



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

November 17, 2016

Jim Chalfant

Chair, Academic Council

RE: APM 015/016 and Senate Bylaw 336

Dear Jim:

The proposed revisions to APM 015/016 and Senate Bylaw 336 were forwarded to all standing committees of the Davis Division. Responses were received from the Committees on Academic Personnel Oversight (CAP), Privilege and Tenure—Hearings Subcommittee, Privilege and Tenure—Investigative Subcommittee, Faculty Welfare, Faculty Privilege and Academic Personnel Advisers, and the Faculty Executive Committee of the College of Letters and Science.

Faculty Welfare and Faculty Privilege and Academic Personnel Advisers support the proposed changes. The remaining committees recommend revisions, as summarized below. Their full responses are enclosed.

APM 015/016

Divisional committees have concerns about APM-015, Section III.A.3, which states, “The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the respondent no later than three years after the Chancellor is deemed to have known about the violation.”

CAP is unclear if this three-year period is a firm statute of limitations for disciplinary action. If so, this section should be clarified accordingly. If this three-year period is more of a guideline, then policies should be included for cases when a chancellor wants to initiate disciplinary action after three years have passed.

The FEC of L&S and P&T Investigative are concerned that three years is excessively long. P&T Investigative recommends one year: “...the Chancellor should initiate disciplinary action no more than a year after the Chancellor is deemed to have known about the alleged violation. Waiting three years to initiate a disciplinary action can present a number of issues including but not limited to the loss of witnesses and evidence as well as having complainant and/or respondent worrying about a disciplinary action or potential hearing for longer than necessary.”

P&T Investigative also recommends that sexual violence and harassment be added directly into APM-015 Section II.C.4 and II.C.5, as opposed to being its own separate point.

Senate Bylaw 336

P&T Investigative reiterated their above recommendation that a Chancellor should initiate disciplinary action no later than one year after learning of an alleged violation.

P&T Hearings recommends clarifying the proposed language for section 336.B.3, which currently states, “Ideally, a hearing should be scheduled within 90 days of the date on which the accused faculty member was notified of the intent to initiate a disciplinary proceeding.” It is unclear if “be scheduled” is equivalent to “held”; in other words, is the language referring to the timeframe within which the parties must agree to a hearing date, or referring to the hearing date itself? P&T Hearings noted that most hearings get scheduled later than 90 days of notification due to many personnel schedules that must be accommodated.

P&T Hearings also recommends clarity on whether or not faculty members who have left or retired are subject to a charge, since the policy states there is no time limitation for charges to be filed.

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Rachael E. Goodhue".

Rachael E. Goodhue
Chair, Davis Division of the Academic Senate
Professor and Chair, Agricultural and Resource Economics

Enclosed: Davis Division Committee Responses

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate
Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate