

Letters and Science Mark Richards had received along with Stanford, UCLA, and the California Institute of Technology to increase participation of underrepresented minorities in science, technology, engineering, and mathematics graduate programs. Professor Stacey said the MS-CEE program had not been part of that grant.

Regent Ramirez also encouraged increased efforts to increase diversity.

Faculty Representative Valdry suggested that the MS-CEE program track levels of student debt and its graduates' salaries.

Regent Elliott commented that, since 75 percent of MS-CEE students were nonresidents, efforts to increase diversity from local community colleges would not be very effective in increasing overall program diversity. Professor Stacey responded that recruitment from local community colleges would increase diversity in UC Berkeley's undergraduate engineering, which had 80 percent California resident students.

Committee Chair Pérez encouraged the program to consider increasing hiring of underrepresented minority faculty as a way to increase student diversity.

UC Irvine Professor and Associate Dean of the School of Social Ecology Richard Matthew described the Master of Urban and Regional Planning (MURP) program and its proposed PDST of \$6,000 for resident and nonresident students. First approved in 1990, the MURP program is currently ranked 20th in the nation, and first in affordability and in the number of faculty impacts in the field of urban planning. The MURP program has a high level of diversity, with 30 percent underrepresented minority students, 59 percent Pell Grant recipients as undergraduates, and near-perfect gender balance. The program helps students with career placement and the median salary of students when they leave the program is \$92,000.

Professor Matthew discussed the rationale for the request to charge PDST. In spite of the growing and anticipated need for urban planners in California and around the world, applications nationwide to urban planning programs have been declining for the past several years. UC Irvine is well-located for the healthy urban planning job market in southern California, but it must compete with the University of Southern California, ranked first in the nation, and UCLA, ranked second or third, for a shrinking pool of applicants. To remain competitive, the MURP program must strengthen its professional development services, while maintaining its leadership in affordability and diversity. One-half of the new PDST revenue would be devoted to financial aid, to ensure the continued affordability and attractiveness of the program to underrepresented minority students. The other half of the revenue would be used for program enhancements, such as practitioner-led courses, workshops on geographic information systems, and career services.

The PDST consultation process involved examining the other top 20 programs in the nation; even with the proposed PDST, the MURP program would be one of the most affordable programs in the nation, with fees below the mean for similar California

programs and public universities nationally. Extensive consultation with MURP students and faculty through town hall meetings and surveys revealed support for improved professional development, but concern about equity, affordability, and diversity. MURP students and faculty supported setting the same PDST for resident and nonresident students. Students and faculty were fully supportive of the PDST proposal.

Committee Chair Pérez complimented the program on its success in achieving gender and ethnic diversity, but noted that one deficient area was in its proportion of African-American students. He recommended that the program focus on this area of deficiency. Professor Matthew said the program would focus on increasing diversity among its faculty and in strategic outreach.

Chair Lozano noted that UC Irvine's MURP program proposed to allocate 50 percent of PDST revenue to financial aid, while UC Berkeley's MS-CEE program would allocate only 36 percent to financial aid. She asked that, when these programs return to the Regents for approval of their PDSTs in three years, the results of their effort to increase diversity be compared to determine if the different use of PDST funds made a difference.

Professor Stacey stated that UC Berkeley's MS-CEE program would start to track information about the diversity of its students. If lack of financial aid were shown to be a factor restricting diversity, the allocation of PDST revenue would be adjusted. Currently, it is anticipated that the MS-CEE program's proposed 36 percent allocation to financial aid would be sufficient to address student needs.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

4. **AMENDMENT OF REGENTS POLICY 7401 AND ACADEMIC PERSONNEL MANUAL SECTIONS 015 AND 016 – THE FACULTY CODE OF CONDUCT AND UNIVERSITY POLICY ON FACULTY CONDUCT AND THE ADMINISTRATION OF DISCIPLINE**

The President of the University recommended that Regents Policy 7401: the Faculty Code of Conduct and the Policy on Faculty Conduct and the Administration of Discipline, as shown in Attachment 2, Academic Personnel Manual Section 015: The Faculty Code of Conduct, as shown in Attachment 3, and Section 016, University Policy on Faculty Conduct and the Administration of Discipline, as shown in Attachment 4, be amended effective no later than July 1, 2017, and as soon as other conforming processes can be implemented.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Provost Dorr introduced the proposal for Faculty Code of Conduct amendments, which she said had the unanimous support of the faculty. The amendments would strengthen the identification and adjudication of alleged sexual violence and sexual harassment that

involve faculty respondents. The proposed amendments were an important part of the University's ongoing effort to create a safe environment for all members of its community and were part of the recommendations based on extensive work by a joint committee of the administration and Academic Senate. The President of the University had accepted the committee's recommendations and asked that they be implemented.

