

# UC Davis Academic Personnel Manual

## General University Policy Regarding Academic Appointees Section UCD-015, Procedures for Faculty Misconduct Allegations

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*Exhibit A, Examples of Unacceptable Faculty Conduct*

*Exhibit B, Allegations of Misconduct Request for Review*

### I. Purpose and Scope

#### A. Purpose

The University Faculty Code of Conduct is set forth in Academic Personnel Manual Section 015. APM-015 Preamble and Parts I and II outline professional responsibilities and ethical principles and provide examples of unacceptable faculty conduct. Part III outlines enforcement and sanctions. APM-016 Part I outlines the general policy governing faculty discipline, Part II outlines types of disciplinary sanctions, and Part III describes procedures for imposition of disciplinary sanctions.

This section presents UCD procedures to be used in addressing allegations of faculty misconduct, in accordance with APM-015.

#### B. Scope

1. This section covers Academic Senate appointees. Provisions concerning discipline, hearings, and appeals for non-Senate academic appointees are covered under Sections APM 140, UCD-140, APM 150, UCD-150, and/or any applicable collective bargaining agreement or memorandum of understanding.
2. In cases involving allegations of faculty misconduct in research, the preliminary assessment, inquiry, and investigation shall be conducted under UCD Policy & Procedure Manual Section 210-25, Integrity in Research. If disciplinary proceedings under UCD-016 are warranted subsequent to a finding of research misconduct, such proceedings shall begin within 14 days after the Chancellor or Deciding Official (as defined in PPM 210-25) notifies the accused faculty member of the findings of the investigation.
3. The "informal disposition" options and procedures described below in III.C apply to all academic appointees, unless otherwise precluded by contract or policy.
4. Claims of violation of privilege or tenure rights not involving discipline (e.g., complaints regarding promotion and merit review actions) are governed by Academic Senate Bylaws 334 and 335.

#### C. Time Limits

Any faculty disciplinary action must be commenced within 3 years after the Chancellor knew or should have known about the alleged violation of the Faculty Code.

Note: As used herein, the term "Chancellor" includes the Vice Provost--Academic Personnel or anyone designated in writing to act on the Chancellor's behalf with regard to any specific

allegations or complaint of faculty misconduct.

## **II. The Faculty Code of Conduct: Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct**

The Faculty Code (APM-015) applies to all Academic Senate and non-Senate faculty (as defined in APM-110). It sets forth the code of professional rights, responsibilities, and conduct of University faculty, and is intended to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.

The Faculty Code is organized around the faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. With respect to each of these relationships, the Faculty Code describes ethical principles that represent the highest professional ideals, as set forth in the Statement on Professional Ethics issued by the American Association of University Professors. The Faculty Code further describes and provides examples of types of unacceptable faculty conduct that are subject to University discipline because they "significantly impair the University's central functions." Campus experience and adjudicated cases, as well as evolving professional standards, inform determinations of what constitutes unacceptable faculty conduct. See Exhibit A for examples of unacceptable faculty conduct.

## **III. Informal and/or Formal Disposition**

### **A. Submitting Allegations/Complaints of Misconduct**

Any academic appointee, staff member, student, administrator, or other member of the University community may bring forward allegations of faculty misconduct or lodge a written complaint with the Chancellor alleging a violation of the Faculty Code (a form is provided as Exhibit B). (See APM-015, III.B.2.)

### **B. Review of the Allegations/Complaint**

1. The Chancellor will review the allegations/written complaint and may assign the matter for informal review and/or disposition, for a formal preliminary investigation, or for formal investigation. If reviewed informally but no informal disposition is reached, the results of the informal review will be used to determine whether additional review is necessary and if a formal investigation and/or disciplinary hearing should be initiated.
2. Any allegation of faculty misconduct may be resolved by informal disposition either before formal disciplinary proceedings are instituted or thereafter. (See APM-015, III.B.4, and UCD-015, III.C.)
3. For any specific complaint or set of allegations, only one formal investigation and/or disciplinary hearing shall be conducted pursuant to these policies.

