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Committed to a positive and inclusive campus culture

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Vice Provost – Academic Affairs

September 17, 2024

Faculty Code of Conduct (APM 015)
http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf

- Part I – Professional rights of faculty

- Part II – Professional rights and conduct of faculty

  - ethical principles

  - types of unacceptable faculty conduct

  - expectations focus on the relationship of faculty to: teaching & students, scholarship, the University, colleagues, & the community

- Part III – Enforcement process applicable to unacceptable faculty behavior

Shortcut to finding the APM

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Academic Affairs
Serving the Professional Academic Community at UC Davis

Quick Links

Academic Personnel Manual

Table of Contents

Universitywide policies listed below begin with "APM." UC Davis policies and procedures begin with "UCD" and are highlighted below. Not all Universitywide policies have UCD procedures. Universitywide policies are issued by the Office of the President and apply to all campuses and laboratories. UCD procedures are developed by Academic Affairs and issued by the Offices of the Chancellor and Provost and apply only to UCD, which includes all units under the jurisdiction of UC Davis, located in Davis, Sacramento, and all off-site locations.

Throughout these policies, the term "Chancellor" refers to the Chancellor and/or the Chancellor's designee. Responsibilities that cannot be redelegated by the Chancellor are stated explicitly within the policy.

Select a link to view the specific section:

I. General University Policy Regarding Academic Appointees
II. Appointment and Promotion
III. Recruitment
IV. Salary Administration
V. Benefits and Privileges

I. General University Policy Regarding Academic Appointees

APM 005	Privileges and Duties of Members of the Faculty
APM 010	Academic Freedom
APM 015	The Faculty Code of Conduct
	UCD-015, Procedures for Faculty Misconduct Allegations
	Exhibit A, Examples of Unacceptable Faculty Conduct
	Exhibit B, Allegations of Misconduct Request for Review

› Academic Enrichment Fund (AEF) Accounts

› Academic Advisories

› Academic Personnel Manual

› Access to Records

› Ad Hoc Committees

› Annual Call

   Annual Call for Unit 18 Members

   Historical Annual Calls

› Appointment and Advancement

› Compensation

   FLSA Overtime Changes

   Salary Scales

   Negotiated Salary Trial Program (NSTP)

APM 015
Part I: Professional Rights of Faculty

- **Academic freedom**
  - free inquiry and exchange of ideas
  - right to present controversial materials
  - freedom of expression
  - freedom to address institutional policy/action

- **Participation in the governance of the University**
  - course content/manner of instruction
  - setting admissions and degree requirements
  - appointment and promotion of faculty
  - selection of chairs and administrators
  - discipline
  - establishing norms for teaching
  - departmental governance and voting

APM 015

Part II: Provides examples of unacceptable behavior in the following areas:

- **Teaching and Interactions with students**
- **Scholarship**
- **University**
- **Colleagues**
- **Community**

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Example: Teaching and Students

- Failure to meet teaching responsibilities (e.g., arbitrary denial of access to instruction; failure to hold class, office hours, scheduled exams; demonstrably unfair evaluation, refusing to post grades on time)

- Persistent insertion of material unrelated to the subject matter into the classroom that is inconsistent with the course content approved by the Committee on Courses and Instruction

- Discrimination or harassment

- Violating UC Policy prohibiting Sexual Violence/Sexual Harassment in relation to students

- Abetting disruption, interference, or intimidation in classroom

- Having a romantic or sexual relationship with a student for whom you have, or should reasonably expect to have in the future, academic responsibility

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Examples: Scholarship

Violation of canons of intellectual honesty, such as research misconduct or *intentional* misappropriation of the writings, research, and findings of others

Research misconduct
- Plagiarism
- Falsification of data, findings

Examples: University

- *Intentional* disruption of University functions/activities

- Incitement of others to disobey University rules

- Unauthorized use of University resources/facilities on a significant scale for personal, commercial, political, or religious purposes

- Discrimination, harassment of colleagues/staff

- Sexual violence and sexual harassment, as defined by University policy, of another member of the University community.