Vice Provost Susan Carlson commented on concerns expressed by students during the earlier public comment session this day. She said their suggestions should be considered. Ms. Carlson noted that the joint committee had student members and consulted extensively with UC students, staff, and faculty. Proposed amendments to the Academic Personnel Manual (APM) underwent significant review, including by faculty, administrators, human resources, staff, including represented staff, and students. Earlier in the week, UC's new systemwide Title IX coordinator convened the Title IX coordinators from all UC campuses, the Lawrence Berkeley National Laboratory, and the Division of Agriculture and Natural Resources to review specifics of the implementation of the UC Policy on Sexual Violence and Sexual Harassment when faculty are respondents. A key issue discussed was representation of the complainant's voice in this process, which is sometimes specified in procedures rather than in policy.

In response to a comment from Committee Chair Pérez, Faculty Advisor Chalfant said the Academic Senate would welcome consideration of suggestions for modifications suggested by students during the public comment session.

Ms. Carlson commented on proposed changes to Regents Policy 7401, including an informative new overview of the policies and clarification that these policies preserve the highest standards of teaching and scholarship, protect academic freedom, and define conditions under which disciplinary sanctions can be imposed. Beside these proposed changes to Regents policy, the proposed changes to the APM would strengthen the administration of policies on sexual violence and sexual harassment. In particular, the joint committee devoted considerable time to clarifying the chancellors' responsibilities in responding to alleged violations of the Faculty Code of Conduct. The proposed amendments clarify four important details: when the chancellor is deemed to have known about an allegation of sexual violence or sexual harassment, when the chancellor must initiate disciplinary action, how the disciplinary action is communicated to the respondent, and that there is no time limit for a complainant to report an alleged violation of the Faculty Code of Conduct. The joint committee felt it important to state explicitly that a complainant has no time limitation on reporting sexual violence or sexual harassment.

Key amendments proposed to APM Section 016 would improve the process by which a chancellor would place a faculty member on involuntary leave pending a disciplinary action. These changes allow the chancellor adequate time to prepare and file disciplinary charges. The current language specifies that the chancellor has no more than ten days to prepare and file charges once a faculty member is placed on involuntary leave, but this had proven to be too little time to complete the charges, especially in complex cases. The proposed amendment would give the chancellor five working days to inform the faculty

member of the reasons for the placement on involuntary leave and the allegation being investigated, as well as the faculty member's right to grieve the action. Subsequent to such notice, the chancellor can complete the charges process as expeditiously as possible.

If the Regents approved these amendments, the Academic Senate would amend its bylaws to conform to the APM amendments and the policy changes would be effective as soon as the conforming processes could be implemented and no later than July 1, 2017.

President Napolitano urged the Committee to approve the item. She added that comments made during public comment were in her view well-taken and should be referred to Faculty Advisor Chalfant on behalf of the Academic Senate and to Systemwide Title IX Coordinator Kathleen Salvaty for review as possible additions to the policy being considered at this meeting and brought to a future meeting. Committee Chair Pérez agreed with the process suggested by President Napolitano, noting that the proposed policy amendments would be approved that day with the understanding that they would be brought back for further revision.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

5. **UNDERGRADUATE COST OF ATTENDANCE**

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Provost Dorr introduced this discussion of the cost of attendance for UC undergraduates. Vice President Holmes-Sullivan affirmed that the University of California Financial Aid Policy clarifies that UC should consider the full cost of attendance while assessing affordability and awarding undergraduate financial aid. This means taking into account not only tuition and fees, but also room and board, books and supplies, transportation, personal expenses, and health insurance.

