Talking points for No-Fault Conversation

Note: This wording is suggested only, and you should feel free to use your own style and voice. However, please be sure to name the alleged behaviors, and to discuss the importance of avoiding retaliation and maintaining confidentiality in both your conversation and the follow-up letter.

Explain purpose of conversation, emphasizing that this is not a formal investigation.

"I've asked to talk with you because some information has come to my attention which I need to make you aware of as part of my responsibilities as department chair. I have not drawn any conclusions about this information, and this is not a formal investigation. A decision has not been made yet regarding what will be done with this information."

Acknowledge that you appreciate the faculty member's participation.

Discuss the behavior in question, share the specifics of the complaint (what was said or done) If necessary frame the allegations in a manner that protects the alleged victim (e.g. third party reports by a witness, chair would need to avoid implicating a victim who didn't raise the complaint)

"The information I've received suggests that you may be engaging in behavior which, if true, could be offensive or intimidating to others, and may not be consistent with University policy or the UC Davis Principles of Community. This behavior may include:

Using your position to threaten and intimidate the academic progress and/or financial support of individuals under your supervision;

Inappropriate physical contact (hugs, looks, touching) with some individuals in the workplace

Discuss the relevant elements of power dynamics – real or perceived -- between faculty and students, and between more experienced and junior faculty, and how easily these alleged behaviors could create an environment that is intimidating and/or considered "hostile."

Provide the definition of sexual harassment, and explain that UCD has a policy prohibiting it. The alleged behavior may be intended to be positive, friendly or neutral, but may come across differently.

Reiterate that you are not accusing the faculty member of this behavior, and acknowledge that this may be difficult to discuss.

"I do not know if you have engaged in any interactions of this type; and, of course, what others perceive may be very different from what you perceive or may have intended.

As I said before, I am not accusing you, nor have I drawn any conclusions. If the information I received is untrue and inaccurate, I apologize for any discomfort this discussion creates. However, I hope you understand that the University has a legal obligation to address these types of concerns, and it is fair and appropriate to bring this information to your attention."

Reference relevant official documents (APM 015 Faculty Code of Conduct – Exhibit A, Examples of Unacceptable Faculty Conduct; Principles of Community – respect; PPM 400-20 – Section IV. Prohibited Acts).

"You need to know that if a student or university employee can show that he/she has experienced unwanted contact or behavior in violation of University policy, there could be serious consequences.

(2/18/2015)
Accordingly, here are copies of the relevant documents. I’d like to take a few minutes to go over some sections.

Review applicable sections, including relevant examples of unacceptable conduct, definitions, retaliation, your responsibility as a supervisor, etc.

http://principles.ucdavis.edu/

State that this meeting puts the faculty member on notice that if such behavior occurred, it would be unacceptable.

“Again, I don’t know if you have engaged in any unacceptable behavior, but I want to make certain that you understand the University’s – and my – expectations for what would be considered unacceptable. If it has occurred, it needs to stop and should not occur again.”

IF APPLICABLE - Inform the faculty member that a formal investigation may be charged, and that this decision will be made after some preliminary information has been gathered.

IF APPLICABLE - Inform the faculty member that in order for everyone in the Department to remain productive while this decision is being made, you’ve decided to make some interim arrangements regarding the work space, and how he should communicate with the Department staff. [Discuss the specific arrangements.]

Ask faculty member if s/he has any questions or would like to discuss anything about these allegations.

“i’d be happy to try to answer any questions you have, and i’m open to hearing your response to this, if you’d like to discuss it.

Warn faculty member against any behavior that could be seen as retaliatory and the need to maintain confidentiality.

“It’s crucial that you not engage in any retaliatory behavior or behavior that could be perceived as retaliatory against anyone that you believe may be involved in bringing this matter forward. The University has clear policies prohibiting retaliation and takes these matters very seriously. I will not be discussing this situation with anyone other than the appropriate University officials, and I ask you to refrain from talking about this situation with others. Doing so could be perceived as retaliatory, and will not help us in resolving the situation.”

Tell faculty member that you’ll be documenting this meeting in an email or letter.

“You can expect to receive an email/letter from me summarizing this conversation. The email/letter will not be placed in your personnel file. It will serve to confirm that this conversation occurred, and to record the issues that we’ve discussed.”

Again, acknowledge the difficulty of this situation and remind the faculty member of the resources available for support as needed. [ASAP, counseling resources outside UCD, etc.]

Thank faculty member for meeting with you today.