- *Serious* violation of University policies governing professional conduct of faculty including:

  - research, outside professional activities, conflicts of commitment, clinical practices, animal or human subjects violence in the workplace, and whistleblower protections

Examples: Colleagues

- Evaluating colleagues by criteria not directly reflective of professional performance

- Breaching established rules governing confidentiality in personnel procedures

- Discrimination, including harassment, for arbitrary or personal reasons

- Violation of Sexual Violence/Sexual Harassment Policy in relations to any member of the University Community

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Examples: Community

- Intentional misrepresentation of one's personal views as a statement of position of the University or any of its agencies

  - e.g., personal positions on political candidates or ballot issues represent protected speech, but must not be presented as the university position

- Commission of a criminal act that has led to conviction in a court of law and that clearly demonstrates unfitness to continue as a member of the faculty

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APM 015 Part III:
Faculty misconduct inquiry/investigation

At UC Davis, the process for review of allegations of violations of APM 015 is outlined in **APM UCD** 015:

1. Informal inquiry/investigation
2. If reasonable basis exists, a formal investigation is initiated

   - Faculty reviewer is appointed in most cases, with a trained staff investigator
   - Faculty member being investigated is informed
   - Complainant is informed
   - May result in administrative or disciplinary action

Some investigations are led by the office of Chief Compliance Officer Wendi Delmendo

- Examples:

  - Sexual harassment / sexual violence (Title IX)

  - Discrimination / harassment against protected groups

  - Whistleblower complaints about policy violations & retaliation against whistleblowers

In cases involving faculty members or other career academics, the compliance office collaborates with Academic Affairs (AA) and resulting investigations are co-charged by the VPAA and the Compliance Officer.

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Systemwide Procedures for Investigating Allegations of Sexual Violence/Sexual Harassment (SV/SH)
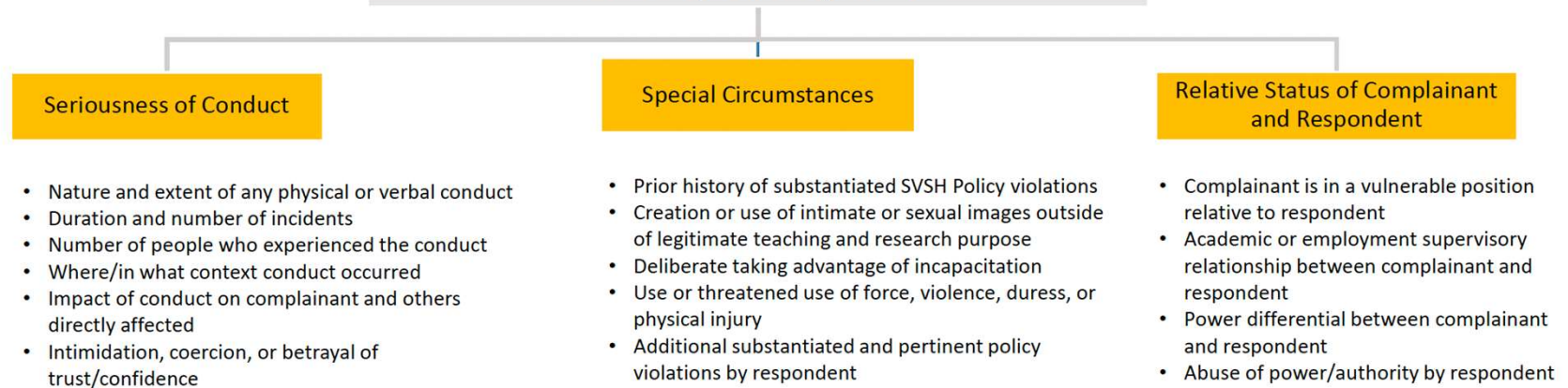
- Title IX Officer charges investigations into allegations of SV/SH by Faculty.

- No Faculty Reviewer is used in the SVSH investigation

- If Title IX report substantiates SVSH policy, the Vice Provost convenes a meeting of the UC Davis Peer Review Committee (PRC), to review the report and make recommendations for appropriate discipline and/or non-disciplinary resolution.

- The PRC is made up of faculty specifically trained on policies and issues related to SVSH.