Director of Student Financial Support Chris Carter described how the total cost of attendance is estimated and used in determining financial aid packages. The Office of the President (UCOP) uses total cost of attendance budgets to assess the amounts of UC-funded financial aid that each campus needs to assist its particular population of needy students. While UCOP has a single methodology for developing the budgets, the budgets are unique to each UC campus. UCOP develops three budgets for each campus, one each for students at that campus living on-campus, off-campus, or commuting, resulting in a total of 27 budgets for UC's nine undergraduate campuses. Financial aid funds are distributed so that the net cost for a family is generally the same regardless of the student's living situation or campus.

UCOP develops total cost of attendance budgets by consulting with the campuses to determine direct costs for on-campus housing and campus-based fees. To determine indirect expenses, those not paid to the campus, such as groceries or transportation,

UCOP has conducted a Cost of Attendance Survey (COAS) every three years since the 1990s allowing estimation of costs based on students' reports. While tuition and systemwide fees have remained relatively flat since 2011-12, the total cost of attendance has increased each year. The 2016 COAS showed that, while the cost of books and supplies and transportation had declined, all other costs had climbed, for a four percent increase systemwide in the total cost of attendance.

UC Merced Vice Chancellor and Education Financing Model Steering Committee member Charles Nies pointed out that the COAS results for the cost of food increased substantially because the survey asked students for weekly rather than monthly estimates. COAS results were compared with student budgets developed by peer institutions, food allowances of the U.S. Department of Agriculture, and trends over many years of the UC COAS. The COAS involves all students, not just those receiving financial aid. Not all student expenses are included in student budgets, such as the cost of purchasing a computer or a bicycle.

UC Santa Barbara Interim Assistant Vice Chancellor and Director of Financial Aid Michael Miller commented that student budgets are based on average expenses. Budgets can be used to help students manage their financial aid and students can make individual choices to reduce expenditures below the average to extend their financial aid dollars. If students spend more than the average, Mr. Miller, as Financial Aid Director, can review Cost of Attendance appeals, affording him an opportunity to counsel students or adjust the Cost of Attendance when necessary. He described a new program he leads, the UCSB Financial Crisis Response Team, designed to identify and assist students in danger of having to drop out of school. The program uses a holistic approach to connect students with campus resources relevant to their challenges, including the financial aid office, student mental health services, academic advising, and financial literacy and budgeting information. Although new, the program was already showing dividends in keeping students on the path to graduation.

UC Santa Barbara student Zenzile Riddick said she had completed a project to help improve the Free Application for Federal Student Aid (FAFSA) and Development, Relief, and Education for Alien Minors (DREAM) Act application completion rate among UCSB students. Through personal experience, she realized the importance of students' awareness of deadlines and available resources. Her project led to posting of FAFSA opening dates and deadlines on the registrar's calendar, along with computer pop-up reminders about FAFSA, DREAM Act applications, and resources for proper completion of both on commonly accessed University websites. She expressed support for UC's practice of using the COAS to establish the cost of attendance.

Regent Ortiz Oakley agreed with the importance of capturing students' total cost of attendance and stated that, in the future, discussion of students' total cost of attendance should precede Regents' consideration of a tuition increase.

Regent Lansing commented that Regents can help control certain student costs, such as on-campus meal plans and on-campus housing. She stated that information about a bill

introduced to the Legislature regarding financial aid that would cover students' total cost of attendance should be brought to the attention of the full Board.

Committee Chair Pérez stated that the bill to which Regent Lansing referred was scheduled for discussion in the California Assembly Select Committee on Civic Engagement. The proposed legislation has a five-year ramp-up to an annual cost of \$1.6 billion. The legislation would involve students' total cost of attendance, so it would be important that UC capture students' total cost of attendance accurately. The legislation would provide students with the difference between their total cost of attendance and the total of structured student aid such as Cal Grants, Middle Class Scholarships, the FAFSA expected parental contribution, and an expectation that each student would work 15 hours per week, the value of which would be adjusted as the minimum wage increases.

Regent Lansing urged strong advocacy for this legislation, which would also benefit California Community College and California State University students.

