APM 025 versus APM 671

- APM 025 does not apply to Faculty who belong to the Health Sciences Compensation Plan. Faculty who belong to the Health Sciences Compensation Plan are covered by APM 671 – which has parallel provisions.
- APM 025 does apply to Faculty in the School of Veterinary Medicine, in conjunction with their Strict Full Time Salary Plan.

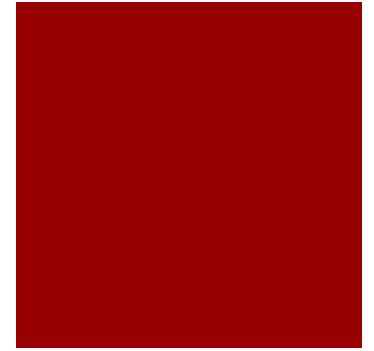


APM 025 – Conflict of Commitment and Outside Professional Activities



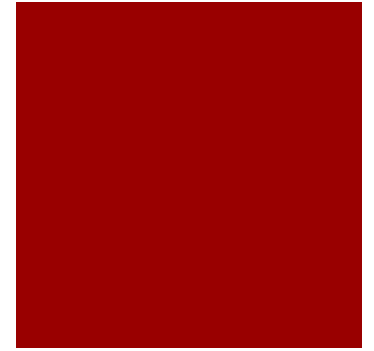
- Faculty have full-time commitment to the University and owe their primary professional allegiance to the University (APM 025-2a).
- Outside professional activities must not conflict with the faculty member's professional obligations to the University.
- Outside professional activities are limited to 48 days per year for fiscal-year appointees, and 39 days for academic year appointees.

Category I Activities



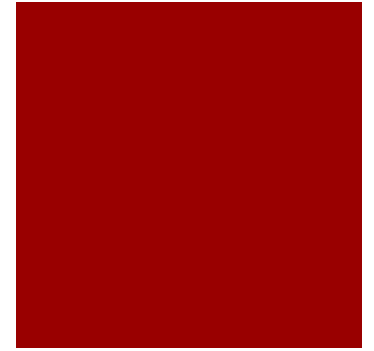
- Most likely to cause a conflict of commitment
- Require Prior Approval and must be reported annually
- Examples:
 - Assuming executive or management role in a corporation.
 - Administering grant outside of University that normally would be done through UC.
 - Accepting other paid employment.
 - Involving a student in an outside compensated activity.

Category II Activities



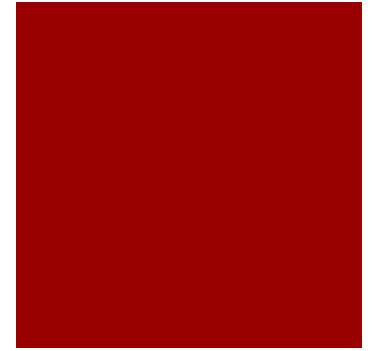
- Less likely than Category I to create a Conflict of Commitment
- Prior approval usually not required
- Still must be reported annually
- Examples
 - Providing expert witness testimony
 - Providing non-patient care consulting services
 - Providing a workshop for industry

Category III Activities



- Accepted as part of the faculty member's scholarly and creative work
- Not counted as part of established time limits
- Reporting not required
- But still must not be permitted to create a conflict of commitment
- Examples:
 - Reviewing Journals
 - Presenting at Professional Meetings
 - Writing Books

Reporting Period



- Call for Annual APM 025 Reporting issued by VP Academic Affairs in September
- Period of reporting is for previous year (July 1 – June 30)
- Final reports submitted by faculty in Forms Online system in Early November
- Faculty who did not engage in Category I or II activities are still required to submit a report.