### **C. Informal Review and/or Disposition**

1. Any allegation of faculty misconduct may be resolved by informal disposition either before formal disciplinary proceedings are instituted or thereafter. (See APM-015, III.B.4.) Informal disposition includes any of the following:
  - a. Informal inquiry. The Chancellor will assign a reviewer to conduct an informal

inquiry to review the allegations. Following the informal inquiry, the Chancellor can select one of the options listed below (items b-e) or one of the options listed in III.E below.

- b. Informal written or spoken warning (an informal warning does not constitute an official disciplinary action, and does not require use of formal disciplinary procedures). (See APM-016, II.1.)
- c. Administrative actions outside the scope of faculty discipline. For example, as members of the University community, faculty members are subject to general rules and regulations of the University such as those pertaining to use of University facilities, parking, and health and safety.
- d. Negotiated agreement between the Chancellor and the accused, with or without the assistance of impartial third parties. A negotiated resolution is permissible and appropriate at any stage of these disciplinary procedures (once written charges are filed with the Committee on Privilege and Tenure, the Committee shall be notified if the matter is resolved). (See Academic Senate Bylaw 336, Section C, Early Resolution.)
- e. Mediated resolution, where mediation is acceptable both to the Chancellor and the faculty member accused of misconduct.

D. Formal Preliminary Investigation

- 1. The Chancellor may appoint one or more individuals to conduct a formal preliminary investigation of the charges.
- 2. The Chancellor will inform the accused faculty member in writing of the complaint, including the specific charges and the name of the investigator.
- 3. The preliminary investigation shall be conducted according to guidelines provided by, and in consultation with, the Vice Provost--Academic Personnel.
- 4. The Office of Campus Counsel shall provide legal counsel to the investigator as necessary.
- 5. When appropriate, the investigator may make recommendations regarding the potential for informal resolution, including but not limited to, mediation through campus Mediation Services.
- 6. The investigator will report the results of the formal preliminary investigation to the Chancellor.
  - a. The preliminary investigation of the complaint shall consider the accused faculty member's defense if one is offered.
  - b. The investigator shall make a recommendation to the Chancellor as to whether there is sufficient evidence to indicate that there has been a violation of the Faculty Code or of established University policies.
  - c. The investigator may, if warranted, suggest appropriate sanctions.

7. The investigator, witnesses, and all those involved in the investigation have the obligation of confidentiality and are required to maintain in confidence personal information about others that they may have obtained during the process.

E. Action on the Preliminary Investigation Results

1. After reviewing the preliminary investigation results, the Chancellor may pursue one or more of the following courses of action, in keeping with the seriousness of the case.
  - a. The Chancellor may determine if mediation or other informal disposition is appropriate (see III.C above), or if no further action is necessary. The Chancellor will inform the accused faculty member of this determination.
  - b. The Chancellor may determine that "probable cause" exists to proceed with faculty discipline, and may issue a written notice of proposed disciplinary action. The written notice shall include a description of the basis for the finding of probable cause and the proposed sanctions. In accordance with APM-015 and APM-016, the Chancellor may not issue a notice of proposed disciplinary action without a finding of probable cause. As used herein, the term "probable cause" means that:
    - 1) The facts as alleged in the complaint, if true, justify the imposition of discipline for a violation of the Faculty Code of Conduct; and
    - 2) The Chancellor is satisfied that the University can produce credible evidence to support the claim.
2. Upon issuing a written notice of proposed disciplinary action, the Chancellor may initiate the formal disciplinary hearing process pursuant to APM-016, following the procedures in Bylaw 336 and UCD-016.

F. Confidentiality

All those involved in informal review and/or disposition, formal preliminary investigation, and/or formal disciplinary hearings have the obligation of confidentiality and are required to maintain in confidence personal information about others that they may have obtained during this process.