Chair Lozano expressed support for these considerations of students' total cost of attendance, rather than just tuition and fees. She said a working group would be formed to examine the total cost of attendance. The working group would include President Napolitano, representatives from the Regents, Student Affairs from the Office of the President and the campuses, the Office of the Chief Financial Officer, the Education Financing Model Steering Committee, and the UC Student Association. The working group would be asked to report by the end of August, and would consider the appropriateness of the Education Financing Model given changes in costs to students and their families and whether the UC Financial Aid Policy should be reviewed.

Regent Ortiz Oakley commented that it would be helpful to have a goal for total cost of attendance, to provide a context for consideration of other aspects of cost of attendance, such as Professional Degree Supplemental Tuition levels and provision of online courses.

Regent Ramirez encouraged examination of the total cost of attendance for UC graduate students.

Regent-designate Monge asked whether the total cost of attendance accounts for students who work to contribute to their families' incomes. Many students are faced with the choice of attending UC or continuing to work to support their families, and this is an important part of accessibility.

Committee Chair Pérez commented that financial aid budgets should account for students' individual circumstances, for example students from families in financial crises. Students' unique circumstances could fall into patterns that could be used to adapt financial aid models. Also, the purchase of a computer is not now included in the total cost of attendance, even though a computer is an essential, expensive necessity, and can be particularly difficult for first-year, low-income students. He questioned whether the most recent COAS captured very recent increases in housing and food insecurity. UC's expected \$10,000 self-help from all students each year could seem insurmountable for

students from low-income families and the working group should evaluate whether that self-help standard was appropriate across all income levels or if it should vary with income level. Some Regents may want to keep students' total cost as low as possible; others may see a high-fee – high-aid model as more equitable.

Regent Ramirez emphasized the importance of students' receiving their first financial aid check in time to pay first month's rent and other beginning-of-the-year costs without incurring late fees.

President Napolitano said it would be helpful to have more specific information about which students are graduating with debt and how much debt they incur, since consideration of total cost of attendance is related to concern about student debt.

The meeting adjourned at 12:00 p.m.

Attest:

Secretary and Chief of Staff

REGENTS POLICY 3103
POLICY ON PROFESSIONAL DEGREE SUPPLEMENTAL TUITION*

1. Professional Degree Supplemental Tuition (PDST) shall be assessed to students enrolled in designated graduate professional degree programs, as determined by The Regents, to sustain and enhance the quality of the professional schools' academic programs and services, in order to achieve and maintain excellence in the preparation of students for professional careers and effectively advance the mission and strategic academic plan of the graduate professional degree program charging a PDST.
2. ~~Revenue from Professional Degree Supplemental Tuition will remain with the campuses and will not be used to offset reductions in State support.~~
 2. Access and inclusion are among the University's core commitments, and affordability is a vitally important component of a public education system. Any initiation of, or increase in, PDST shall be justified by the programmatic and financial needs of the graduate professional degree program and must be considered in the context of the University's commitment to excellence, access, inclusion, and affordability.
 - a) The University is committed to ensuring the inclusion of diverse populations in its programs, including its graduate professional degree programs. In keeping with this commitment, each program proposing to charge PDST shall describe comprehensive strategies for the inclusion of diverse populations, consistent with Regents Policy 4400: Policy on University of California Diversity Statement.
 - b) Financial aid targeted for students enrolled in graduate professional degree programs is necessary to ensure access to the degree programs, to minimize financial barriers to the pursuit of lower-paying public interest careers, and to reduce restrictions on students' career options due to student debt. Each program proposing to charge PDST shall complement its proposed PDST plans with financial aid measures, such as scholarships, grants, and loan repayment assistance programs, to meet these goals adequately. Financial aid sources for students in the specified professional degree program should be supplemented by an amount equivalent to at least 33 percent of new Professional Degree Supplemental Tuition revenue or by an amount necessary to ensure that financial aid sources are equivalent to at least 33 percent of all Professional Degree Supplemental Tuition revenue.
3. ~~The President, in consultation with the Provost, shall submit for the Regents' approval Professional Degree Supplemental Tuition levels from the campuses, within the context of such multi-year plans as the Provost requires for each program. or his/her designee is responsible for ensuring that graduate professional degree programs engage in appropriate multi-year planning of PDST levels within the context of principles and goals expressed in this policy and do so in consultation with their graduate students, faculty, and program and administrative leadership. The Provost will require a new multi-year plan for each program at least every five years.~~

