

APM - 011

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

FAQs

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

Answer: Existing [APM - 010](#) (Academic Freedom) defines academic freedom as it pertains to faculty. Appendix B to [APM - 010](#) defines the freedom of scholarly inquiry for students, as well as academic student employees and mentored/trainee academics (“students”), as it derives from the faculty’s academic freedom. [APM - 015](#) (the Faculty Code of Conduct) defines the corresponding responsibilities of faculty. But [APM - 010](#) and [APM - 015](#) do not address how these concepts apply to non-faculty, non-student academic appointees (“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 new APM policy—APM - 011—was developed by a working group, appointed by the Provost and Executive Vice President, in consultation with administrators, faculty, and non-faculty academic appointees across the UC system. The policy was disseminated for a full 90-day systemwide review from April through June of 2019.

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

Answer: [APM - 010](#) establishes for faculty academic freedom protections for teaching, research, scholarship, and the public dissemination of knowledge. APM - 011 ensures that these protections apply to non-faculty academic appointees of the University (as defined in [APM - 112-4\(b\)](#)), when they are engaged in these activities. 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 and responsibilities 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.” In addition, represented Academic Researchers (Professional Researchers, Project Scientists, Specialists, and Coordinators of Public Programs), who are represented by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), declined to avail themselves of the ability to grieve any violations of academic freedom. As a result, APM - 011 does not apply to represented Academic Researchers. Academic Researchers who are not represented by the UAW and who are in non-represented title codes, including supervisors, are extended all of the privileges and responsibilities of APM - 011.

With the exception of represented Academic Researchers, students, academic student employees, and mentored/trainee academic appointees, 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.” APM - 011 does not apply to administrators with underlying faculty appointments (e.g., Deans, Department Chairs, and Faculty Administrators); however, their academic freedom as faculty members is covered by [APM - 010](#).

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 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 ensure 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 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 Provost and Executive Vice President, with appropriate consultation, 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 Provost and Executive Vice President. At the Provost and Executive Vice President'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 Provost and Executive Vice President have the authority to appoint an advisor in the same professional community, and with similar responsibilities, as the grievant?*

Answer: No, this responsibility resides exclusively with the Provost and Executive Vice President. However, the Provost and Executive Vice President may delegate the authority to appoint an advisor to the Executive Vice Chancellor/Provost of the campus of the appointee. If the grievant does not have a campus affiliation, the Provost and Executive Vice President shall appoint the advisor with appropriate ad hoc consultation, or may delegate authority for the appointment to another individual at the grievant's work location.