SVSH Faculty Respondent Disciplinary Sanction Guidelines

Types of Faculty Disciplinary Sanctions under APM 016

| Letter of Censure | Reduction in Salary | Demotion | Suspension | Curtailment or Denial of Emeritus Status | Dismissal |

Less Severe Sanction → *More Severe Sanction*

Factors that Affect the Types of Disciplinary Sanctions for Faculty SVSH Respondents

Seriousness of Conduct

- Nature and extent of any physical or verbal conduct
- Duration and number of incidents
- Number of people who experienced the conduct
- Where/in what context conduct occurred
- Impact of conduct on complainant and others directly affected
- Intimidation, coercion, or betrayal of trust/confidence

Special Circumstances

- Prior history of substantiated SVSH Policy violations
- Creation or use of intimate or sexual images outside of legitimate teaching and research purpose
- Deliberate taking advantage of incapacitation
- Use or threatened use of force, violence, duress, or physical injury
- Additional substantiated and pertinent policy violations by respondent

Relative Status of Complainant and Respondent

- Complainant is in a vulnerable position relative to respondent
- Academic or employment supervisory relationship between complainant and respondent
- Power differential between complainant and respondent
- Abuse of power/authority by respondent

Lower level sanctions are typically recommended where few of the factors listed above are met.

Higher level sanctions are typically recommended where multiple factors listed above are met.

Abusive Conduct in the Workplace

Academic Officer:	Vice Provost - Academic Personnel and Programs
Academic Office:	APP - Academic Personnel and Programs
Staff Officer	VP – Systemwide Human Resources
Staff Office	SHR – Systemwide Human Resources Policy
Issuance Date:	December 15, 2022
Effective Date:	January 1, 2023
Last Review Date:	NA
Scope:	This policy on Abusive Conduct ("policy") applies to all University employees, unpaid interns, and third parties. The policy applies at all University campuses, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, and Agriculture and Natural Resources.

	Academic	**Staff**
Contact:	Rebecca Woolston (APP)	Abby Norris (SHR)
Title:	Academic Policy and Policy Exceptions Associate Director	Systemwide Human Resources Policy Specialist
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Phone:	(510) 987-9153	(510) 987-0612

UCOP Policy Abusive Conduct in the Workplace

Abusive Conduct, as defined in Section II of this policy, may include but is not limited to the following types of conduct:

- Use of abusive and/or insulting language (written, electronic or verbal)

- Spreading false information misinformation and malicious rumors

- Behavior, language, or gestures that frighten, humiliate, belittle, or degrade, including criticism or feedback that is delivered with yelling, screaming, threats, implicit threats, or insults

- Encouraging others to act, singly or in a group, to intimidate or harass
  other individuals

UCOP Policy Abusive Conduct in the Workplace

- Making repeated or egregious comments about a person's **appearance, lifestyle, family, culture, country of origin, visa status, religious/spiritual/philosophical beliefs, or political views** in a manner not covered by the University's policies prohibiting discrimination.

- Teasing or making someone the brunt of **pranks or practical jokes**

- Interfering with a **person's personal property or work equipment** without a legitimate business or educational purpose

- Circulating **photos, videos, or information via e-mail, text messages, social media**, or other means without a legitimate business or educational purpose

UCOP Policy Abusive Conduct in the Workplace

- **Making unwanted physical contact or encroaching on another individual's personal space, in ways that would cause discomfort and unease, in a manner not covered by the University's Sexual Violence and Sexual Harassment policy**

- **Purposefully excluding, isolating, or marginalizing a person from normal work activities for non-legitimate business purposes**

- **Repeatedly demanding of an individual that the individual do tasks or take actions that are inconsistent with that individual's job, are not that individual's responsibility, for which the employee does not have authority, or repeatedly refusing to take "no" for an answer when the individual is within the individual's right to decline a demand; pressuring an individual to provide information that the individual is not authorized to release (or may not even possess)**

UCOP Policy Abusive Conduct in the Workplace

- **Making threats to block a person's academic or other advancement opportunities, or continued employment at the University without a legitimate business or educational purpose**

- **Sabotaging or undermining a person's work performance**

Abusive Conduct does not include exercising appropriate supervision of employees or carrying out instruction, grading, assessment, and evaluation. It does not include performance management or providing appropriate feedback.