~~4. The Provost is responsible for ensuring that the leadership of each campus engages in appropriate multi-year planning of Professional Degree Supplemental Tuition increases for each professional degree program in a manner that effectively advances the program's mission and strategic academic plan.~~

4. Each multi-year plan for charging a PDST shall be prepared by the campus, endorsed by the Chancellor, reviewed by the University Provost, and recommended to the Regents by the President. Each multi-year plan requires approval by the Regents in order to be implemented.

a. The Provost shall establish the format for the submittal of a multi-year plan that effectively addresses the requirements of this policy. At a minimum, the multi-year plan shall address the following topics:

- i. nature and purpose of the graduate professional degree program charging the PDST,
- ii. proposed PDST level for each year of the plan,
- iii. uses of PDST funds, particularly their contributions to ensuring excellence, access, inclusion, and affordability for the graduate professional degree program,
- iv. identification of the program's set of public and private comparators, and analysis of the graduate professional degree program in relation to its comparators,
- v. assessment of the graduate professional degree program's uses of PDST funds and performance during the current multi-year plan with respect to excellence, access, inclusion, and affordability, and
- vi. substantive consultation with students and faculty about the plan, which may be obtained in a variety of ways.

b. The proposed PDST level for each year of the plan shall be well-justified by demonstrated programmatic needs of the program charging PDST during the period of the multi-year plan and consistent with the University's commitments to excellence, access, inclusion, and affordability.

c. The actual annual PDST levels in the approved multi-year plan shall be considered to have been approved at the time the multi-year plan was approved. A PDST level less than that approved in the multi-year plan shall also be considered to have been approved at the time the multi-year plan was approved. In order to charge a PDST greater than that in the approved plan, a new multi-year plan with the desired PDST in the first year shall be prepared and approved.

~~5. Each professional degree program shall submit a Professional Degree Supplemental Tuition plan to the Provost, pursuant to a submission schedule communicated to the program by the Provost. At a minimum, the Provost will require a multi-year plan (i) for each program for which Professional Degree Supplemental Tuition is proposed to be newly assessed; (ii) for each program that proposes Professional Degree Supplemental Tuition that exceeds the amount proposed in its most recent multi-year plan; and (iii) for each program, at least every three years. In developing a program's multi-year plan, the following factors are among those to be taken into consideration: the amount of resources required to sustain academic quality at, and enrollments in, the particular professional degree program; the ability of the program to remain competitive with other institutions of similar quality; the cost of education for each specific degree program; the resident and nonresident tuition and fees charged by comparable public and private institutions for each specific program; and other market-based factors (such as scholarship and grant support) that permit the degree program to compete successfully for students. Within this context, different Professional Degree Supplemental Tuition levels may be set for professional programs in the same discipline at different campuses.~~

5. Multi-year plans shall be approved within a time frame that supports adequate planning and preparation for both students and their graduate professional degree program.

~~6. Financial aid targeted for students enrolled in professional degree programs is necessary to ensure access to the degree program, and to minimize financial barriers to the pursuit of careers in public service. The Provost is responsible for ensuring that each campus complements its proposed multi-year plans for professional degree programs with financial aid measures, including scholarships, grants and loan repayment assistance programs, to adequately meet these goals. Financial aid sources should be supplemented by an amount equivalent to at least 33 percent of new Professional Degree Supplemental Tuition revenue or by an amount necessary to ensure that financial aid sources are equivalent to at least 33 percent of all Professional Degree Supplemental Tuition revenue. Campuses will regularly evaluate and report on the effectiveness of these financial aid measures.~~

6. All proposals to charge PDST for the first time in 2018-19 or later shall be considered under this policy. The President is authorized to develop a transition plan for all other graduate professional degree programs that assess PDST, such that by 2020-21, all proposals to either establish or adjust PDST charges shall be considered under this policy.

