



Rights and Responsibilities of University of California Faculty

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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)

“Is it a Violation of the Faculty Code of Conduct?”



Professor Dannon

- As Department Chair, you receive a visit from a student who complains that Professor Dannon spends too much class time discussing politics. Furthermore, Professor Dannon treats students who seem to disagree with him in a rude and hostile manner. This student believes she may have been graded more harshly because of her political views. Finally she complains that Professor Dannon is almost always at least ten minutes late to class, and twice during the quarter he did not show up at all.
- Has Professor Dannon Violated the Faculty Code of Conduct?

Professor Rose



- A member of your faculty complains to you that Professor Rose in your department disclosed to one of her graduate students how individual faculty voted on a contentious tenure review case. Furthermore, this faculty complains that Professor Rose is advertising her spouse's latest novel on her department faculty web page, including a link to a site where it can be purchased.
- Has Professor Rose violated the Faculty Code of Conduct?

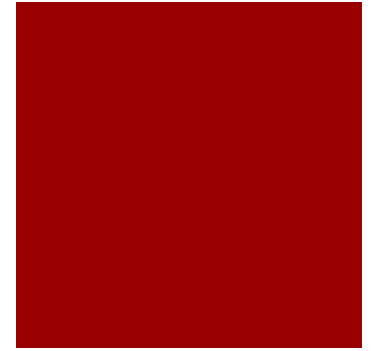
Professor Clover



- Professor Clover is a senior faculty member who is rude and dismissive, especially to younger faculty and staff. He has angry outbursts, refers to colleagues as “idiots” and loudly publicizes his belief that your department is “awash in mediocrity.” Several of your faculty feel intimidated and fearful and refuse to attend meetings or serve on committees if Professor Clover will be present. You fear that Professor Clover’s abrasive demeanor is causing a couple of your most promising young faculty to seek faculty positions elsewhere.
- Has Professor Clover violated the Faculty Code of Conduct?

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, including “Significant Intrusion of material unrelated to the course.”
 - 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.

Faculty Code of Conduct: Teaching and Students



- More Types of Unacceptable Conduct:
- 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.
- Sexual Violence and Sexual Harassment, as defined by University Policy, of a Student.

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, Vice Provost 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 Vice Provost's letter proposing discipline, the P&T Hearing process is initiated.
- Chancellor has final authority (in most cases) in imposing discipline.

Special Procedures for Allegations of Sexual Violence/Sexual Harassment



- The Title IX Officer reviews any allegation of a violation of the UC Sexual Violence/Sexual Harassment policy and determines whether to charge an investigation.
- There is no faculty reviewer for SV/SH Investigations.
- However, if misconduct by faculty is substantiated under the UC SV/SH policy, the Vice Provost will assemble a Peer Review Committee who will advise the Vice Provost on appropriate discipline or non-disciplinary resolution.
- In SV/SH Investigations, the Complainant is entitled to be informed of the outcome, including any 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



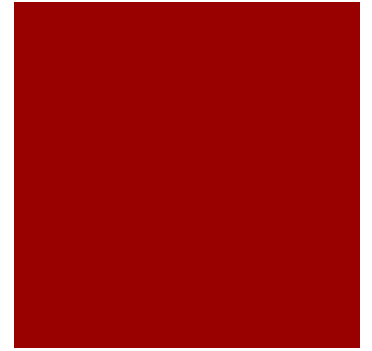
- For most discipline, the action must be preceded by a Notice of Intent and an opportunity to respond.
- Non-senate faculty (non-represented) can grieve discipline under APM 140 (Non-senate Academic Appointees/Grievances)
- For dismissal actions, non-senate faculty have a right to request a hearing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



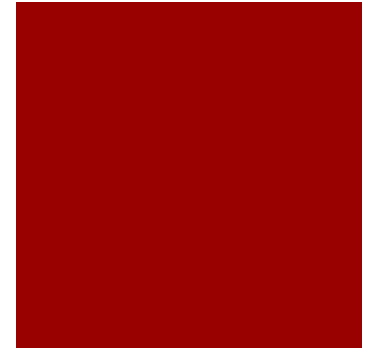
- The most successful Chairs engage challenging problems and personalities, rather than avoiding them. Don't let issues fester.
- Remain even-keeled in all interactions. Don't respond in kind to aggressive or inappropriate communications.
- Take appropriate action in response to poor behavior or performance. 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.”

The “e” in email stands for *EVIDENCE*.



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.