Required Training on Abusive Conduct Policy for ALL Employees

- **Roughly 20 minutes**

- **One-time completion requirement**

- **Assigned through LMS on April 17**

- **Due July 17, 2023** (for current employees)

Start Training   **Learn More About Training**

Additional Resources

Reporting Abusive Conduct or Retaliation

Abusive conduct should be reported to supervisors, managers or directly to Employee and Labor Relations (ELR) (see below).

Download Reporting Form for UC Davis Health   **Download Reporting Form for Davis Campus**

- **Supervisors Must** address abusive conduct immediately.

  - Managers and supervisors (including Chairs and Deans) should report abusive conduct to ELR (see below) even if the incident(s) appear(s) to be resolved.

  - Managers and supervisors will receive guidance on the process.

https://hr.ucdavis.edu/departments/elr/policies/abusive-conduct

Staying out of trouble isn't hard

The following examples I am going to tell you about are **all** based on **actual occurrences** at UC Davis. Each year the list grows.

Please take this advice very seriously. There have been times when careers here have been destroyed or permanently harmed by engaging in the activities I am about to tell you about. And it continues to happen.

Staying out of trouble isn't hard

- Do not touch other people (except to shake hands in a professional context, if mutual)

- Do not stand too close to other people and respect personal spaces

- Do not drink or serve alcohol around students

- Always observe boundaries – you are in a position of power over others

Staying out of trouble isn't hard

- If you anticipate contentious conversations, consider meeting in public places

- "It's my culture" or "it wasn't my intention" or "I had too much to drink" or "I was high" are not acceptable excuses, and will not work

- Be highly cautious about making remarks about peoples' appearances – what you intend to be a compliment may be received as unwelcome or insulting

Staying out of trouble isn't hard

- Do not give personal gifts to students

- If you feel you have been wronged, seek help – never retaliate

- Reserve use of social media for your personal use – do not post about any form of university business unless it is already in the public domain (including photos), or unless it is about your own laboratory or research group

- Be very cautious about the use of "emojis" – they may be interpreted in ways you never intended

Staying out of trouble isn't hard

- Do not invite students to vacation homes, to go into hot tubs, or other compromising places

- Do not invite students to your home unless it is a group activity

- Do not text or post photographs of yourself to students or co-workers

- Do not take photographs of others without their permission

Staying out of trouble isn't hard

- Do not tell jokes or make comments that could be perceived by others as offensive, however unintentional

- If you are responsible (or will be) for academic supervision of a student, a personal relationship of a romantic or sexual nature, even if consensual, is *never* appropriate – so *never* do it

- Be a mentor, but do not try to befriend students, *especially* those who are troubled - instead, refer them to resources and professionals on campus

Staying out of trouble isn't hard

- Do not ever discuss your personal, private, or sex life with students

- If you socialize with students, always do it in groups

- Keep the door to your office open when you meet students

- Do not correspond with students via social media – use university email

- If any "red flags" go off, pay attention to them. If you have to wonder if something is appropriate, it probably isn't

Staying out of trouble isn't hard

- Don't drink and dial

- Don't drink and email

- If you're angry, give yourself a 24-hour cooling off period before engaging over the issue

- Don't write critical things about your colleagues on social media, even if you don't name names

- University facilities are for university business only

UC Davis Principles of Community

- We affirm:
  - ➤ The dignity inherent in all of us
  - ➤ The right to freedom of expression
  - ➤ Our commitment to the highest standards of civility and decency towards each other
- We set forth ideals and expectations for campus interactions, including:
  - ➤ treating others with courtesy, sensitivity, and respect
  - ➤ finding effective means to disagree, to persuade, and to inform through rational discussion

    http://principles.ucdavis.edu

  - ➤ Living the Principles of Community (e-learning):
    http://sdps.ucdavis.edu/course_catalog/communication/living_p_o_c_online.html

Collegiality

- In general, a *collegial* faculty member is one who adheres to the Principles of Community and shares workload and responsibility
- Collegiality is highly valued at this university, as it makes departments and the campus run smoothly, and improves campus climate for all
- However, a lack of collegiality *per se* is not considered in the merit and promotion process **unless** it is documented by the department and dean, and can be shown to have affected one or more of:
  - Research/other creative scholarly activities
  - Service
  - Teaching/mentorship

Thank you!