~~7. The following conditions are adopted for future Professional Degree Supplemental Tuition increases:~~

- ~~a.—Access and inclusion are among the University's core commitments, and student affordability is a vitally important component to a public education system. Any increases in Professional Degree Supplemental Tuition must be justified by programmatic and financial needs, but also must not adversely affect the University's commitment to access, inclusion, and keeping the door open for students interested in pursuing low-paying public interest careers.~~

- ~~b. With this sentiment in mind, if a professional school unit wishes to propose a Professional Degree Supplemental Tuition increase greater than 6 percent or in excess of the percentage increase in Tuition for a given year, it must submit a plan, endorsed by its chancellor, describing academic and/or programmatic reasons for the requested increase and describing policies to ensure or enhance access and inclusion in the face of the rising charges.~~
- ~~e. Each plan should consider the following (including expenditure projections, design parameters, and performance metrics) components:
 - ~~i. Front end financial aid such that needy students are able to pursue their academic and summer interests without regard to financial considerations.~~
 - ~~ii. Loan forgiveness programs (or some equivalent alternative program) for, among others, students interested in pursuing low paying public service jobs such that their debt from professional school does not unduly restrict their career decision.~~
 - ~~iii. A strategy for inclusion of underrepresented groups.~~
 - ~~iv. A detailed marketing and outreach plan to explain financial aid and loan forgiveness.~~~~
- ~~d. Each unit's Professional Degree Supplemental Tuition plan shall also include:
 - ~~i. Assurances that in any program directly supported by State 19900 funds, the total in state tuition and fees charged will be at or below the total tuition and/or fees charged by comparable degree programs at other comparable public institutions.~~
 - ~~ii. Information as to the views of the unit's student body and faculty on the proposed increase. This information may be obtained in a variety of ways ranging from consultations with elected student leaders and faculty executive committees to referenda. The information would be treated as advisory, but The Regents would view more favorably Professional Degree Supplemental Tuition proposals that enjoy the support of a unit's faculty and student body.~~~~
- ~~e. The Provost will provide further guidance and coordination as needed to the campuses and to elements of the Office of the President, and coordinate submission of the Professional Degree Supplemental Tuition proposals to The Regents for annual action. Chancellors will carefully review Professional Degree Supplemental Tuition proposals and the supporting plans concerning financial aid, loan forgiveness, outreach, evaluation, and implementation of corrective measures if needed (such as a Professional Degree Supplemental Tuition rollback, freeze, limit on future increases, or other financial and/or non-financial measures), and forward the Professional Degree Supplemental Tuition proposals as revised to the Office of the President.~~
- ~~f. Upon request of a professional program, with the concurrence of the Chancellor, the President, in consultation with the Provost, may consider and is authorized~~

~~to reduce Professional Degree Supplemental Tuition for specific programs as the President deems appropriate and shall report those actions to the Regents.~~

~~*Nothing in this policy constitutes a contract, an offer of a contract, or a promise that any tuition or fees ultimately authorized by The Regents will be limited by any term or provision of this policy. The Regents expressly reserve the right and option, in its absolute discretion, to establish tuition or fees at any level it deems appropriate based on a full consideration of the circumstances, and nothing in this policy shall be a basis for any party to rely on tuition or fees of a specified level or based on a specified formula.~~

~~REGENTS POLICY 3104
PRINCIPLES UNDERLYING THE DETERMINATION OF FEES FOR STUDENTS
OF PROFESSIONAL DEGREE PROGRAMS *~~

- ~~1. The Regents approve professional school fees according to such multi-year plans as the Provost requires for each program.~~
- ~~2. The Regents adopt the principle that different professional programs in the same discipline at different campuses may have fees set at different levels; and that in doing so, The Regents confirm the commitment to maintaining a single fee level for in-state undergraduate students for all campuses across the system, a single fee level for out-of-state undergraduate students for all campuses across the system, a single fee level for in-state graduate academic students for all campuses across the system, and a single fee level for out-of-state graduate academic students for all campuses across the system.~~
- ~~3. It is the policy of The Regents that State support for professional schools should not decline, in the event that professional differential fees increase.~~
- ~~4. The Regents endorse the critical importance of campus plans for targeted financial aid for students in professional degree programs to assure access and to minimize financial barriers to the pursuit of careers in public service; The Regents charge the Provost with ensuring that each campus complements its proposed professional degree fee policies with such financial aid measures, including scholarships and loan forgiveness; and that the effectiveness of such programs be evaluated regularly.~~
- ~~5. The Regents charge the Provost with ensuring that the leadership of each campus designs its proposed professional degree fees in a manner that effectively advances the mission and strategic academic plan of each program.~~

