

APM - 011

Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

FAQ

Question: *Why is the University proposing the issuance of a new APM policy related to academic freedom and the code of conduct for non-faculty academic appointees?*

Answer: Currently, APM - 010 (Academic Freedom) defines academic freedom as it pertains to faculty and defines the freedom of scholarly inquiry for students, as it derives from the faculty's academic freedom. APM - 015 (the Faculty Code of Conduct) defines the corresponding responsibilities of faculty. APM - 010 and APM - 015 do not address how these concepts apply to non-faculty academic appointees. UC recognizes the important role non-faculty academic appointees play in advancing UC's fundamental mission, and the need to define the appropriate academic privileges and responsibilities for all non-faculty academic appointees in relation to APM - 010 (Academic Freedom) and APM - 015 (the Faculty Code of Conduct). The proposed new APM policy—APM - 011—was developed by a working group, appointed by the UC Systemwide Provost, in consultation with administrators, faculty, and non-faculty academic appointees across the UC system.

Question: *What is the relationship between the proposed APM - 011 and APM - 010?*

Answer: APM - 010 establishes academic freedom protections for teaching, research, scholarship, and the public dissemination of knowledge. APM - 011 ensures that these protections apply to all academic appointees of the University, faculty and non-faculty alike (as defined in APM - 112-4(b)). APM - 011 goes beyond APM - 010 in establishing protections for non-faculty academic appointees when they are engaged in other academic activities that contribute to the mission of the University, subject to applicable acknowledged, national, professional standards.

Question: *Does APM - 011 change for UC faculty the protections and responsibilities set forth in APM - 010 and APM - 015?*

Answer: No. Protections afforded faculty under the UC policy on Academic Freedom, along with the attendant responsibilities of the Faculty Code of Conduct, are unaffected by APM - 011.

Question: *Who determines the definition of teaching, research, scholarship, or the public dissemination of knowledge?*

Answer: Based upon the By-Laws and Standing Orders of the Regents, the Academic Senate is responsible for interpreting and applying the professional standards that define academic freedom of teaching, research, scholarship, and the public dissemination of knowledge.

Question: *If there are privileges and responsibilities currently extended to certain non-faculty academic appointees, is APM - 011 intended to take those privileges and responsibilities away?*

Answer: No. APM - 011 does not affect any privileges or responsibilities that non-faculty academic appointees otherwise have. Rather, APM - 011 clarifies that the existing protections established under APM - 010 are applicable to non-faculty academic appointees, and that protections extend to certain academic pursuits not covered under APM - 010.

Question: *How does the University determine who is a “non-faculty academic appointee”?*

Answer: APM - 110 and APM - 112 define faculty as well as non-faculty academic appointees. Pursuant to APM - 110-4(15) (Academic Personnel Definitions), “a member of the faculty of the University is an academic appointee in a School, College, Division, Department, or Program of instruction and research who has independent responsibility for conducting approved regular University courses for campus credit. As an exception,

students in a UC degree program who teach independently within their discipline are not considered faculty.” All academic appointees who have academic titles listed in APM - 112-4(b) but are not faculty as defined in APM - 110-4(15), are “non-faculty academic appointees.”

Question: *If there is an allegation of a violation of academic freedom of teaching, research, scholarship, or the public dissemination of knowledge, as defined in APM - 010, or of the Code of Conduct, as defined in Part II of APM - 015, where should the grievance be filed?*

Answer: If the grievant has a campus affiliation, the grievance should be filed in accordance with the procedures of the divisional Academic Senate. If the appointee is not affiliated with a campus, the grievance should be submitted to the systemwide Academic Senate. In that case, the University Committee on Privilege and Tenure will appoint an ad hoc hearing committee for the grievance.

Question: *What if the Privilege and Tenure committee does not have expertise in the teaching, research, scholarship, or the public dissemination of knowledge at issue in the grievance?*

Answer: In order to insure fair determination of the grievance, the Privilege and Tenure Committee may appoint an individual or ad hoc committee with the requisite peer expertise to advise the hearing committee.

Question: *Outside of norms relevant to APM - 010, what if there is a dispute as to whether applicable, acknowledged, national, professional standards exist for the work performed by a non-faculty academic appointee?*

Answer: It is the responsibility of the UC Systemwide Provost to make the determination as to the existence of applicable, national, professional standards. These standards are uniformly applicable to all appointees in the same job title series with similar responsibilities, regardless of campus or location. If in a grievance proceeding there is a dispute regarding the applicable professional standards, a final determination of the standards

resides with the UC Systemwide Provost. At the UC Systemwide Provost's discretion, an ad hoc committee may be appointed to advise on the existence and applicability of national professional standards.

Question: *For a grievance under APM - 140-32, does anyone other than the UC Systemwide Provost have the authority to appoint a reviewer who has the same job title series with similar professional responsibilities as the grievant?*

Answer: No, this responsibility resides exclusively with the UC Systemwide Provost. However, the Systemwide Provost may delegate the authority to appoint a reviewer to the Provost of the campus of the appointee. If the grievant does not have a campus affiliation, the UC Systemwide Provost would appoint the reviewer with appropriate ad hoc consultation, or may delegate authority for the appointment to another individual at the grievant's work location.