

REGENTS ITEM
STATEMENT OF CHANCELLOR CYNTHIA K. LARIVE

The Provost and Vice Provost have set forth the charges and the relevant University policies in the disciplinary action against Professor Ram Akella. I will focus on my recommendation to President Drake that Professor Akella be dismissed from employment of the University of California and denied Emeritus status, and the rationale behind that recommendation.

In framing my decision, let me quote from the Faculty Code of Conduct, which states, “. . . faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member’s relation to teaching and students, to scholarship, to the University, to colleagues, and to the community.”

These Ethical Principles define the integrity of our faculty. “The integrity of the faculty-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as . . . educator . . .” Professor Akella repeatedly failed to fulfill his role as educator, seriously undermining the educational mission of the University and his relationship to teaching, to students, to colleagues and the University.

The Faculty Code of Conduct provides: “University discipline under this Code may be imposed on a faculty member for conduct which is not justified by the ethical principles and which significantly impairs the University’s central functions as set forth in the Preamble.”

The Privilege and Tenure Hearing Committee, made up of Professor Akella’s faculty peers, found clear and convincing evidence that Professor Akella engaged in conduct, as the Provost and Vice Provost described, that violated the Faculty Code of Conduct by failing to meet the responsibilities of instruction, and engaging in intentional disruption of functions or activities sponsored or authorized by the University. On these counts, the evidence of guilt is substantial. The Hearing

Committee, as required by policy, rigorously applied the standard of “clear and convincing evidence”.

In making my decision, I echo the sentiment expressed by his peers, that “the responsibility to teach as described in the Faculty Code of Conduct is a core responsibility of a professor and outweighs any other considerations[.] . . . All faculty know they are expected to teach, and [Professor Akella] is no exception.” The responsibility to teach is not only set forth in the section 110 of the Academic Personnel Manual, which provides that faculty “have instructional, research, and University and public service responsibilities” but also in the President’s Regulation No. 4, on Faculty Service providing that “[t]eaching is one of the essential functions of faculty”. Nonetheless, Professor Akella repeatedly refused and failed to meet this core responsibility.

His refusal to teach resulted in harm to students, colleagues, the department, and the University. Professor Akella disrupted the complex planning activities of the Dean and multiple department chairs who undergo a time-consuming coordinating and planning process well in advance of each quarter of instruction. Professor Akella’s failure to show up to teach his class meant that, for two successive quarters, undergraduate students were not given the opportunity to be taught by faculty, as opposed to an instructor, in a required course in their major, and another class, an elective, had to be cancelled. This spring, there was the added complication of the ongoing coronavirus pandemic, which required systemwide conversion of classroom instruction to remote instruction, on a moment’s notice. While other faculty and non-faculty instructors made Herculean efforts on short notice to convert their course plans to remote instruction, Professor Akella refused to teach. Whatever his motives, his conduct has been specific, deliberate, contrary to ethical principles, and in clear violation of the Faculty Code of Conduct. Professor Akella’s conduct substantially impairs one of the University’s central missions: teaching. As noted by his peers in the Charges Committee “the serious and fundamental nature of this type of misconduct . . . impacts the University’s central function and mission[.]”

So the question before me was, “What is the appropriate sanction?”

Revocation of a tenured faculty position is not a recommendation I make lightly. The record shows that Professor Akella disagrees with the University's position that Dean Wolf is authorized to assign him classes to teach resulting in his refusal to teach for an entire academic year. Regents Policy 1111, Standard of Ethical Conduct #5, provides: "Each member [of the University community] is expected to seek clarification on a policy or other University directive he or she finds to be unclear, outdated, or at odds with University objectives. It is not acceptable to ignore or disobey policies if one is not in agreement with them, or to avoid compliance by deliberately seeking loopholes."

This is not the first time Professor Akella has failed to teach. In 2016 Professor Akella failed to teach a course. He was disciplined for that failure, he challenged that action, and the matter is currently pending at the Court of Appeal. While Professor Akella is well within his right to challenge our actions, he cannot do so by failing to fulfill his job duties and responsibilities.

And despite the most recent recommendation by his peers and his knowledge that I am recommending his dismissal and denial of his Emeritus status for this misconduct, Professor Akella has expressed his intent to continue to engage in this misconduct. Recently, planning has begun for coordinating and assigning courses for the winter 2021 quarter. In September, Professor Akella communicated in writing to Dean Wolf that he does not recognize Dean Wolf's authority to assign him classes and that he will not be teaching the proposed classes. Professor Akella has demonstrated no effort or interest in correcting his misconduct. He has shown no remorse for his failure, instead he has continued in his refusal to teach.

Professor Akella has deliberately and repeatedly relied on loopholes and/or ignored or disobeyed policies through which he seeks to avoid his teaching responsibility, solely because he disagrees with the University's position. This is unacceptable. As his peers in the Charges Committee concluded, "[Professor Akella] suggests that a faculty member with a divisional appointment such as Professor Akella somehow becomes exempt from this requirement [to teach] when they do not wish to be in a divisional appointment. No document suggests or implied this. The fact is that Professor Akella is obligated to teach, and the three courses he is assigned to teach

for 2019-20 are his usual courses. To suggest that Professor Akella does not have to teach simply because he fails to recognize that Dean Wolf now functions as his Department Chair – even after [former] EVC Tromp explicitly stated this – is simply absurd.”

Given the serious nature of Professor Akella’s misconduct, and his seeming inability to comply with one of the fundamental responsibilities of a University of California faculty member – to teach, I believe dismissal and denial of Emeritus status to be the appropriate sanction. I firmly believe any lesser sanction is insufficient, and would undermine our University policies and the ability of the University to fulfill its educational mission.

The record alone is sufficient to justify my decision and recommendation. What is also notable is Professor Akella’s failure to acknowledge the impact his misconduct has had on students, colleagues and the Division. The record is devoid of any expression of remorse for his misconduct or desire to course correct, making me even more certain in my decision.