~~*Nothing in this policy constitutes a contract, an offer of a contract, or a promise that any fees ultimately authorized by The Regents will be limited by any term or provision of this policy. The Regents expressly reserves the right and option, in its absolute discretion, to establish fees at any level it deems appropriate based on a full consideration of the circumstances, and nothing in this policy shall be a basis for any party to rely on fees of a specified level or based on a specified formula.~~

Additions shown by underscoring; deletions shown by strikethrough

REGENTS POLICY 7401: THE FACULTY CODE OF CONDUCT AND THE UNIVERSITY POLICY ON FACULTY CONDUCT AND THE ADMINISTRATION OF DISCIPLINE

This policy is the Faculty Code of Conduct and University Policy on Faculty Conduct and the Administration of Discipline as set forth in Academic Personnel Manual Sections 015 (APM - 015) and 016 (APM - 016). It is the intent of the Faculty Code of Conduct 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 of Conduct (1) sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions, (2) defines normative conditions for faculty conduct and sets forth types of unacceptable faculty conduct subject to University discipline, and (3) makes recommendations and proposes principles and guidelines to ensure the development of fair procedures for enforcing the Code.

University Policy on Faculty Conduct and the Administration of Discipline defines the conditions under which specific types of disciplinary sanctions may be imposed and the procedures for imposition of disciplinary sanctions.

~~This policy is the Faculty Code of Conduct, as approved by the Assembly of the Academic Senate on June 15, 1971, and amended by the Assembly on May 30, 1974, and with amendments approved by the Assembly on March 9, 1983, May 6, 1986, May 7, 1992, October 31, 2001, May 28, 2003, and June 12, 2013, and by The Regents on July 18, 1986, May 15, 1987, June 19, 1992, November 15, 2001, July 17, 2003, and July 18, 2013. In addition, technical changes were made September 1, 1988.~~

~~Additional policies regarding the scope and application of the Faculty Code of Conduct and the University's policies on faculty conduct and the administration of discipline are set forth in APM -015, The Faculty Code of Conduct, and APM -016, the University Policy on Faculty Conduct and the Administration of Discipline.~~

Additions shown by underscoring; deletions shown by strikethrough

**ACADEMIC PERSONNEL MANUAL SECTION 015 –
THE FACULTY CODE OF CONDUCT**

**Part II – Professional Responsibilities, Ethical Principles,
and Unacceptable Faculty Conduct**

II.A. Teaching and Students

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
 - (a) arbitrary denial of access to instruction;
 - (b) significant intrusion of material unrelated to the course;
 - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
 - (d) evaluation of student work by criteria not directly reflective of course performance;
 - (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Sexual violence and sexual harassment, as defined by University policy, of a student.
- ~~34.~~ Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.

45. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
56. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
67. Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future,¹ academic responsibility (instructional, evaluative, or supervisory).
78. Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.

C. The University

Types of unacceptable conduct:

1. Intentional disruption of functions or activities sponsored or authorized by the University.
2. Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University's central functions will be significantly impaired.
3. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
4. Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities.
5. Discrimination, including harassment, against University employees or individuals seeking employment; providing services pursuant to a contract; or applying for or engaged in an unpaid internship, volunteer capacity, or training program leading to employment on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military

¹ A faculty member should reasonably expect to have in the future academic responsibility (instructional, evaluative, or supervisory) for (1) students whose academic program will require them to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest in an academic area within the faculty member's academic expertise, or (3) any student for whom a faculty member must have academic responsibility (instructional, evaluative, or supervisory) in the pursuit of a degree.

and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.

6. Sexual violence and sexual harassment, as defined by University policy, of another member of the University community.

67. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against employees on the basis of disability.

78. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.

D. Colleagues

Types of unacceptable conduct:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.

2. Discrimination, including harassment, against faculty on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.

3. Sexual violence and sexual harassment, as defined by University policy, of another member of the University community.

