

## **Faculty Code of Conduct (APM 015)**

http://www.ucop.edu/academic-personnelprograms/\_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

#### **UCDAVIS**





PEOPLE >

#### **Academic Affairs**

Serving the Professional Academic Community at UC Davis

POLICIES >

WORKSHOPS > HONORS > DIVERSITY >

#### **Academic Personnel Manual**

RESOURCES >

#### **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.

**PROGRAMS** 

TOOLS >

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



### **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

## **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 or university funds (even start-up) on a significant scale for personal, commercial, political, or religious purposes
- Forcible detention, threats of physical harm or harassment of another university community member that interferes with their ability to perform university activities
- 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



## **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



## 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

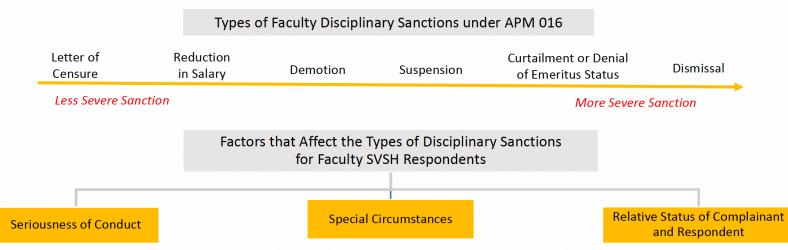
In cases involving faculty members or other career academics, the compliance office collaborates with Academic Affairs (AA) and resulting investigations are co-charged by the VPAA and the Compliance Officer.



# 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**



- 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

- · 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

- · 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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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

- 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

- 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)

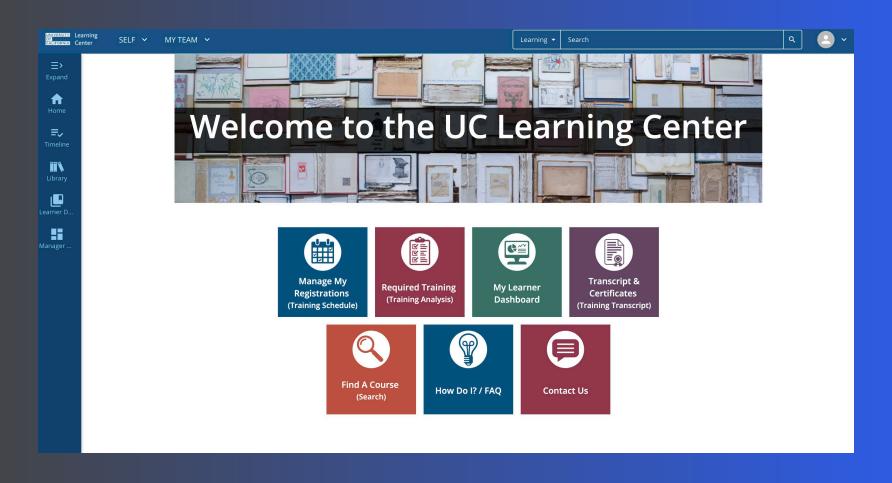
- Making threats to block a person's academic or other advancement opportunities, or continued employment at the University without a legitimate business or educational purpose
- Sabotaging or undermining a person's work performance

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**



## https://uc.sumtotal.host/rcore/c/dash/ho me?domain=8&isDeepLink=1



## **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.

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

Most importantly: exercise good judgement. These are not formal policies, but they are recommendations that you should remember.

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.

- Do not touch other people (except to shake hands in a professional context, give hugs in a congratulatory context, if welcome and mutual)
- Do not stand too close to other people and respect personal spaces
- Do not drink or serve alcohol around students unless it is done in the context of a group social event, preferably when other faculty are around
- Always observe boundaries you are in a position of power over others

- 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" or "Nobody told me I couldn't" 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 unprofessional, unwelcome or insulting

- Do not give personal gifts with romantic connotations 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

- 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, and do not post photographs of others online without their permission

- 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

- 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 an appropriate university resource like Canvas or 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

- 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
- Think before you write anything negative in an electronic format – it could be immortal
- 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

## **UC Davis Principles of Community**

### **Supporting Inclusive Excellence**

Home • Employee Resources • Promoting Inclusive Excellence • Supporting Inclusive Excellence



### **Belonging and Community for Employees**

- > Employee Resource Groups
- > Training and Education
- > Policies & Resources
- > Best Employer for Diversity Award

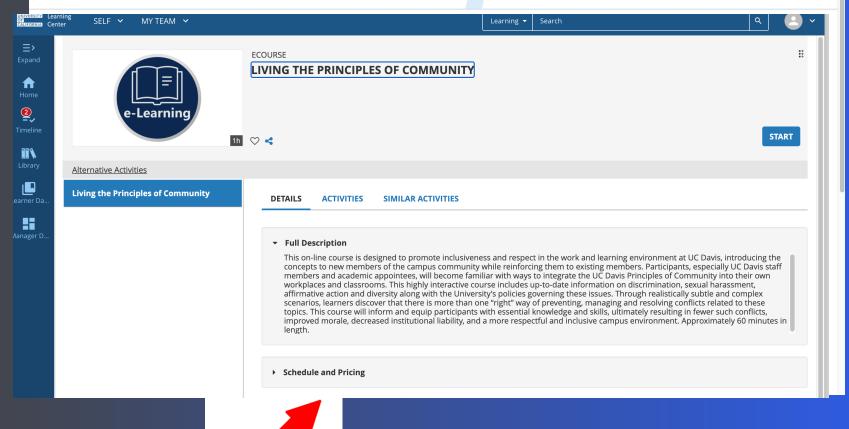
UC Davis offers a number of professional development and training opportunities to support our mission of developing the talent of our workforce and creating inclusive and culturally aware staff.

Learn more about <u>Learning & Development here</u>. Additionally, learn more about the full suite of training opportunities offered by <u>Inclusive Excellence here</u>.

- Conducting Culturally Inclusive Trainings
- Supervisory Development Program
- Is it Bullying? Awareness and Strategies
- LGBTQIA Ally Training
- Living the Principles of Community Online Course



### **Supporting Inclusive Excellence**



The view of the course in the Learning Management System. (Ims.ucdavis.edu)

### 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!

