

The background features abstract, overlapping green geometric shapes in various shades, including light lime green, medium green, and dark forest green, creating a modern, layered effect.

Fall 2021 Dept. Chair Workshop

A walk through the complaint process

Zulema Valdez, Associate Vice Provost for the Faculty

Please save the date for our next workshop:

Managing Department Communications and Meetings



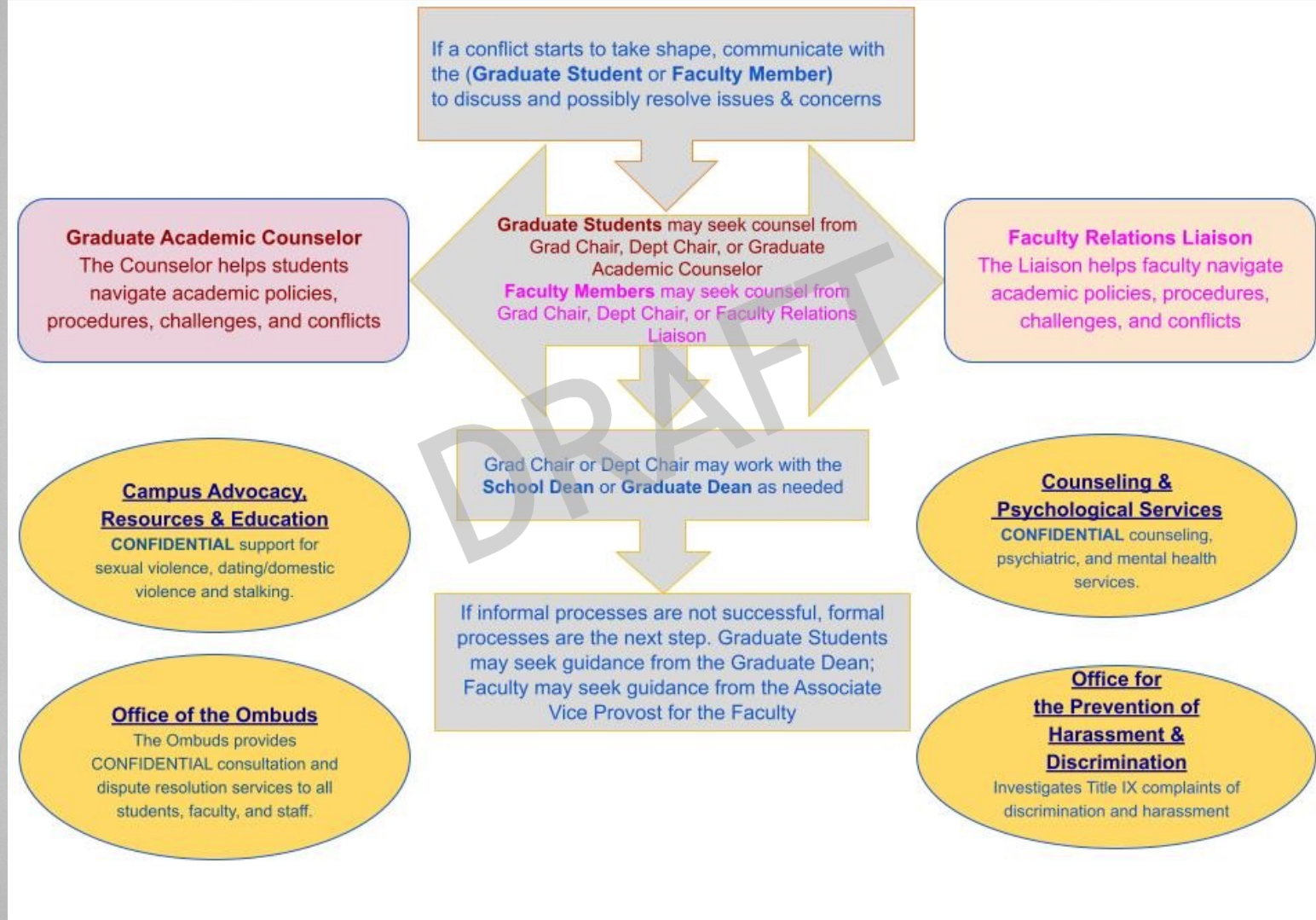
Discussion led by Dr. Gene Crumley
Wednesday, October 27th, 12pm

Gene Crumley is an academic recall special assistant to the Vice Provosts for Academic Affairs (UC Davis) and Academic Personnel (UC Merced). Before his retirement in 2017, Crumley served as Director of Leadership Development for both the UC Davis School of Medicine & School of Veterinary Medicine. Prior to joining UC Davis, Crumley spent 13 working with Habitat for Humanity International (HFHI). While at HFHI, he served in several roles, including Regional Director, Director of New Program Development, and Director of Development. Crumley is married and he & his wife (of 44 years) have two grown children and five grandchildren.

