



# Faculty Rights and Responsibilities

## A Primer on APM 025/671 and APM 015

Presented by  
Danny Gray, Director of Academic Employment and Labor Relations  
530-752-2090 [dgray@ucdavis.edu](mailto:dgray@ucdavis.edu)



The “e” in “email”  
stands for  
“evidence.”

# APM 025/APM 671 – Conflict of Commitment and Outside Activities of Faculty Members

- You are the Chair of the Digital Art Department. At the start of fall quarter, you find yourself in casual conversation with a member of your faculty, Professor Lee (an academic year faculty member), who happens to mention that she taught a short summer school course at Williams College in Massachusetts over the month of August.
- Professor Lee also mentions that she has been approached by the Crocker Art Museum in Sacramento with a request for her to provide services as a consultant on their collection. She tells you that she may ask one of her graduate students to collaborate with her on this project.
- Finally, she tells you that she will be away from campus for a couple of weeks in October because she is attending a conference in Japan and then taking care of some family business in Michigan. She says she has arranged coverage for her classes and she will be checking her email during her absence.
- What concerns do you have?

# APM 025/APM 671 – Conflict of Commitment and Outside Activities of Faculty Members



- Category I – Activities that require PRIOR APPROVAL of the VICE PROVOST, and must be disclosed annually:
  - Teaching at a non-UC School
  - Employment outside of the University
  - Assuming a founding or a co-founding role of a company
  - Assuming an executive or managerial position outside of the University.

# APM 025/APM 671 Continued...

- Category II – Activities that must be disclosed annually
  - Additional University-compensated teaching, including teaching University Extension Courses.
  - Consulting or Testifying as an Expert Witness
  - Providing consulting services or professional practice as a sole-proprietorship or single-member professional corporation
  - Serving on a board of directors outside of the University
  - Presenting a workshop for industry



# Annual Limits on Category I and Category II Activities



- Even with prior approval for Category I activities, faculty cannot exceed 39 days per year (academic year faculty) or 48 days per year (fiscal year faculty) of Category I and Category II activities combined.
- Unused days do not roll over to the following year
- For academic year faculty, the summer months do not count against the 39 day limit.
- The policy requires the days spent on Category I and Category II activities to be evenly distributed throughout the year.

# Student Involvement In Outside Professional Activities



- APM 025/APM 671 require that faculty get advanced written permission from their department chairs prior to involving any student in any Outside Professional Activity.

# Leave policy for Faculty

- “Academic year appointees are expected to be present from the beginning of the Fall Semester (Quarter) through the end of the Spring Semester (Quarter). Any appointee returning after the beginning of the Fall Semester (Quarter) or leaving before the end of the Spring Semester (Quarter) should apply in advance for a leave of absence in accordance with these sections.” (APM 700)





## Leave policy for Faculty (Continued)



- “Department chairs may approve leaves of absence **for seven calendar days or less** to attend professional meetings or for University business.” (APM 752)

# The Faculty Code of Conduct – APM 015

## *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?

# The Faculty Code of Conduct – APM 015

## *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?



# The Faculty Code of Conduct – APM 015

## *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.