34. Violation of University policy, including the pertinent guidelines, applying to nondiscrimination against faculty on the basis of disability.

45. Breach of established rules governing confidentiality in personnel procedures.

Part III – Enforcement and Sanctions

- A. In the development of disciplinary procedures, each Division must adhere to the following principles:
1. No disciplinary sanction for professional misconduct shall be imposed by the administration except in accordance with specified campus procedures adopted after appropriate consultation with agencies of the Academic Senate, as prescribed in the introduction to this part of the Code. Systemwide procedures for the conduct of disciplinary hearings are set forth in Academic Senate Bylaw 336.
 2. No disciplinary sanction shall be imposed until after the faculty member has had an opportunity for a hearing before the Divisional Committee on Privilege and Tenure, subsequent to a filing of a charge by the appropriate administrative officer, as described in Academic senate Bylaw 336.
 3. The Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when it is reported to any academic administrator at the level of department chair or above. Additionally, for an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above or the campus Title IX Officer. 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 ~~No disciplinary action may commence if more than three years have passed between the time when the Chancellor knew or should have known about the alleged violation of the Faculty Code of Conduct and the delivery of the notice of proposed disciplinary action. There is no limit on the time within which a complainant may report an alleged violation.~~
 4. The Chancellor may not initiate notice of proposed disciplinary action unless there has been a finding of *probable cause*. The *probable cause* standard means that the facts as alleged in the complaint, if true, justify the imposition of discipline for a violation of the Faculty Code of Conduct and that the Chancellor is satisfied that the University can produce credible evidence to support the claim. In cases where the Chancellor wants a disciplinary action to proceed, the Divisional hearing committee must hold a hearing and make findings on the evidence presented unless the accused faculty member settles the matter with the Chancellor prior to the hearing or explicitly waives his or her right to a hearing.

B. In the development of disciplinary procedures, it is recommended that each Division adhere to the following principles:

4. There should be provision for early resolution~~informal disposition~~ of allegations of faculty misconduct before formal disciplinary proceedings are instituted. Procedures should be developed for mediation of cases where mediation is viewed as acceptable by the Chancellor and the faculty member accused of misconduct. Mediators should be trained in mediation, be regarded as neutral third parties and have experience in the University environment. In cases where a settlement resolving disciplinary charges is entered into after a matter has been referred to an Academic Senate committee, the Chancellor is encouraged to consult with the Chair of the Divisional Committee on Privilege and Tenure prior to finalizing the settlement.

Pending Approval

Additions shown by underscoring; deletions shown by strikethrough

**ACADEMIC PERSONNEL MANUAL SECTION 016 – UNIVERSITY POLICY ON
FACULTY CONDUCT AND THE ADMINISTRATION OF DISCIPLINE**

Section II – Types of Disciplinary Sanctions

6. Dismissal from the Employ of the University

A Chancellor is authorized to initiate involuntary leave with pay prior to, or at any time following, the initiation of a disciplinary action if it is found that there is a strong risk that the accused faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of his or her wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures. In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor's power to suspend the pay of a faculty member who is absent without authorization and fails to perform his or her duties for an extended period of time, pending the resolution of the faculty member's employment status with the University. Thereafter, the faculty member may grieve the decision to place him or her on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis if so requested by the faculty member; the Committee may recommend reinstatement of pay and back pay in cases where pay status was suspended. However, wWithin 40 5 (five) working days after the imposition of involuntary leave, the Chancellor must explain to the faculty member in writing the reasons for the involuntary leave including the allegations being investigated and the anticipated date when charges will be brought, if substantiated.

Every such document must include the following statements: (1) the Chancellor has the discretion to end the leave at any time if circumstances merit; (2) the involuntary leave will end either when the allegations are resolved by investigation or when disciplinary proceedings are concluded and a decision has been made whether to impose disciplinary sanctions; and (3) the faculty member has the right to contest the involuntary leave in a grievance proceeding that will be handled on an expedited basis, if so requested by the faculty member. and initiate disciplinary procedures by bringing charges against the faculty member on leave. Thereafter, the faculty member may grieve the decision to place him or her on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis and may recommend reinstatement of pay and back pay in cases where pay status was suspended.