First stop: Informal Complaints

- ▶ Attempts at informal resolution are required before a formal process can take place
 - ▶ Faculty members may seek out assistance from Grad Chair or Dept Chair to discuss possible informal resolution to a complaint against a faculty member
 - ▶ Grad Chair or Dept Chair may attempt to address issue with respondent (subject of complaint) and reach a resolution
 - ▶ Document attempts with emails that recap meetings and action items
 - ▶ If informal resolution is not successful, Grad Chair or Dept Chair may elevate to Dean for possible informal resolution
 - ▶ Dean may attempt to address issue with respondent (subject of complaint) and reach a resolution
 - ▶ Document attempts with emails that recap meetings and action items
- ▶ If these attempts are not successful, faculty, chair(s), and/or dean may reach out to AVPF Zulema Valdez
- ▶ Informal resolution is often a “judgement call,” to try and resolve, but should not be disciplinary (that is left to the formal process)

UC Merced Faculty / Graduate Student Conflict Management



Example of informal process (before formal process)
for grad student/faculty conflict

Formal Complaints

- ▶ MAPP 016 & Senate Bylaw 336
- ▶ First Step: File Memo w/ Provost (Provost sends to VP-AP as designee)
- ▶ When a member of the University Community (student, staff, or faculty as COMPLAINANT) alleges unacceptable conduct by a faculty member
 - ▶ focus and discipline is on the RESPONDENT
- ▶ Complaints may be filed against faculty or faculty with administrative appointments.
- ▶ List of unacceptable conduct can be found in Part II of APM-015 Faculty Code of Conduct. Conduct is separated by the different relationships/entities/topics of issues.
 - ▶ Other relevant policies include UCM Abusive Conduct Policy

Some examples of unacceptable FCOC behavior (APM-015)

- ▶ Failure to meet the responsibilities of instruction...
- ▶ Discrimination including harassment for reasons of race, color, religion, sex, sexual orientation, political grounds...
- ▶ Violations of canons of intellectual honesty, such as research misconduct...
- ▶ Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
- ▶ Breach of established rules governing confidentiality in personal procedures.

Abusive Conduct

(Policy on Prohibition of Abusive Conduct and Acts of Violence)

- ▶ Abusive conduct is defined as behavior of an employer or employee in the workplace that a **reasonable person** would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. Abusive conduct may also be communicated in writing or electronically. A single act shall not constitute abusive conduct, unless especially severe and egregious.
- ▶ Act of Violence: A physical act of force used or directed against another.
- ▶ **Bullying is a form of abusive conduct** by an individual or individuals collectively. This behavior is generally directed at specific individuals and is repeated, persistent and systematic, often with the intent of intimidating or undermining the targeted individuals. This type of conduct **typically involves an abuse of power**, such as with the relationships of a supervisor and subordinate, or faculty and student, **but also can include abuse by peer-level individuals or coworkers.**

Relevant Offices and Policies

- ▶ VP-AP Office oversees complaints against faculty & academic administrators
- ▶ Policies:
 - ▶ Merced Academic Personnel Policies & Procedures (MAPP)
 - ▶ MAPP 016 specifically outlines the PROCEDURE for faculty complaints
 - ▶ Academic Personnel Manual, APM-015 Faculty Code of Conduct
 - ▶ Provides standards of conduct and lists unacceptable types of conduct
 - ▶ UC Merced Policy on Prohibition of Abusive Conduct
- ▶ Academic Senate - Privilege & Tenure Committee oversees grievances
 - ▶ Academic Personnel Manual, APM-016 University Policy on Faculty Conduct and the Administration of Discipline
 - ▶ Senate ByLaw 335 & 336
 - ▶ 335 - Grievance Cases
 - ▶ 336 - Disciplinary Cases

Grievance

- ▶ Academic Senate Privilege and Tenure Committee oversees grievances
- ▶ When a faculty (COMPLAINANT) is alleging a violation of *rights and privileges* as a faculty member (focus and remedy on the COMPLAINANT)
- ▶ Relevant policy: Academic Senate ByLaw 335
- ▶ File w/ Academic Senate P&T
- ▶ List of faculty rights can be found in Part I of APM-015
- ▶ What the process looks like:
 - ▶ Individual files grievance w/ P&T.
 - ▶ P&T Chair provides an advisor - assists w/ sorting out claims & direct elsewhere if appropriate.
 - ▶ Informal resolution attempted first, next is inquiry/investigation and eventually a hearing

Links

▶ MAPP 016

- ▶ https://academicpersonnel.ucmerced.edu/sites/academicpersonnel.ucmerced.edu/files/documents/mapp_016.pdf
- ▶ APM-015 https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf

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▶ P&T - Senate Bylaws 335 & 336

- ▶ <https://senate.ucmerced.edu/policies/policies-and-procedures/faculty-interests-rights>

▶ UCM Abusive Conduct Policy

- ▶ https://policies.ucmerced.edu/sites/policies.ucmerced.edu/files/page/documents/policy_on_prohibition_of_abusive_conduct_and_acts_of_violence.pdf

Questions/Concerns

- ▶ If you have a concern or questions regarding a faculty complaint, feel free to contact AVPF Valdez or Annie Saetern, Faculty Case Manager.
 - ▶ Zulema Valdez, Associate Vice Provost for the Faculty
Email: zvaldez@ucmerced.edu
 - ▶ Annie Saetern, Faculty Case Manager
Email: asaetern@ucmerced.edu
- ▶ De Acker is also available as a source of information on mediation and informal conflict resolution
Email: dacker@ucmerced.edu

Other Offices of Interest

- ▶ Office for the Prevention of Harassment and Discrimination (OPHD)
 - ▶ Title VII and Title IX - Discrimination and SVSH Cases
- ▶ Student Affairs & Student Rights and Responsibilities
 - ▶ Cases involving students - conduct and complaints
- ▶ Graduate Division
- ▶ Whistleblower/Locally Designated Official (LDO)
- ▶ Office of the Ombuds
- ▶ Campus Advocacy, Resources & Education Office (CARE)
- ▶ Academic Senate, Committees on Privilege and Tenure (P&T)